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VIA. MANDATES

1931

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Geneva, August 19th, 1931.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

of the

TWENTIETH SESSION

Held at Geneva from June 9th to June 27th, 1931,

including the

REPORT OF THE COMMISSION TO THE COUNCIL.

Series of League of Nations Publications

VI. A. MANDATES ✓
1931. VI. A. 1.

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PERMANENT MANDATES COMMISSION

MINUTES OF THE TWENTIETH SESSION

Held at Geneva from June 9th to 27th, 1931.

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

Marquis THEODOLI (*Chairman*);
M. VAN REES (*Vice-Chairman*);
Mlle. DANNEVIG;
Lord LUGARD;
M. MERLIN;
M. ORTS;
M. PALACIOS;
Count DE PENHA GARCIA;
M. RAPPARD;
M. RUPPEL;
M. SAKENOBE.

Also present: Mr. C. W. H. WEAVER, Representative of the International Labour Organisation.

Secretary: M. V. CATASTINI, Director of the Mandates Section.

Some members were not able to take part in certain meetings.

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

M. R. DE CAIX, Former Secretary-General of the High Commissariat of the French Republic for Syria and the Lebanon;
Dr. T. Drummond SHIELDS, M.C., M.P., Parliamentary Under-Secretary of State for the Colonies;
Mr. M. A. YOUNG, Chief Secretary to the Palestine Government;
Mr. R. V. VERNON, C.B., of the Colonial Office;
Mr. O. G. R. WILLIAMS, of the Colonial Office;
Lieut.-Colonel Sir Francis H. HUMPHRYS, G.C.V.O., K.C.M.G., K.B.E., C.I.E., High Commissioner for Iraq;
Major H. W. YOUNG, C.M.G., D.S.O., Counsellor to the High Commissioner for Iraq;
Mr. T. H. HALL, D.S.O., of the Colonial Office;
Mr. J. R. COLLINS, C.M.G., C.B.E., Official Secretary and Financial Adviser at Australia House, London;
Mr. C. T. TE WATER, High Commissioner for the Union of South Africa, London;
Major F. F. PIENAAR, D.T.D., O.B.E., accredited representative of the Union of South Africa to the League of Nations.

All the meetings of the Commission, with the exception of part of the first, were held in private. M. VAN REES (*Vice-Chairman*), in the absence of Marquis Theodoli, acted as Chairman at the first eight meetings.

FIRST MEETING.

Held on Tuesday, June 9th, 1931, at 4 p.m.

Opening Speech by the Chairman.

The CHAIRMAN (M. VAN REES) spoke as follows :

I have the honour to declare open the twentieth session of the Permanent Mandates Commission. Our Chairman, the Marquis Theodoli, who will be unable to be with us for some days for reasons of health, has asked me to make his apologies to the Commission. I am sure that all my colleagues will associate themselves with me in hoping that Marquis Theodoli may be able to join us as the beginning of next week.

I should now like to make a very brief statement on the Council's work in connection with our last session.

Thanks to the prompt distribution of the Minutes and report of that session, which terminated on November 19th, 1930, the Council was able to examine, on January 22nd, 1931, the report on the work of our nineteenth session submitted to it by M. Marinkovitch, Yugoslav Minister for Foreign Affairs.

On the invitation of our Chairman, I again represented the Commission on that occasion. The Secretariat communicated to you at the time the account of the discussions at that meeting of the Council. As usual, the Council instructed the Secretary-General to communicate to the Governments of the mandatory Powers concerned the observations of the Commission with regard to the annual reports, and to ask the Governments in question to be good enough to comply with the requests made by the Commission. It further approved the Commission's conclusions with regard to the petitions we had examined. Moreover, the Council drew the attention of the mandatory Powers to the recommendations made by us with regard to public health, and invited them to comply with these recommendations, subject to the requirements of public order and local legislation.

The report submitted by us to the Council contained a request for an interpretation of the text of the Council resolution of January 13th, 1930, relating to the general conditions required for the termination of the mandate regime in a country placed under that regime. The Council stated that the resolution referred to the examination of the general problem and not to the particular case in connection with which the question had been raised, and consequently asked us to pursue the study of the general aspects of the question. In order, however, to avoid any risk of a misunderstanding, I thought it would be as well to request that the meaning of this decision should be more precisely defined, and the Rapporteur, M. Marinkovitch, replied that the Commission was simply instructed to give its opinion on the general conditions required before a mandate can be terminated, and emphasised the fact that the question of the termination of the mandate should not be confused with that of the admission to the League of Nations of a country formerly placed under that regime. It is the first of these questions on which the Mandates Commission has been consulted, and not the second.

My colleagues will have noted the wish expressed on that occasion by Mr. Henderson, the representative of Great Britain, that the Commission should terminate its examination of this question during the present session, and I am sure that we all wish to accede to his desire.

As regards the proposal for an administrative union between Tanganyika and Kenya and Uganda, the Council noted the decision taken by the Commission last November to adjourn the consideration of this question until the British Government has communicated its decision to us, in accordance with the undertaking noted by the Council on September 6th, 1929.

As for the new Anglo-Iraqi draft Judicial Agreement, the Council adopted the conclusions at which we had arrived after studying the draft. It thus approved the text of the Agreement of June 30th, 1930, subject to the consent of the Powers whose nationals enjoyed privileged treatment under the Agreement of March 25th, 1924. According to a letter received by the Secretary-General from the British Government, dated March 21st, 1931,¹ the fourteen Powers concerned have notified their approval of the draft Agreement of June 30th, 1930, which was signed at Baghdad on March 4th, 1931, and will be put into force as soon as possible.

We had also made certain observations with regard to the administration of Iraq, and, in particular, the need of supplementing the information to hand with regard to the degree of political maturity reached by that territory. The British representative informed the Council of his intention of asking us to examine, during the present session, a special report on the progress made in Iraq under the mandate regime from 1920 to 1931. The Commission would thus be able, at the end of the present session, to draw attention to any deficiencies in the special report in question so that they might be made good at the session in November next. I thought I was justified in

¹ See document C.205.M.83.1931.VI [C.P.M.1143].

saying, on behalf of the Commission, that it would do all in its power to accede to this desire on the part of the British Government. You will also have noted that our Chairman has inserted in the provisional agenda of our session the examination of the special report on Iraq communicated to us on May 11th, 1931.

As our Chairman told you some weeks ago, he arranged with the British and French Governments to adjourn until November 1931 the examination of the annual reports on Tanganyika and on Togoland and the Cameroons under French mandate, which should, in the ordinary course, have been included in the agenda of the present session. I am sure that all my colleagues will approve the arrangements made by the Marquis Theodoli to lighten as far as possible the particularly heavy programme with which we have to deal.

M. RAPPARD noted that a special report on Iraq had been communicated to the Commission to enable it to form a general idea of the development of the territory. He asked whether the commission would make its annual observations on Iraq at this session or in November.

The CHAIRMAN replied that at the moment the only question was that of the political maturity of the territory, and that the Commission should reserve its observations on details of administration until November. This did not preclude such details being raised at the present session.

Statement by the Director of the Mandates Section.

M. CATASTINI made the following statement:

At the beginning of each session, it is usual for the Director of the Mandates Section to supplement the Chairman's speech by some observations relating to administrative matters and to report briefly on the progress of the principal work in hand. The Mandates Section, whose work has proceeded normally during the last six months, arranged, as usual, for the printing of the Minutes and report of the Commission's last session, which closed on November 19th, 1930. These documents were communicated to the Council on January 2nd, 1931. The members of the Commission have been kept informed of the outstanding events in the political, economic and social life of the territories under mandate by the regular distribution of official information and the most important Press news. They have also received a report of the discussion of the Council on January 22nd last and all the documents relating to this debate.

A list of the official documents (Annexe 1) sent in by the mandatory Powers has, as usual, been drawn up for each of the territories the administration of which will be examined at the present session. This list will shortly be distributed to members of the Commission.

The annual reports reached the Secretariat in the following order :

Territories	Administrative Period	Date of Receipt
Palestine	1930	May 21st, 1931
New Guinea	1929-30	May 23rd, 1931
South West Africa	1930	May 27th, 1931
Nauru	1930	May 28th, 1931
Syria	1930	June 1st, 1931

The special report of the British Government on the administration of Iraq from 1920 to 1931, which the British representative promised at the Council meeting on January 22nd, 1931, reached the Secretariat on May 13th.

The list of works on the mandates system and the territories under mandate catalogued in the League library was printed shortly after the close of the nineteenth session and communicated to the members of the Commission on February 4th, 1931.

GENERAL QUESTIONS: PRESENT POSITION.

General Conditions which must be fulfilled before the Mandate Regime can be brought to an end in respect of a Country placed under that Regime.

The position of this question, which has been placed on the agenda of the session, has just been mentioned by the Chairman of the Commission.

Liquor Traffic: General Memorandum revised by the Mandatory Powers, and Delimitation of Prohibition Zones in Central Africa.

On September 1st, 1928, the Council, on the Commission's recommendation, communicated to the Powers holding B and C mandates, a memorandum drawn up by the Secretariat summarising various particulars on the liquor traffic in these territories and requested those Powers to revise the contents. A document containing these particulars, as revised by the mandatory Powers, was distributed in proof to the members of the Commission during the last session. It was circulated to the Council and the Members of the League and published in January 1931.

This memorandum reproduces in tabular form the statistical data for each of the territories under mandate. It also contains a summary of legislative measures and miscellaneous information regarding the liquor traffic in the territories under B and C mandates. During its nineteenth session, the Commission, considering that the conclusions should be drawn from the particulars contained in this memorandum which Lord Lugard had kindly undertaken to revise with the

assistance of two experts, decided to examine it during the present session. The same applies to the document containing the information given by the mandatory Powers on the subject of prohibition zones in Central Africa, in accordance with the Council's decision of September 1st, 1928.

Economic Equality: Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates, either for their own Use or for Public Works.

During its nineteenth session, the Commission finished collecting the data which it considered necessary in order to supplement its conclusions on this question. This matter has been placed on the agenda of the present session.

Lists of General and Special International Conventions applied to Mandated Territories.

The lists of general and special conventions applied to mandated territories, drawn up on information supplied by the mandatory Powers in accordance with the Council's resolution of March 5th, 1928, were distributed in proof to the members of the Commission during the nineteenth session. This document consists of two volumes, one of which is devoted to general conventions and the other to bilateral conventions. The Commission, on that occasion, postponed the examination of these lists until the present session.

Statistical Information regarding Mandated Territories.

The tables of general statistics on the territories under mandate, published in 1928 in accordance with the Council's resolution of March 5th, 1928, have been the subject of several additional communications from the mandatory Powers. Moreover, with the help of the annual reports for the last three years, the particulars contained in these statistical tables can be brought up to date. The Secretariat proposes to submit to the Commission at its next session a revised version of these tables which, if the Commission desires, can be sent to the mandatory Powers for confirmation and subsequently published.

M. RAPPARD, seconded by the CHAIRMAN, congratulated the Secretariat on having succeeded in issuing the Minutes of the last session in less than six weeks, thus establishing a new speed record.

Election of the Chairman and Vice-Chairman for the Year 1931-32.

The Commission elected Marquis THEODOLI Chairman, and M. VAN REES Vice-Chairman for 1931-32.

Adoption of the Agenda (Annex 2) and of the Programme of Work.

The agenda and programme of work were adopted.

(The Commission went into private session.)

Appointment of Rapporteurs for certain Petitions.

The CHAIRMAN said that certain petitions, which appeared on the agenda, had arrived too late to make it possible to appoint Rapporteurs in time. Others had reached the Secretariat after the agenda had been prepared. He proposed the following appointments :

I. IRAQ.

Petition of April 20th, 1931, from M. Yusuf Malek, transmitted by the British Government on June 2nd, 1931, together with its observations (document C.P.M.1179).

As, according to the observations of the mandatory Power, the subject of this petition was already dealt with in the Rassam petition, on which M. Orts has been asked to report, the CHAIRMAN asked M. ORTS to report on this petition also.

II. SYRIA AND LEBANON.

(a) *Petitions of June 9th and 16th, 1930, signed by Inhabitants of Aleppo and Damascus respectively, transmitted by the French Government on June 4th, 1931, together with its Observations (document C.P.M.1174).*

(b) *Petition of May 7th, 1929, signed by M. Ahmed Moukhtar-el-Kabbani and other Retired or Pensioned Persons in the Lebanon, transmitted by the French Government on June 4th, 1931 (document C.P.M.1175).*

The CHAIRMAN proposed M. SAKENOBE as Rapporteur on these petitions.

III. PALESTINE.

- (a) *Communication from the Discharged Soldiers of the Jewish Battalion (38th Royal Fusiliers (1st Judeans), 39th Royal Fusiliers, 40th Royal Fusiliers and Zion Mule Corps of Gallipoli), of Haifa, transmitted by the British Government on January 23rd, 1931 (document C.P.M.1137).*
- (b) *Petition of December 1930 from the Arab Executive Committee, transmitted by the British Government on May 11th, 1931, together with its Observations (document C.P.M.1169).*
- (c) *Memorandum of April 30th, 1931, submitted by the Jewish Agency of Palestine on the Development of the Jewish National Home in Palestine in 1930, transmitted by the British Government on June 4th, 1931 (document C.P.M.1178).*

The CHAIRMAN proposed M. PALACIOS as Rapporteur on these petitions.

IV. TANGANYIKA.

Petition of October 20th, 1930, from the Indian Association of the Tanganyika Territory and Observations of the British Government thereon, dated May 15th, 1931 (document C.P.M.1164).

The CHAIRMAN proposed M. PALACIOS as Rapporteur on this petition.

The above proposals were adopted.

New Guinea: Examination of the Annual Report for 1929-30.

Mr. J. R. Collins, C.M.G., C.B.E., official secretary and financial adviser at Australia House, London, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Mr. Collins as the accredited representative of the mandatory Power.

He was glad to note the pains taken by the mandatory Power to reply to the questions put to it the year previously. The present report, moreover, had been extended to include various new matters in accordance with the suggestions of the Mandates Commission.

Before proceeding to the consideration of the separate chapters of the report, he would be glad to know whether the accredited representative desired to make a general statement on the position in New Guinea.

Mr. COLLINS said he thought the most convenient way in which he could collaborate with the Commission in the examination of the report would be for him to reply to particular questions. He added that, for several years past, accredited representatives had made general statements explaining the policy of the mandatory Power. As there was no change in that policy, he did not think he could usefully add to what already had been said.

GOVERNMENT ANTHROPOLOGIST'S REPORTS.

The CHAIRMAN expressed the very great satisfaction of the Commission at being furnished with copies of the reports by Mr. Chinnery, the New Guinea Government anthropologist, on his exploration work. The information given by Mr. Chinnery concerning the countries he had visited and the manners and social conditions of the natives, their relations with the missionaries and with the officials and the relations between the various tribes, were of the utmost value for the Commission, by enabling it to form a clearer picture of the work that was being done by the mandatory Power in New Guinea. He was sure the mandatory Power would be ready to continue to supply the Commission with information of this character. The Commission had had the pleasure last year of hearing Mr. Chinnery in person; and he was sure his colleagues would join with him in congratulating Mr. Chinnery on his reports.

Mr. COLLINS said the mandatory Power would greatly appreciate the Chairman's remarks as to Mr. Chinnery's services.

He thought he could assure the Commission that information on the lines of Mr. Chinnery's report would, so far as practicable, continue to be supplied.

MAP OF THE NATIVE RESERVES.

The CHAIRMAN observed that the map of the native reserves, which was to have been sent in illustration of the interesting particulars on this subject contained in paragraph 33 of the annual report, did not appear to have arrived.

Mr. COLLINS regretted that he could not explain why the map in question had not reached the Commission.

QUESTION OF THE ENTRY OF GERMAN CITIZENS INTO THE TERRITORY.

M. RUPPEL was glad to note, from the information supplied on page 141 of the annual report that, under the Germans Admission Ordinance, Repeal Ordinance (No. 11 of 1931), there was now no discrimination against Germans as such in respect of entry into New Guinea. That fully met the point he had made in the previous year (see Minutes of the eighteenth session, page 51).

Mr. COLLINS handed in a copy of the Repeal Ordinance in question as an exhibit.

CREATION OF A LEGISLATIVE COUNCIL: REPRESENTATION OF NATIVE INTERESTS.

M. ORTS observed that the Bill to provide for "a measure of self-government", which was before the Parliament of the Commonwealth of Australia, had not passed through all its stages when Parliament was dissolved. Had the proposal been indefinitely abandoned?

Mr. COLLINS said that consideration of the proposal had not been indefinitely abandoned; he could not, however, say at present when it was likely to be revived or, if and when revived, what form it might take.

M. ORTS asked what form of "representation of native interests" was contemplated.

Mr. COLLINS replied that the Bill, which had been before the Commonwealth Parliament, provided for the constitution of an Executive Council on lines similar to those of the Executive Council of Papua. There would undoubtedly be some provision for the representation of native interests: but this did not necessarily mean the inclusion of native representatives on the Council.

ORGANISATION OF THE ADMINISTRATION: OFFICIALS.

M. ORTS thought the Commission would associate itself with the thanks he wished to express to the mandatory Power for the details it had given in the annual report concerning the number of officials, their salaries, etc.

He noted from paragraph 8 of the report that there were at present six new cadets under training, while eleven had been taken into the service. The accredited representative knew that the Commission was anxious that a body of permanent officials should be set up to administer the territory, and that these officials should have been specially trained for their work and should regard it as their career. Could the engagement of these cadets or officials on probation be regarded as a partial realisation of this desire?

Mr. COLLINS welcomed the question. He assured the Commission that it was the settled policy of the mandatory Power to attract officials who were prepared to make a career of their service, and to offer proper conditions for the purpose. That was the object of the system of cadetships.

He was in a position to give the Commission further information regarding the six cadets who were undergoing training. The training of one of them had been terminated for private reasons. The other five had entered for an examination at Rabaul in December 1930. The papers of two of them were unsatisfactory, and unfavourable reports had also been made on them by the officers to whom they were attached on probation. Their training had accordingly been discontinued. The remaining three cadets had begun the prescribed course of instruction at Sydney University in March 1931.

In reply to a further question by M. Orts, Mr. Collins said that the number of positions falling vacant in the public service during the year under review was fourteen, as compared with forty-nine in the year before. Of these fourteen vacancies, one was due to death, seven to resignation for reasons which might be regarded as normal, three to retirement owing to ill-health, and only two to dismissals as a result of unsatisfactory conduct.

M. SAKENOBE asked whether it was the policy of the mandatory Power to fill vacancies by permanent appointments. He noticed that, of the 244 classified positions in the public service, only 195 were at present held by permanent officials (paragraph 10 of the report), and about the same number in previous years.

Mr. COLLINS replied that it was the policy to make permanent appointments, wherever suitable candidates were available. But he would point out that some of the positions to which "specified period" appointments were now made were positions which would not justify permanent appointments. They might, for example, be appointments for work which was only temporary.

M. ORTS desired specially to thank the mandatory Power for the particulars supplied in paragraph 16 of the report with regard to "officers whose duties bring them in direct contact with natives".

PUBLIC FINANCE: TAXATION OF NATIVES AND NON-NATIVES.

M. RAPPARD observed that, in reply to a suggestion that the mandate was being administered for the benefit of the non-indigenous population rather than in the interests of the natives, Mr. Casey, at the eighteenth session, of the Commission, had read a memorandum¹ in support of the financial policy pursued in the mandated territory. Mr. Casey's argument, which the Commission had not been able to examine at the time, was reproduced in the Minutes of that session. It could hardly be called convincing. To contend that the total revenue from taxation (import and export taxes, licences, etc.), less the native head-tax, represented the total revenue from taxation of the non-indigenous population could hardly be called accurate. The whole of the indirect taxes might be paid into the Treasury by the non-native population; but that did not prevent the incidence of these taxes being felt by the natives up to a certain point. The indirect taxes, especially the import and export duties, were bound to affect the commercial relations of the non-natives with the natives; the prices of everything bought from or sold to the natives and the wages paid them were all bound to be affected.

Mr. Casey went further. He maintained that the indirect taxation could be compared to a head-tax on the non-indigenous population: in order to arrive at the charge per head, he merely divided the proceeds of the indirect taxes by the number of non-natives in the territory, thus arriving at a figure of which the least that could be said was that it was arbitrary.

M. Rappard noted that in 1929, in order to assist the producers of copra, all those who employed natives were exempted from payment of the tax imposed for purposes of native education. The amounts at the disposal of the Administration for native education were thus reduced by some £5,000. The relief to the copra growers seemed thus to be given at the expense of the natives.

Mr. Casey's comparisons with the situation in Australia and with the situation in New Guinea under German rule were equally unconvincing. It was indeed astonishing that he should have thought fit to mention the subsidies granted to New Guinea by the former German Government, as the comparison with the very much smaller grants made by the present mandatory Power was by no means to the advantage of the latter.

M. Rappard asked whether the "Cancellation by the Commonwealth Government of the debt due to it in respect of the purchase of ships—£2,996 os. 1d." (paragraph 247 of the report) was due to any new circumstances, or was merely the result of reconsideration of the Government's policy in the matter of debt redemption.

Mr. COLLINS replied that there were no new circumstances, so far as he was aware, to account for the Government's action in respect of this item.

In regard to the suspension of the payment of Education Tax by copra-producers for the period July 1st, 1929, to December 31st, 1929 (paragraph 218 of the report), he understood that the tax had again been collected in the half-year following.

M. RAPPARD asked why the duty on cigarettes had been reduced by one-third. Was this in order to increase the yield of the duty, by increasing the importation of cigarettes?

Mr. COLLINS said the reduction was no doubt made in the interests of the revenue.

Mlle. DANNEVIG enquired whether the "Native Hospital charges—£8,103" (paragraph 252 of the report) were charges borne by the natives.

Mr. COLLINS replied in the negative. These charges would be paid by the employers.

EXTERNAL TRADE.

M. RAPPARD was grateful to the mandatory Power for the very full particulars supplied of the imports and exports of New Guinea (paragraphs 220-229 of the report). He wondered why France had suddenly become the principal importer of copra from New Guinea (paragraph 229).

The CHAIRMAN said that his attention had been drawn to the decline in exports to, and imports from, Australia.

Mr. COLLINS thought the explanation regarding the copra was to be found in the fact that a French line of steamers had recently begun to call at New Guinea, where they took cargoes of copra on board. As regards the diminution of the figures of trade with Australia, he explained that the diminution did not indicate reduced trade, but was due to the fact that there had been

¹ See Minutes of the eighteenth session of the Mandates Commission, page 56.

an increase in shipping facilities. Trade with which Australia had previously been credited was now shown as trade with the countries at which the new lines of ships called. Formerly, Australia had been merely a place of transshipment of large quantities of goods.

He added, in reply to a further question, that gold mining in New Guinea was in process of transition from alluvial to reef-mining. Some of the alluvial deposits were now largely worked out, necessitating the installation of machinery to work the reefs. That required time and capital, but there should be an increase of output later.

AGRICULTURE AND DEVELOPMENT OF INDUSTRIAL CROPS.

The CHAIRMAN thought the Administration might be congratulated on its efforts to induce the producers to try new crops. It was satisfactory to read that "planters generally took a greater personal interest in their plantations and that the quality of copra produced had greatly improved" (paragraph 168 of the report). The fall in the price of copra, however, was too severe to allow of any rapid improvement in the market for this commodity. This lent special interest to the statement in the report that the cultivation of rice was being tried.

Mr. COLLINS replied that the cultivation of rice at Sangan, Lae and Keravat was, so far as he knew, purely experimental. The Administration was responsible for the experiments.

As regards the development of rice-growing on a large scale, the Administration had to bear in mind the comparative nutritive values of other products such as maize, and also the adaptability of the natives to the different forms of cultivation. The Agricultural Department would require time before it could come to a decision on this matter.

M. SAKENOBE asked what sums had been granted under the New Guinea Bounties Act in the year 1929-30. Did rice enjoy a bounty?

Mr. COLLINS reserved his answer till the following day.

M. RUPPEL wondered if it were wise to encourage the planting of cheap coffee such as Robusta when there was already a heavy over-production.

Mr. COLLINS said the position in regard to the development of coffee-planting was set out in paragraph 171 of the report. He did not think that New Guinea was at the moment in a position to undertake large scale development in the planting of Robusta coffee.

JUDICIAL ORGANISATION.

M. RUPPEL recalled that, at the eighteenth session, Lord Lugard had asked the accredited representative whether the mandatory Power had under consideration the establishment of a court of appeal in the mandated territory. The current annual report stated on page 142 (paragraph 9 (ii)) that the suggestion had been noted and would receive full consideration. Had the accredited representative any further information on the subject?

Mr. COLLINS said he had no information beyond what appeared in the report.

M. RUPPEL observed the question was of very great importance.

He added that in considering the previous annual report the Commission had been struck by the high percentage of criminality on the part of the non-native population.

Mr. COLLINS pointed out that the statistics relating to prosecutions given in paragraphs 20 and 21 of the report included a large number of minor offences—for example, 12 cases of drunkenness, 25 cases of common assault, 18 cases of motoring offences, 3 cases of non-compliance with the regulations for dealing with mosquitoes and the like. All these were ordinary police offences. It should be noted that the number of prosecutions during 1929-30 was 213, as compared with 314 in the previous year.

M. RUPPEL asked for explanations regarding the 29 cases of "assaulting labourers". Did that include flogging?

Mr. COLLINS said these 29 cases undoubtedly came under paragraph 57 of the "Native Labour Ordinance, 1922", which provides that "any person in authority who assaults or maltreats a labourer shall be guilty of an offence". Flogging was dealt with in a separate section of the "Native Labour Ordinance, 1922"—namely, paragraph 72.

M. RUPPEL noted that 9 cases of "inflicting corporal punishment" were specified under letter (l) in paragraph 21 of the report.

In reply to a further question by M. Ruppel, Mr. COLLINS said he had no further information as to the two cases of "murder" and "wilful murder" by Europeans (paragraph 20), one of which resulted in a conviction and the other in an acquittal.

M. RUPPEL drew attention to a report in *The Times* of May 28th, 1931, of the murder of a German prospector, Herr Baum, and seven native boys on April 27th.

Mr. COLLINS said he had no precise information at the moment as to this occurrence. He could however, assure the Commission that, in such a case, the Administration would take immediate steps to apprehend the person or persons responsible.

M. RAPPARD thought the activity of the district courts was somewhat striking. Could not police officers deal with any of these cases?

Mr. COLLINS thought that statistics of the activities of the courts in any civilised country would be very similar.

In reply to a further question by M. Rappard, he said that the law was based on the Queensland Criminal Code, supplemented by the Police Offences Ordinance of the New Guinea territory.

M. RUPPEL observed that, after the strike in the previous year at Rabaul, 200 police officers had been dismissed. Had these vacancies been filled? What steps had been taken in the way of reorganisation of the police?

Mr. COLLINS said that the police force had been reorganised. He handed in as an exhibit the "Police Force Ordinance, 1930".

He added that the school for police non-commissioned officers in Rabaul was still maintained.

Mlle. DANNEVIG asked for information as to the identity of Miss Gouey who was mentioned in paragraph 246 of the report on page 84.

Mr. COLLINS had no information.

ARMS AND AMMUNITION.

M. SAKENOBE drew attention to the statistics of the permits for firearms in force on June 30th, 1930 (paragraph 46 of the report). The number of rifles in the possession of private individuals (127 rifles) appeared to him somewhat small in comparison with the number of rifles imported (834 rifles).

Mr. COLLINS replied that the non-native population was not in the habit of carrying firearms. The balance of the imported rifles was in the hands of the Government for police purposes.

LABOUR, RECRUITING.

Mr. WEAVER thanked the mandatory Power for the answers given in the annual report to the questions he had put to the accredited representative in the previous year. These answers, in conjunction with Mr. Chinnery's full statement at the last session, had added much to the Commission's knowledge of the situation in New Guinea.

He noted with much interest that patrol officers were now given powers to inspect plantations. Inspection was of the first importance in securing the proper application of regulations. He would look forward to reading in future annual reports the information regarding the reports on the inspection of native labour conditions which were promised on page 143 of the present report.

He was glad to note that proposals were under consideration for the amendment of the Native Labour Ordinance with a view to facilitating the extension of the system of 'free' or casual labour. Could the accredited representative give the Commission any further information on this point?

He was also glad to note that, although it was stated that "a change of the system under which labourers are recruited for indentured service is not under contemplation", certain provisions of the Native Labour Ordinance, including those which permit the payment of bonuses to chiefs or other natives, were now being reviewed. Experience in other territories where head-money was paid to chiefs for recruited labourers suggested that the system frequently led to compulsion in one form or another being exercised by the chiefs. It would seem, therefore, to be generally desirable that payment of head-money to chiefs should be abolished.

In this connection, he would like to refer to the statement made last year by Mr. Chinnery (see Minutes of the Eighteenth Session, page 67) that "the present price for a labourer working on the gold fields did not exceed £12" and that "so far as the rest of the territory was concerned, the ordinary price for a three-years labourer was about £10". These seemed to be very high rates of head-money, and he would like to suggest that the mandatory Power should consider whether they did not inevitably give rise to the danger that measures of force and fraud would be employed in recruiting.

It would be interesting to know whether the whole system of recruiting was under review. In asking that question he would remind the accredited representative that professional recruiting

was being abolished in many territories—for example, it had been completely abolished in the Dutch East Indies.

Doubts had frequently been expressed in the Permanent Mandates Commission on the position as regards the proportion of adult able-bodied males recruited in New Guinea in relation to the total population. He therefore welcomed the statement in the letter from General Wisdom which Mr. Coleman had read last year and which was repeated on page 144 of the report to the effect that “in practice, the Administration lays down an approximate proportion of males and females that should remain in the villages, regard being had to local conditions”. Would it be possible to give in the next report details of the proportions laid down?

Mr. Weaver noted with interest that during the year recruiters' licenses had been issued to 42 non-Europeans who were also non-natives. It would be interesting to know the nationality of these non-European non-natives. Were they Chinese? It would also be useful to have a return of the total number of “live” licenses at the end of each period covered by an annual report, together with information as to the nationality of the licensees.

Last year he had asked whether a recruiter must report to the district officer of the district in which he was carrying on recruiting operations. It was clear from the reply given on page 143 of the report that there was no such obligation; the recruiter could report either to the district officer of the district from which he set out, or to the nearest district officer on his route, or to the district officer of the district where he intended to recruit. It was obvious that these provisions were designed to facilitate the recruiters' operations in a country in which communications were difficult, but it did not seem altogether satisfactory that a district officer should not have complete supervision over the recruiting in his own district.

He had two questions to put with regard to the conditions of labour. No reply was given to Lord Lugard's remarks last year on the long period of the contracts. It would be interesting to know whether the question of shortening the period had been considered again.

In reply to a question he had asked last year, it was stated in paragraph 39 that arrangements had been made for special inspections of vessels carrying natives whose period of service under contract had expired. These inspections were for the purpose of ensuring that natives were transported to within a reasonable distance of their homes.

It would be interesting to know whether the Administration considered these measures adequate to meet the complaints that were made in the newspaper article referred to last year, that natives were robbed and even killed by the people of other villages through which they had to pass on their way inland from the coast.

Finally, the report gave the number of indentured labourers on plantations. Could the next report give the same information for mines? Could it be assumed that the difference between the number of indentured labourers employed on plantations and the total number, represented the figures for the mines—namely, about 10,000?

Mr. COLLINS reserved his answer for the following day.

SECOND MEETING.

Held on Wednesday, June 10th, 1931, at 10.30 a.m.

New Guinea: Examination of the Annual Report for 1929-30 (continuation).

Mr. Collins, accredited representative of the mandatory Power, came to the table of the Commission

LABOUR, RECRUITING (continuation).

In reply to Mr. Weaver's questions, Mr. COLLINS wished to deal *seriatim* with the points raised.

He quite agreed that the inspection of plantations was of first importance and had no doubt his Government would see that the Mandates Commission was furnished periodically with reports of such inspections.

With regard to the second question, that of “free” or casual labour, it had to be borne in mind that the natives of New Guinea were only once removed from the Stone Age. The task of

the Mandatory in lifting these people to the point where they could withstand the strenuous conditions of the mechanical age of to-day was a long process and, until the condition of the natives became such that they would not suffer by outside competition, it would seem that the Government of the Commonwealth of Australia must maintain the indenture labour system. Of course, the Australian Government appreciated that the application of this system presented many difficulties and afforded loopholes for abuse, but he thought an examination of the cases tried before the courts of New Guinea would prove most clearly that even minor breaches of the Labour Ordinances were rigorously punished.

Mr. Weaver had referred to the proposed changes of the system under which labourers were recruited for indentured service. While, of course, Mr. Collins could not anticipate any of the proposed changes in the Native Labour Ordinance, he felt certain that the question of the bonuses to chiefs would be most carefully reviewed. It must, of course, be appreciated that certain inducements had to be offered to the chiefs of villages to obtain their co-operation in the matter of securing the necessary labour for the economic development of the territory. Here, again, he would point out that the strictest supervision was exercised in the matter of negotiations between chiefs and recruiters.

As regards the price paid for labourers, on first inspection of the figures given by Mr. Chinnery, these might appear high, but the Mandates Commission was well aware of the difficulties associated with penetrating the hinterland of New Guinea and with its topographical features. These rendered operations most difficult. The recruiters frequently had to go many miles into the interior, over rugged country, passing through dangerous lands where there were no lines of communication and where the only means of transport was that of native carriers. He felt sure that it was unnecessary to point out that these conditions were responsible for heavy expenditure, and it was safe to assume that, by the time the labourer reached his place of employment (bearing in mind the adequate and careful provision which must be made for his transport), no undue portion remained of the ten pounds or other sum which the recruiter received from the employer.

Mr. Collins passed next to the question of the proportion of the number of adult able-bodied males recruited to the total population. This subject had already been dealt with in the annual report, and he could not add usefully to what had been said there.

Mr. Weaver would remember that on a previous occasion a definite assurance had been given to the Mandates Commission that the nationality of the "non-European, non-native recruiters" was not Chinese. Mr. Collins quite agreed that an annual return of the total number of "live" licenses appeared desirable, and he would bring this point to the notice of his Government.

The reporting of a recruiter to district officers was very strictly enforced, but here, again, also the topography of the country had to be borne in mind; with this of course, was wrapped up the question of communications. Under the existing ordinances it was impossible for a recruiter to avoid making the required official report. Mr. Weaver very rightly understood that the work of the recruiters must not be surrounded with too many difficulties, and Mr. Collins personally thought that so long as the recruiter reported to someone in authority and complied with the provisions of the law, the Administration could scarcely lay down any hard-and-fast rule that might not only place unnecessary obstacles in the way of the recruiter but might even hamper the Administration itself.

In connection with the question of the transport of natives to places which were within reasonable distance of their homes, the Commission could rest assured that they were taken to points which were convenient to their villages. The conditions under which they were transported were of the best and the steamers carrying them were required, under the Native Labour Ordinance, to provide accommodation suitable for the tropics.

Their passage from their late employer's place of residence to a point adjacent to their villages was arranged under conditions which left little room for improvement. In view of the elaborate arrangements made in respect of the main portion of the journey the Commission could, he thought, rest assured that the Administration, so careful in other respects, did not omit to see that the obligation to repatriate the native was duly and safely completed. Of course accidents happened, such as the case mentioned in the newspaper article to which Mr. Weaver had referred. But this was certainly not a general happening and could be taken as an isolated incident.

Mr. Collins had noted Mr. Weaver's request for figures as to indentured labour in the mines. His Government would, he felt sure, attend to this matter in later reports.

Continuing, Mr. Collins said he would like to supplement his specific replies to Mr. Weaver's questions with a brief statement on general labour questions. He said that the fair treatment of the natives was one of the outstanding features of the administration of New Guinea. This was the result, not merely of the obligation imposed upon the Commonwealth of Australia by the mandate, but also of the feeling, on the part of Australians in general, that it was due to themselves that principles of humanity should be recognised. Australians regarded the care of the natives as a sacred trust. It was not surprising therefore that forced labour, which was allowed by the mandate for the purposes of essential public works, was forbidden by the Mandatory under all circumstances.

In considering what was good for the natives, the conditions in which they were found were of supreme importance. Not long ago, the native had been engaged in continual warfare. The hand of one tribe was against its neighbour; battle, murder and sudden death were in evidence everywhere; and now the native was forbidden to fight. The dreadful occupation of continual

war having been brought to an end, some occupation of a peaceful nature must be found for him. If he had nothing to do, he would sink further and further into degradation, and his last state would be worse than the first. Idleness could lead to nothing but degeneration, and the only substitute was to be found in work. Here another difficulty arose, in that the native had a natural abhorrence of most forms of manual labour. Even under present conditions, when it had been explained to him that he could greatly improve his food supply by weeding and by other work on a plantation, it was found that he would work only while his actions were watched by an overseer. It was often the experience of the inspectors that, as soon as the overseer's eye was removed, the native would cease to carry on work to increase the variety and the quantity of his food supply. In short, he would not, of his own volition, even put his hand out to help himself in this vital matter of the necessities of life.

Occupation for the native being of paramount importance, those to whom his care had been entrusted must discover a system which, while giving the largest possible amount of freedom, would induce the native to engage in employment, and to sustain his effort in that direction. The best system that had been devised, so far, was that of indenture labour. It was not a system that could safely or even properly be applied to an advanced people, but for the leisure-loving and idle native of New Guinea that system was a necessity. Under the indenture system, it had been fully demonstrated that the lot of the native of New Guinea was by no means an unhappy one. From village conditions, which often were insanitary and comfortless, from conditions of life which often provide foods lacking in essential qualities, and from circumstances of superstition and strong liability to horrible diseases, he was removed to conditions in which he found excellent shelter, good food, medical attendance and protection against the world. The appearance of the native as he was before recruitment, and his appearance afterwards, were two very different things. All who had had experience of the indenture system agreed that, almost immediately after the native began work on a plantation, his physical condition improved to a most remarkable extent. It had been well said that, in their villages, the natives were seen at their worst; on the plantations, at their best.

The Commonwealth Government was fully seized of the abuses that might creep into the indenture labour system, but was at great pains to prevent them. A close and continual watch was kept upon the activities of recruiters. When rumours reached the authorities that recruiting offences had been committed, even in the distant and savage parts of the territory, a patrol was sent out to make enquiries, and if the rumours had been well founded, the offenders were arrested and severely punished. Indeed, the oversight of all the conditions of the employment of natives was continually being carried on, and no detail of the labour conditions escaped notice. This was why the annual reports contained references to breaches of the labour conditions; and the Mandatory claimed that the record of proceedings in the courts was to be taken, not as justifying any allegation of widespread breaches of the law, but as showing the activity of the authorities in finding these breaches. The Mandatory was determined as far as possible to stamp out offences against the Labour Ordinances, and to protect the labourer to the utmost.

The CHAIRMAN asked whether Mr. Weaver was satisfied with this reply or whether he wished to ask any further questions. In the latter case, it should not be forgotten that the Australian Government had the particularly delicate and thankless task of administering a very large country of which the geographical position gave rise to serious administrative difficulties and of which the population was still very backward.

Mr. WEAVER replied that he had not ignored the conditions prevailing in New Guinea and he greatly appreciated the efforts of the Australian Government to improve labour conditions. He had asked his questions with a view to ascertaining whether any further improvement was possible. He was sure the Australian Government desired to do everything it could to accord fair treatment to labour.

In expressing his thanks to the accredited representative, he said that the Australian Government was not alone in its belief in the value of long-term labour contracts, especially when dealing with backward races. When advocating free labour he had not wished to imply that the indenture system should be abolished. This system might have to continue for a number of years. He was glad to note Mr. Collins' statement that the sums received by recruiters were largely intended to cover overhead charges.

Mr. COLLINS was glad if his reply had given satisfaction to Mr. Weaver. He realised that the latter's questions were of great importance and he regarded them as constructive criticism for which the thanks of the mandatory Power were due.

With regard to "free labour", he read the following extract from a letter written in April 1929 by the Australian Government to the Secretary-General of the League ¹:

"Under the provisions of the existing Native Labour Ordinance, it is permissible to employ as day labourers only those natives whose customary place of residence is within

¹ See *Official Journal*, August 1929, pages 1281-1282.

twenty miles of the place of their employment, but such day labourers may not be employed continuously for a period longer than three months.

"It is proposed to make provision in the new Native Labour Ordinance, which is now being prepared, for a native to work continuously as a day labourer without signing a contract, provided that his home is within a prescribed distance from the place where he is employed.

"In prescribing the distance from home at which a native or a group of natives may be permitted to work as free labourers, the stage of civilisation reached by the particular native or group of natives will be taken into consideration. Natives who have reached a comparatively high stage of civilisation and are able to safeguard their own interests and to care for themselves will be permitted to work at a greater distance from their homes than those who are not so self-reliant."

Mlle. DANNEVIG said she had listened with great interest to the accredited representative's statement regarding indentured labour. She pointed out that the population of the territory was 400,000 of which, presumably, 100,000 were able-bodied men. She was struck by the statement that, out of this number, 30,000 men were under the indenture system. This was an enormous proportion, especially in a country which, as the accredited representative had stated, was only one step removed from the Stone Age. She wondered if this high proportion was not harmful and if "the strenuous conditions of the modern world" quoted by the accredited representative might not be interpreted as due to the very severe demands made by the Europeans on the labour of the natives.

Mr. COLLINS, in reply, referred to page 24 of the annual report, which showed that large numbers of the labourers were recruited in their own districts. For instance, in New Britain, 5,993 out of a total of 6,686 were recruited in the district; in Morobe 3,081 out of 4,084; in Madang 2,596 out of 4,249; in Kieta 2,268 out of 3,098.

COUNT DE PENHA GARCIA pointed out that the civilising efforts of the mandatory Power involved an obligation on the part of the native to work. This obligation clearly did not imply that forced labour must be introduced, but even under other systems there were possibilities of abuses. These systems might give rise to very serious objections if imposed by the civilised Powers through the intermediary of the native chiefs. The responsibility of the Powers was thus diminished under conditions which might well give rise to criticism. He asked Mr. Collins (1) what degree of authority the chiefs had over the natives and (2) whether the indenture system had been harmful from a social point of view. In connection with the second question, he asked whether the absence of the men had had any effect on the increase in the population or on the system of family life.

Mr. COLLINS replied that the authority of the native chiefs varied in different tribes. Generally, the authority of the chief was derived from his personal influence and was usually the result of his having shown particular bravery in defending the village. There were no hereditary chiefs. Sometimes the influence of the chief was acquired through certain rites and ceremonies.

In some cases, especially in the more civilised parts of New Britain and New Ireland, the chiefs sat as judges in respect of minor offences committed by natives. The natives were being encouraged to take a more active part in the administration.

He regretted he could not give more information.

COUNT DE PENHA GARCIA asked whether any studies on native customs had been made either by private persons or by the Government.

Mr. COLLINS replied that many investigations had been conducted unofficially, especially by the missionaries. The most important official investigations had been made by Mr. Chinnery, who had written six reports containing much detailed information. He believed these were in the possession of the League Secretariat.

The CHAIRMAN remarked that the accredited representative could not be expected to give detailed replies immediately to all Count de Penha Garcia's questions. He therefore asked that these questions might be examined so that, if possible, replies might be given in the next annual report.

Mr. COLLINS said he would bring the questions to the notice of his Government, whose policy was to supply all the information it could collect.

The CHAIRMAN stated that the next chapter of the report to be discussed was "Freedom of conscience". As, however, two members had been absent at the previous meeting, he would like first to give them an opportunity of asking questions on the subjects already discussed. Moreover, he had understood at the previous meeting that Mr. Collins was prepared to supply further information on the economic life of the country and the movement of trade.

EXTERNAL TRADE (*continuation*).

Mr. COLLINS recalled that M. Sakenobe had asked two questions at the previous meeting. The first question referred to the amount of bounty paid on products exported from New Guinea

to Australia in the year 1928-29. He was sorry this figure was not available. He would, however, obtain the information, not only for that year, but for each year since the bounty system was instituted.

The reply to the second question, whether rice was included in the bounty system, was in the negative. From information given in the appendix to the report on the year 1926, it appeared that bounties were paid on the following products: cocoa beans; cocoa shells; fibre (manila and sisal hemp, coir); sago; vanilla beans; bamboos and rattans; unground spices (*viz.*, nutmegs, mace, pepper, cloves, ginger); ground spices; kapok.

M. SAKENOBE thanked Mr. Collins for this information.

TAXATION OF NATIVES AND NON-NATIVES (*continuation*).

Mr. COLLINS reverted to M. Rappard's comments of the previous day concerning Mr. Casey's statement with regard to the incidence of taxation on natives and non-natives, which was reproduced on page 56 of the Minutes of the eighteenth session. He had refreshed his memory by re-reading Mr. Casey's statement which he thought was most helpful.

He might remind the Commission that Mr. Casey's statement was only made after the mandatory Power had already announced (see page 65 of the report of 1928-29) that, in its opinion, it was not possible to estimate the relative incidence of taxation on the native and non-native population. Mr. Casey thought it might be of assistance to the Commission to indicate the direct incidence of taxation on the two classes of the population.

It was open to M. Rappard to criticise Mr. Casey's statement as inadequate. The reply of the mandatory Power to that criticism was simply that any further analysis was impossible, and not likely in the circumstances to be helpful.

M. RAPPARD appreciated the difficulty of the problem and Mr. Casey's goodwill in dealing with it, though he thought the latter's method was unfortunate and his conclusions far too dogmatic. Mr. Casey had thrown no light on the relative contributions of natives and non-natives to the revenue from taxation, but only on the direct payments made by each of the two elements of the population. M. Rappard agreed that the problem of the true incidence of these payments was not susceptible of an exact solution. But Mr. Casey had reasoned as if there were no repercussion of the taxes from those who paid them on those by whom they were ultimately borne.

MISSIONS. — EDUCATION.

M. PALACIOS said that, on pages 104 and 105 of the report, some interesting information was given regarding the activities of the missions and their distribution in the territory. Nevertheless, the report did not contain details which the Commission had the right to expect—for example, the communication which the mandatory Power had promised to send regarding collaboration between the missions and the Administration, the distinction between the industrial and commercial activities of the missions and their work of evangelisation. Nor had the Commission received the report of the Commission of Enquiry mentioned in paragraph 303. This Commission had been set up as a result of the incidents which had occurred in Kieta, and had been instructed to enquire into the questions of the occupation and use by the missions of lands belonging to the natives; the Commissioner instructed to enquire had sent recommendations to the Government on the subject, but it did not appear that the latter had taken any action as yet.

Mr. COLLINS said he had no further information as to the matter of the land in the Kieta district.

He assured the Commission that the relations between the missions and the Administration were both intimate and cordial. Most of the active collaboration was connected with the medical work of the missions. The Administration supplied the missions with drugs, etc. He would, however, draw his Government's attention to the point raised by M. Palacios.

M. PALACIOS observed that almost all the expenses incurred in connection with the education of the natives were still borne by the missions, and that the Administration did not seem to be contemplating the possibility of granting them a subsidy. In the McKenna report a specific proposal in this sense was made (see page 129, letter (f) of the annual report). The missions also did medical and agricultural work.

Could the accredited representative give some information regarding the present attitude of the mandatory Power to the question of giving subsidies and help to the missions?

Mr. COLLINS replied that the missions were not anxious for Government assistance.

The Government would insist, in relation to any educational grant to the missions, on the teaching of English. To this the missions were opposed. Nor did he think the missions would welcome Government inspection.

He did not foresee any change of policy in this connection in the near future.

M. PALACIOS explained that he was not in any sense pleading the cause of the missions, but only asking for information. It was known that the missions had had difficulties both with the whites and with the natives though adequate explanations had not been given to the Commission. Could more information be given in the next report? Would it perhaps be feasible to ask the missions themselves to state their views?

Mr. COLLINS replied that any suggestion of asking the missions to state their own views would involve a very important issue which, so far as he could see, would have to be discussed elsewhere. He reminded the Commission that the reports of the mandatory Powers were based on lines laid down by the Council of the League.

Even a suggestion to the missions to submit reports might be misconstrued and held to infringe the all important principle of freedom of conscience.

Mlle. DANNEVIG pointed out that missions had frequently made reports in other mandated territories, and the mandatory Powers had transmitted extracts from those reports to the Commission.

She wondered whether the reason why the missions were opposed to English as the language of instruction in the schools was ignorance of English on the part of the missionaries themselves, for instance, in cases where the missionaries were not British.

Mr. COLLINS said that was not the reason. Those missionaries whose natural tongue was English were equally opposed to making English the language of instruction: and nearly all the missionaries, whatever their mother tongue, spoke English well.

He pointed out that the Commission had had before it the important report of the Conference between the missions and the Administration which was held in 1927. The Commission could not therefore be said to be without information as to the attitude of the missions.

The CHAIRMAN thought that the discussion turned on two questions:

(1) Why were the missions opposed to English as the language of instruction? He imagined that neither the Commission nor the accredited representative had precise information as to the motives of the missions' opposition. Possibly the missionaries felt that it helped their work to teach in the vernaculars.

(2) Would it be possible to have reports from the missions? He agreed with the accredited representative that the missions could not be asked to report to the Mandates Commission.

M. PALACIOS explained that the missions could not send reports to the Commission but to the mandatory Power. This question had nothing to do with freedom of conscience but, on the contrary, would tend better to safeguard that freedom.

The CHAIRMAN thought that in any case it was a matter which must be left to the mandatory Power. If the latter thought it advantageous to obtain reports from the missions, it would ask for them.

Mr. COLLINS said that, in regard to the views of the missionaries in the matter of language, he might quote the following resolution which was adopted by the Mission Conference of 1927:

“ That the Conference is of opinion:

“ (1) That, while the Administration and the missions may be successful in teaching English to a limited number of selected natives in a few advanced schools, the practical difficulties of imposing so advanced a language on the rank and file of so primitive a people are so great that it would not be practicable to introduce English as a universal language for the territory within a reasonably short time.

“ (2) That, in view of the large number of languages or dialects in use amongst the people, and the fact that, while group languages are being used by the missions such group languages apply to strictly limited areas and a number of such languages would be required, it would not be practicable to adopt any native language as a universal language for the territory.

“ (3) That as pidgin English is already widely known throughout the territory and as, moreover, its construction and grammar correspond closely with those of native languages, and while its primitive and ‘ pidgin ’ character would make it undesirable that it should be adopted as the official language of the territory, this language will probably continue to be of the greatest practical use throughout the territory and it will improve probably with the passage of time through many additional English words being introduced into its vocabulary.”

COUNT DE PENHA GARCIA observed that the British Administration in Africa had succeeded in reducing the number of native languages from something like 600 to 36 or 37. Perhaps something of the same sort might be possible in New Guinea. The ideal—perhaps not immediately realisable—would be to have a single language, whether English or one of the native languages.

In any case, he would like to see more information in the next report as to the agricultural work of the missions. What was the extent of the land which the missions cultivated? The Commission already knew the total area under cultivation by the missions, but he would like to have particulars as to the area cultivated by each mission.

Secondly, did the missions use indentured labour? If so, what were the terms of the labour contracts?

Thirdly, what was the effect from the point of view of education, of the agricultural work of the missions on the natives in the vicinity?

Mlle. DANNEVIG observed that Mr. McKenna, in his report on the educational system of the territory (page 27 of the annual report) was strongly in favour of English as the language of instruction. On the other hand, if she rightly understood him, Mr. Collins was in agreement with the missionaries.

Mr. COLLINS said this was a misunderstanding. He was not in agreement with the missionaries on this point. He had read, but he had not identified himself with, the resolution of the Conference on the point.

He might add that, while the Commonwealth Government accepted Mr. McKenna's report "as the basis of the future educational policy of the territory" (page 27 of the annual report), that did not mean that it agreed in detail with everything Mr. McKenna had said.

Mlle. DANNEVIG said that it seemed that the language difficulty was the chief obstacle to co-operation between the missions and the Administration. Was not some *modus vivendi* possible to end the deadlock?

Mr. COLLINS pointed out that Mr. McKenna had not recommended any direct relations between the missions and the Administration for educational purposes. What Mr. McKenna had done was to put forward a scheme for primary schools in all populous centres, with English as the language, and the Government had given a general acceptance to his scheme. Such was the answer of the mandatory Power to any charge of neglecting education in New Guinea.

He welcomed Mlle. Dannevig's constructive criticisms which the mandatory Power would regard as both friendly and useful.

M. RUPPEL observed that the annual report contained for the first time a mention of two medical missionaries (paragraph 82). One of these was a practitioner in the service of the Lutheran Mission at Finschhafen who "had applied for registration which had not been completed at the close of the year". He hoped no difficulties had arisen owing to the nationality of this doctor.

Mr. COLLINS assured M. Ruppel that practitioners attached to the missions would receive a welcome in New Guinea.

M. SAKENOBE asked for information in the next report as to the religious side of the activities of the missions such as the number of churches, the number of adherents; male and female, and the number and nationalities of the missionaries themselves. He observed that the annual report (pp. 104 and 105) gave almost exclusively information on the educational and agricultural activities of missions.

Mlle. DANNEVIG said that the Commission welcomed Mr. McKenna's report on education in the territory, though the situation revealed by it was serious enough. The attitude of certain elements of the European population in regard to native education was very strange, and Mr. McKenna deserved credit for his courage in drawing attention to it. It was to be hoped that, in course of time, there would be a change in the attitude of these people.

Mr. McKenna's suggestions, if put into effect, would no doubt improve matters. They could not, however, be put into effect unless the Administration made the requisite funds available. Education was at present financed by a tax of 12/- payable by employers of native labour per head of their employees. Mr. McKenna pointed out that this source of revenue was quite inadequate. Furthermore the employers had been exempted from this tax for half a year from July 1st, 1929, to December 31st, 1929. This had reduced the revenue available for native education from this source from £12,402 to £7,118. There was, however, still a balance of some £6,500 available for education. She would like to have the assurance that the whole of this sum, as well as the annual taxes, would be devoted to education purposes.

She also pointed out that there were said to be some 30,000 indentured labourers. Should not a tax *per capita* on these yield more than £12,402?

Mr. COLLINS said that, in the view of the Administration, Mr. McKenna's statement that the non-official whites in the territory were hostile to native education was an exaggeration. Such opposition to native education as there was came mainly from those planters who felt they did not get sufficient return for the tax they paid in respect of their employees.

In any case, the policy of the mandatory Power in regard to native education remained unchanged. He did not think there was any prospect of changes in the system of the education tax.

He could assure Mlle. Dannevig that the whole of the balance of £6,529 3s. 6d. would be used for education and for education only.

Mlle. DANNEVIG remarked that the question was asked last year whether the district officers encouraged the children to attend school or discouraged them from doing so. In the present report (page 144), it was said in effect that the district officers did not encourage the children to

attend school. But the question was, did they discourage them? Even if the district officers could not enforce education at the schools could they not point out its benefits to the natives?

Mr. COLLINS replied that the idea that district officers discouraged the children from attending school originated with a missionary who, at the 1927 Conference, had quoted a case of a district officer who had taken children from school to work in their village. He suggested that this was an isolated incident.

The question was discussed at the Missions Conference of 1927, and the view taken was that it was not possible to instruct district officers to take any action in the matter.

He had, however, been advised that the question of legislation on education in general, and the question of compulsory education in particular, was under consideration.

THIRD MEETING.

Held on Wednesday, June 10th, 1931, at 3.30 p.m.

New Guinea: Examination of the Annual Report for 1929-30 (continuation).

(Mr. Collins, accredited representative of the mandatory Power, came to the table of the Commission).

MISSIONS. — EDUCATION (*continuation*).

M. SAKENOBE expressed his appreciation of Mr. McKenna's report on education in the mandated territory, and referred to the general principle on which special stress was laid in that report—namely, that the Government should have direct control over education or be able to satisfy itself that schools not under its control were being efficiently conducted. Mr. McKenna had suggested, as part of a comprehensive scheme, the establishment of elementary schools and training colleges for natives. At present, education was mostly in the hands of the missions. M. Sakenobe would like to know whether the Administration had some general plan with a view to carrying out Mr. McKenna's suggestions. No doubt money would be needed. He enquired, first, whether there was any plan for procuring funds and, secondly, what initial steps, if any, had been taken to exercise direct control over education in the missions.

Mr. COLLINS stated, in reply to the first question, that, in conformity with Mr. McKenna's suggestions, a plan existed for the elementary education of natives including compulsory education. In reply to the second question, Mr. Collins said that no steps had been taken to control mission education.

M. SAKENOBE pointed out that Mr. McKenna's report had emphasised the importance of controlling the education given in the missions. He expressed the hope that negotiations would be opened for this purpose.

Mr. COLLINS took note of the suggestion.

LIQUOR TRAFFIC.

COUNT DE PENHA GARCIA noted that there was no increase in the liquor traffic. Presumably the liquor was consumed by the whites; if so, the figures for consumption per head seemed to be rather high.

Mr. COLLINS stated that liquor was consumed by all races except the indigenous population—that was to say, by Europeans and Asiatics, including Chinese. He informed Count de Penha Garcia that neither European nor native breweries or distilleries existed.

COUNT DE PENHA GARCIA noted that the alcoholic content of liquors was not given, on the pretext that they were imported in bottles. This difficulty had been overcome elsewhere in the simplest possible way. A few bottles chosen at random had been tested. The figures given showed merely how many gallons had been imported, whereas he would like to know the average alcoholic content. He noted, further, that the duty paid on spirits under proof strength and over proof strength was the same, and suggested that there might be some distinction according to the

alcoholic content. Perfumed spirits might lend themselves to fraud, being subject to a much lower tariff. He referred also to the Ordinance of August 29th, 1922, mentioned in document C.608. M.235.1930.VI on the liquor traffic in territories under B and C mandates. This ordinance prohibited the import of spirits unless they had been matured for not less than two years. How could the Administration satisfy itself on this point ?

Mr. COLLINS explained that the tariff provided a certain rate of duty for spirits of proof strength or less than proof strength. For spirits of greater strength, the rate per gallon was applied in accordance with the percentage above proof. This technical point was determined by the use of Sykes' hydrometer.

COUNT DE PENHA GARCIA observed that in other territories the importer had to make a declaration, which could be checked.

Mr. COLLINS replied that this was the case also in New Guinea.

COUNT DE PENHA GARCIA pointed out that it was possible for the Mandatory to give the alcoholic content. The Council had taken a decision concerning statistics of the liquor traffic in mandated territories and the Commission was asking the Administration to give not only the quantity in gallons but also the alcoholic content.

Mr. COLLINS said this would be brought to the notice of the Administration.

The CHAIRMAN pointed out that the League of Nations document to which Count de Penha Garcia had referred was the outcome of a request made by the Council to Mandatories and that the Australian Government had sent a reply.

COUNT DE PENHA GARCIA hoped that it might be found possible to comply with the Commission's request.

Mr. COLLINS proceeded to elucidate the tariff point just raised. Under Ordinance 41 of 1922, the New Guinea import duty on spirits not exceeding proof strength was 20/- per gallon. For spirits exceeding proof strength it was 20/- per *proof* gallon. That Ordinance was still in force, except that the rate had been increased from 20/- to 30/-.

COUNT DE PENHA GARCIA asked that a definition of "proof strength" might be given in the next report.

Mr. COLLINS took note of this request.

PUBLIC HEALTH.

M. RUPPEL expressed his appreciation of the very full information given on public health and the good progress made. He noted that there was little change in the expenditure (about £68,000) but that the number of staff had increased from 52 to 61. How had that been done without extra cost ?

Mr. COLLINS thanked M. Ruppel for his appreciative remarks and suggested that, while reference to the salary list might possibly afford an explanation, this question might perhaps be dealt with in the next report.

M. RUPPEL noted the frequent changes in personnel; on page 141 of the report, it was stated that there had been 39 such changes recorded during the last four years. He felt, too, that the service must suffer from the absence of the Director.

Mr. COLLINS agreed that continuity of service was desirable. He felt that Dr. Brennan's absence on leave was of direct value to the territory in that it afforded opportunities of conferring with other medical men.

M. RUPPEL expressed his approval, in view of the high infant mortality rate, of the scheme for the establishment of a chain of infant welfare centres (page 32 of report). He asked for information regarding the position of the centre near Rabaul.

Mr. COLLINS was not sure if active operations had been begun, though the plans for that centre had been ready at the end of last year.

M. RUPPEL wished the scheme every success. He expressed his concern at the leprosy position, which he regarded as very disquieting. New cases and small foci had been discovered in nearly all parts of the territory. There were two leper colonies which maintained an average of over 100 patients throughout the year.

Mr. COLLINS stated that the Public Health Department was fully aware of the gravity of the situation and that it was neglecting no measure to arrest the progress of the disease.

M. RUPPEL enquired whether the mosquito prevention service existed only in Rabaul where the work seemed to be done with great success or whether it was being extended, particularly to European centres.

Mr. COLLINS stated that he was unable to say definitely, but he was fairly certain that the matter was being given attention.

M. RUPPEL asked that more details might be given in the next annual report.

Mr. COLLINS said that this request would be noted.

ALIENATION OF LAND.

M. RUPPEL pointed out that a passage on page 22 of the report appeared to imply a criticism of the previous Administration, with reference to the alienation of land. He wished to draw the attention of the accredited representative to the fact that wide tracts of land were already in the hands of foreigners when the Administration was established. In 1914, the whole area in the possession of the whites was about 185,000 hectares—that was to say, far less than 1 per cent of the total area of the territory. The German Administration had already proclaimed native reserves, with a view to protecting the indigenous population.

Mr. COLLINS did not interpret the paragraph as implying any criticism of the German Government. Over-alienation might have occurred under the military occupation or the mandate. There could be no possible suggestion of any invidious comparison.

M. RUPPEL expressed his satisfaction. He enquired what was meant by resumed land.

Mr. COLLINS explained that resumption of land was effected by Government proclamation. On resumption, possession of the land in question ceased to rest with the owner and it became available for occupation. He stated further, in reply to M. Ruppel, that the dispossessed owner was compensated adequately.

DEMOGRAPHIC STATISTICS.

M. RAPPARD expressed his approval of the way in which the population statistics were given—namely, with the proper limitations and reservations. He referred to a difficulty mentioned in Mr. Chinnery's report, concerning the reluctance of native women to come into contact with the authorities, and enquired whether the Administration proposed to adopt Mr. Chinnery's suggestion that a lady anthropologist should be attached to his staff.

Mr. COLLINS stated that he had no knowledge of the Government's intentions in the matter.

CLOSE OF THE HEARING.

The CHAIRMAN, speaking in the name of the Mandates Commission, thanked the accredited representative for the goodwill he had shown when replying to the questions which had been put to him. The Commission much appreciated this friendly collaboration, which was essential for the accomplishment of its task. He was glad to note the calm and serene atmosphere in which the discussions had taken place. Nevertheless, this must not be taken as a sign that the Commission was taking less interest in the affairs of New Guinea. There was no such diminution in its interest, nor would there be in the future. The fact that the number of questions raised by the Commission had been relatively small proved, in his view, two things. In the first place, it showed that the annual reports on New Guinea had steadily improved to such an extent that in the last there had been many less gaps than in previous ones which it had been necessary to fill in during the actual discussions. Secondly, the past discussion had indicated much more clearly than previous information had done that the Commonwealth Government had decided to do all in its power to fulfil its rôle of guardian, a very delicate and, it must be said, thankless duty in connection with a territory which was so cut up and so backward as New Guinea. The Chairman felt it his duty, on behalf of the Commission, to express his satisfaction and to offer his congratulations to the mandatory Government.

Mr. COLLINS thanked the Chairman and the members of the Commission very sincerely for their appreciation of the New Guinea report. It had been a great pleasure to him to attend the meetings. He had come in a spirit of collaboration, feeling that it was his duty to give the Commission any useful information. The Mandatory's work was important in that it was carried out for the benefit of humanity. He repeated his thanks to the Chairman and to the Commission for the kind way in which they had listened to him.

Nauru: Examination of the Annual Report for 1930.

PUBLIC HEALTH.

M. RAPPARD said that he had read the report with great interest and found it most illuminating. Medical assistance appeared to be very well organised and he had the impression that the whole territory might be described as a well-appointed nursery. He wondered, however, how all this could

be done at a comparatively small cost, and quoted the figure of £2,800 odd for medical services and the small item of £380 for the upkeep of the hospital and leper station.

Mr. COLLINS explained that the lepers were not all helpless. In the lazaret, food was put over a fence and the lepers themselves prepared it. Other lepers, again, had occupations and were only in receipt of periodic treatment.

M. RAPPARD, referring to the incidence of leprosy, as shown on page 13 of the report, noted that, in 1924, nearly 20 per cent of the inhabitants were afflicted with leprosy to such a degree that they had been segregated. In 1920, there had apparently been no lepers at all. Had there actually been an increase in the disease or could that apparent increase be explained by the fact that the situation had not been examined before.

Mr. COLLINS explained that, despite exhaustive research, no very definite opinion had been formed as to why the disease had suddenly stricken the Nauruans. About the time of its incidence, one or two Pacific islanders suffering from leprosy had come to Nauru, but these infected persons had been returned to the islands from which they came. About that time, too, a serious influenza epidemic of 100 per cent incidence had weakened the vitality of the people. Beyond that, no scientific conclusion had been reached.

M. RUPPEL noted that leprosy was not mentioned on page 10 in the list of causes of death, and that, on page 12, it was stated that the deaths in the leprosy station were not due to leprosy. He enquired what the explanation might be.

Mr. COLLINS explained that the absence of deaths was due partly to the mildness of the disease and partly to the excellent treatment provided.

M. RUPPEL, comparing this situation with the percentage of deaths in New Guinea, considered this statement both of interest and of importance, and hoped that modern treatment might be successful in suppressing the disease.

COUNT DE PENHA GARCIA congratulated the Mandatory on the results achieved in connection with baby health centres, and enquired just what medical care was implied.

Mr. COLLINS said that the Administration would certainly supply details on this point.

ALCOHOLIC LIQUORS.

M. RAPPARD noted that there were only 100 adult Europeans in the territory, as only 100 paid poll tax. When compared with this, the figures relating to the imports of alcoholic beverages were very high. Perhaps (as in New Guinea), the Chinese helped to account for these figures, it being understood that the natives were absolutely debarred from consuming intoxicating beverages.

Mr. COLLINS stated that the Chinese were not prohibited from drinking liquor in moderation, but they were under strict discipline and were not permitted to indulge unduly in alcohol.

COUNT DE PENHA GARCIA noted the increase in the average consumption of spirituous liquors and alcoholic beverages. Here the value of statistics was apparent.

LABOUR. — JUSTICE.

Mr. WEAVER expressed his gratification at the decrease in the number of Chinese—totalling 15 only—who had had to be repatriated on account of unfitness, and also at the amount of deferred pay transmitted to China. He enquired the nature of the offences referred to on page 18 of the report, under the heading of Breaches of Ordinances.

Mr. COLLINS read the following statement:

“*District Court.* — There has been a slight decrease in Chinese cases and an increase in Nauruan cases:

1929				1930			
European	Chinese	Nauruan	Total	European	Chinese	Nauruan	Total
5	442	26	473	1	357	77	433

“As on the occasion of the district court proceedings during 1929, very few serious cases were dealt with during 1930. Beyond the Opium and Liquor offences, 29 and 4 respectively, and the 3 cases of breaches of the Leprosy Suppression Ordinance, the remainder were mostly of a minor nature.

“ Petty thieving amongst the Chinese totalled 133 as against 185 in the preceding year. Breaches of the Public Health and Sanitary Ordinances and the Chinese and Native Labour Ordinances totalled 83 and 46 respectively, as compared with 65 and 62 respectively in the preceding year.

“ Careful watch is maintained to guard against breaches of the Health and Sanitary Ordinances. The offences during the year consisted mainly of ‘ committing nuisances, hoarding rubbish and filth ’. The offences under the Chinese and Native Labour Ordinance mostly comprised the use of naked lights, endangering property, dirty premises, selling rations, failing to observe conditions of contract of service.

“ The continuity of work on the island was seriously interfered with, owing to the severity of the westerly storms during the year. Inability to carry out regular work has been a contributing factor in respect of the offences committed during the year. Coloured races when not fully employed usually get into mischief. (Possibly this may also apply to persons of all races).”

M. SAKENOBE, referring to the central court cases mentioned on page 17 of the report, enquired whether the eleven Chinese were concerned with affairs known to the Mandates Commission.

Mr. COLLINS replied that the eleven Chinese in question had been concerned in quarrels which had already been reported to the Commission.

EDUCATION.

Mlle. DANNEVIG expressed her admiration of the educational system, which provided for compulsory education from 6 to 16 years, an additional vocational course for boys and girls and continuation lectures for grown-up people, but wondered at the cost being so low (£1,300). She enquired whether the teachers were all natives.

Mr. COLLINS quoted, in reply, a passage from the 1928 report to the effect that the educational staff at the native schools were all “ educated Nauruans ”. The European school was under European teachers.

Mlle. DANNEVIG asked whether the education was efficient, what was the after-life of pupils on leaving school at the age of 18, and what occupation they would obtain.

Mr. COLLINS stated that he was unable to give any information on post-school occupations, as the system had not been in operation very long. It was impossible as yet to ascertain how boys and girls would adapt themselves. The idea was that they should be trained to occupy positions under the Administration so far as available.

Mlle. DANNEVIG supposed that they had not to work in the mines.

Mr. COLLINS stated that the happy circumstances in which Nauruans found themselves did not necessitate their seeking employment in the phosphate mines. They were not debarred from such work, but it was actually carried out by the Chinese under contract. The Nauruans followed such agricultural and business pursuits as were possible. The outlook of these educated boys and girls was by no means clear.

Mlle. DANNEVIG was very glad to have this information. It was gratifying to find that one island remained which might be kept as a remnant of happiness in the South Sea Islands, as an earthly paradise for the natives.

REPORT AND ACCOUNTS OF THE BRITISH PHOSPHATE COMMISSION.

Mr. COLLINS presented the report and accounts of the British Phosphates Commission, for the year ending June 30th, 1929.

FOURTH MEETING.

Held on Thursday, June 11th, 1931, at 10.30 a.m.

Syria and the Lebanon: Examination of the Annual Report for 1930.

M. de Caix, former 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.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN was glad to welcome once again M. de Caix, accredited representative of the mandatory Power.

He was sure his colleagues would greatly appreciate the close co-operation established between the Commission and M. de Caix, which had greatly facilitated its work.

The annual report for 1930 appeared to be very complete. It gave valuable information in regard to the administration of the mandated territory, as well as detailed replies to the questions put to the accredited representative at the eighteenth session. The Chairman was sure his colleagues would wish to express their satisfaction and appreciation.

M. de Caix, who had just returned from a visit to the mandated territory, would perhaps make a general statement before the Commission started its examination of the annual report.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. DE CAIX: "After what has already been said here so often, and after the High Commissioner's comments last year on the Organic Law which has just been promulgated, there is no need for me to make a very long statement. The report sums up the political situation accurately and clearly. Before replying to your questions, I will therefore confine myself to drawing your attention to several points noted during my tour which took me into the territories recently handed over to Syria by Turkey—that is to say, as far as the eastern extremity of the States under French mandate.

You will doubtless be wondering what effect the world crisis has had on the countries under French mandate. It has certainly had some effect, but not so great an effect on the population as in the countries where the economic life is more developed. The peasant, who is in the majority, is accustomed to living, to a very great extent, on what he produces. His usual food consists of pounded wheat, and flat cakes made from flour produced at home. The recent harvests have been good, and, if he does not sell his grain, he eats it. Doubtless, he has some difficulty in obtaining money to buy the piece goods and other articles which he consumes but does not produce. This consumption is greatly reduced, and many of those who know the fellah say they have never seen him look so well.

The decrease in purchasing power affects the towns from which the fellah is accustomed to obtain his supplies. Trade is certainly passing through a crisis, but life in this somewhat improvident country does not seem to have slowed down materially. There have never been so many motor-cars in use.

The crisis does not appear to have affected the development of the country. I was struck by the increase in cultivation and in tree plantations, especially in the territory of the Government of Latakia which is particularly carefully administered. There is everywhere a feeling of security, and new land is being cleared.

This feeling is to be observed in particular in the north-east of the mandated territory, where a large number of immigrants are arriving from Turkey. I do not refer particularly to the Armenians, for there are no longer many Armenians in Turkish territory. I visited several Armenian villages in Upper Djezireh, however, and noted that development was in full swing and that the surrounding land was well cultivated. On the other hand, a number of Kurds from the area to the north and east of the Tigris have moved towards the territories recently handed over to Syria. Villages which were formerly empoverished are being repopulated and even over-populated. The people appear to be active and to have an aptitude for agriculture and a desire for tranquillity. They will not be allowed to intrigue with their neighbours on the other side of the frontier against public order in the neighbouring countries.

From the political point of view, I found Syria—or at any rate the minority which has hitherto taken an interest in political questions—awaiting the treaty which has been mentioned on several occasions, in particular, in Article 116 of the Syrian Constitution. There seemed to me to be a certain amount of anxiety on the part of the minority groups. They expressed fears as to their fate under the regime which would follow the termination of the mandate in regard to which they are of necessity anxious, since Iraq is near and the hopes and fears current there react on Syria. I was questioned, especially in Alep, as to guarantees on behalf of the minorities during the period

immediately after the termination of the mandate. As you might suppose, I gathered no such impression in the Lebanon or in the Latakia Government, where the regime is not in question and where every guarantee is given to the groups which do not constitute the majority throughout the whole of the mandated territory. My statement would not, however, be complete if I did not draw your attention to the state of mind of the minorities to whom I could only give general assurances as to the spirit of the Syrian laws to be enacted in application of the Syrian Organic Law.

The nationalist leaders, who belong for the most part to the Mussulman majority, maintain the hopes and attitude of which you have already heard. At the same time their personal relations with the French continue to be good and they continue to hold the same theory as to the mandate and the country's relations with the mandatory Power. They desire the mandate system to be replaced by a treaty under which Syria would be able, so far as possible external difficulties are concerned, to obtain the guarantees which are at present provided by her relations with France, but they do not desire that treaty to control in any way the internal affairs of the country. In this attitude there is some contradiction, for responsibilities should have a counterpart; this state of mind will necessitate very careful handling. The attention of those Syrians who are interested in political matters is therefore concentrated on the treaty question and they await with much curiosity the draft texts to be drawn up as a result of the mandatory Power's investigations.

In the Lebanon the situation is quiet. The Constitution is working without any serious difficulty. I noted, however, that there was a good deal of complaint as to the expense of the system and the inadequacy of the administration. This discontent is often evinced in the circles which insisted most on public liberty. In those circles some people complain to-day of the discretion with which the mandatory Power avoids interfering in the working of the public authorities and the administration, which appears to the Mandatory to be in accordance with the evolution of the mandate, manifested in the Lebanon by the 1926 Constitution.

This state of mind has not, however, led to any agitation, but the same cannot be said of the hostility against the foreign companies distributing electricity and operating the Beirut and Damascus tramways. In the statement I am making here on my return from the Levant, I must refer to this matter, although it relates to events subsequent to the year to which the report refers. Newspaper reports will certainly have attracted the attention of the members of the Commission to this matter.

The Beirut and Damascus tramways and electric services were boycotted. At Alep, which is quieter, there were merely certain discussions and adjustments of the rates. Finally, in view of the situation with which they were faced, the companies concerned suspended the operation of their tramways at Beirut and Damascus.

The causes of this movement were complicated. The avowed cause was the dissatisfaction of the public using the tramways, which desired, as in all countries, to have the benefit of the public services at the lowest possible cost. It may be that there was some reason for the claims made by the users of the tramways, but they should also have appreciated more clearly what it cost to run them. An understanding would no doubt have been reached in the matter, and the companies made concessions, but unfortunately the political factor intruded itself. In certain cases the local notables were opposed to the companies. Boycotting committees were organised of which elements, actuated by systematic opposition to the companies as being foreign, rapidly assumed the ascendancy. When a committee was prepared to reach an understanding, it found itself confronted by more unaccommodating ringleaders who prevented any kind of agreement. In this way the stoppage of the tramway services continued. The latest information suggests that matters are in a fair way to be settled, but the movement leaves behind it an impression which can only do harm to the country, where the need of the import of foreign capital and foreign initiative for development, which is only in its initial stages, continues to be felt.

It is interesting to note, in connection with the application of the Organic Law¹ promulgated last year, the recent meeting of the Conference of Common Interests established by the Law, which did not confine itself to consolidating institutions already in existence or operative over a number of years past. The management account of the Common Interests was submitted to the Conference for consideration, as provided by the Organic Law.

The CHAIRMAN thanked M. de Caix for his statement, and invited the comments of the members of the Commission.

POLICY OF THE MANDATORY POWER AS REGARDS THE POLITICAL DEVELOPMENT OF THE TERRITORY UNDER MANDATE: ESTABLISHMENT OF A TREATY REGIME AND POSSIBLE INFLUENCE IN THE TERRITORY OF THE EVENTUAL EMANCIPATION OF IRAQ.

M. RAPPARD observed that it was proposed to establish a treaty system in order to give the national elements the same satisfactions which the neighbouring mandatory Power seemed ready to give to the populations it administered in Iraq. On the other hand, the report indicated the administrative defects existing in the Lebanon which already enjoyed relatively complete internal liberty. The educational value of liberty consisted, generally speaking, in the fact that it compelled those who enjoyed it to suffer the consequences of their incapacity. From the political standpoint,

¹ See document C.352.1930.VI.

the great moral advantage of liberty was that it developed a sense of responsibility. The course of events itself brought to light the effects of imprudences committed, whether those effects took the shape of external dangers, financial disorder or even complete collapse.

M. RAPPARD thought, however, that the present system gave the natives the material advantages of liberty, while at the same time depriving them of the moral benefits ordinarily attaching to liberty, since the mandatory Power made itself responsible for security against external dangers and the inhabitants of the mandated territory were not compelled to consider that question. It appeared also that the mandatory Power ensured that the financial disorder did not exceed certain limits. He asked M. de Caix whether that was really the system in the minds of the authors of the Covenant when they had instituted the mandates, and whether a serious danger was not involved in encouraging liberty without its corresponding responsibilities.

M. DE CAIX replied that there could be no question now of going back on the methods followed from the outset, which were in accordance with the idealism inspiring all post-war policy in France, at Geneva and, in general, elsewhere.

It was true that it might be asked whether, instead of setting up political liberties at the outset, it would not have been better to leave the question of political organisation for a time and begin with a period of administrative training, educating the intelligent young officials of the country (of whom there were a number who had passed through the higher educational establishments) under a small body of French administrators, who would gradually have been eliminated as their pupils rose to the highest posts in the hierarchy. Such a system would no doubt have been better than administration by high officials recruited from a staff accustomed to the old administrative failings of the country. But it was no use saying "One might have done this or that", or expressing regrets which could not be other than academic in the light of developments, the origins of which dated to a period before the mandate itself.

M. RAPPARD had asked whether those who made mistakes suffered the consequences of their mistakes. That was not so to the extent that it would be in a western country at the present day. The political power in Lebanon, which possessed a constitutional regime, and in Syria—in so far as it was in the hands of local notables, belonged to a class which did not appear to take a share in the public burdens in proportion to the share it would have to assume in a western democracy. That situation was the result of social conditions which had already been described more than once to the Commission in explaining the position of a large section of the rural population and the system under which it cultivated the soil. The mistakes of the public authorities did not therefore affect, as much as elsewhere, the classes from which were recruited the beneficiaries of the public expenditure.

As regards foreign affairs, the local governments did not yet realise their difficulties, since the Mandatory was there to avert the dangers which might arise. That point was inadequately appreciated by many of those who took advantage of the protection given by the Mandatory without ceasing to complain of the latter.

M. RAPPARD gathered that it would appear from the information supplied to the Commission that the Constitution benefited those who were responsible for its operation at the cost of the great mass of the population. Yet the Constitution operated under the protection of the mandatory Power!

M. DE CAIX observed that the country benefited rather than the Mandatory, since the latter had to contend with every kind of difficulty.

M. RAPPARD agreed. He wondered, however, whether it had not been possible for the abuses which had been noted to arise and to be perpetuated precisely because of the presence of the Mandatory. Without the guardianship of the mandatory Power, those abuses would have led to the complete collapse of the system.

M. DE CAIX admitted that, so far at any rate, the Mandatory's control had largely consisted in establishing and maintaining budgetary equilibrium.

COUNT DE PENHA GARCIA remarked that M. de Caix had referred to the possible effects in Syria of the announcement of the impending cessation of the mandate in Iraq. M. de Caix had described the apprehensions felt by the minorities in this connection and the expectations of a certain proportion of the majority. The majority would like to see the disappearance of the whole of the internal control for which the mandate provided, the mandatory Power retaining only a certain responsibility in regard to the defence of the country against dangers from outside.

COUNT DE PENHA GARCIA enquired whether those various tendencies were likely to exercise an important influence as regards the shortening or extension of the mandate.

M. DE CAIX pointed out that these tendencies might make it advisable to take certain precautions for the period after the mandate had ended, but said that they would probably not influence in any way the date of its termination. As a matter of fact, the question of the period of the mandate was not entirely governed by considerations relating to the actual situation of the countries placed temporarily under the mandate system. Whatever opinion one might have on the problem itself and on the time that might reasonably be required for its solution, the latter was largely influenced by the evolution that was taking place in most of the neighbouring countries. Certain disparities would rapidly become impossible, especially as they would not be justified by any inferiority on the part of Syria and the Lebanon.

As regards the minorities, the accredited representative could only say, as he had already observed in his statement, that they were uneasy; it would be an illusion to imagine that the general atmosphere and the feelings of the different elements of the population towards one

another had changed completely in the short space of some twelve years. A state of mind existed in the territory which was the result of age-long habits. No doubt the minorities were greatly exaggerating matters in anticipating violence and bloodshed. But it was not possible to prevent their being apprehensive lest, after the termination of the mandate, they should find themselves in the state of inferiority in which they had had to acquiesce for centuries. Only a favourable experience of the new regime, extending over a certain period, could dissipate such fears. But, whether the minorities were right or whether they were wrong, and whether or not guarantees were desirable, the normal evolution towards emancipation of the territories now under mandate could not be arrested.

M. RAPPARD observed that he had been very much perplexed when reading the report. The Organic Law was very liberal. The mandatory Power, it was said, had reserved to itself only such rights as were necessary to ensure public order, should that be seriously threatened. It had restricted its own rôle, in order to allow the Syrians as complete and progressive a development of their liberty as possible. The question now under consideration was the substitution for that regime of a treaty regime, which, in the view of the mandatory Power, constituted a still more advanced stage of the mandate. If, however, the mandatory Power had already reserved to itself only a minimum influence and right of intervention, what powers would it retain if it went further? The question arose then as to whether the example of Iraq was not influencing the policy of the mandatory Power in the matter. M. Rappard could not find in the report any internal reasons which would justify such a policy.

M. DE CAIX pointed out that the evolution of the Mandatory's policy in Syria and the Lebanon was determined by facts which went far beyond the example of Iraq. That policy had been announced long enough ago to remove any doubt on the point. The Administration was dealing with the results of a tendency which did not date from yesterday, and which was not confined to any single country of the East or even to the whole East; it was a tendency affecting the mentality of Europe also.

How, moreover, was it possible to reconcile the Syrians, more of whom had had a Western education, to the idea that they must renounce indefinitely all hope of having a system similar to that which, it appeared, was to be accorded to Iraq?

The mandatory Power had reserved to itself minimum rights of intervention, but that minimum, as expressly laid down in Article 116 of the Syrian Constitution, applied to the period of the mandate, not beyond.

M. RAPPARD read the following passage from the letter from M. Henri Ponsot, the High Commissioner, to M. Briand:

"The article will remain in force until the conclusion, with a properly constituted Government, of the treaty which will re-define, with the consent of the League of Nations, the conditions governing the application of the mandate, in accordance with Article 22 of the Covenant, so as to take into account the progress made."

M. DE CAIX regretted that that sentence, which was reproduced in the report, might possibly be misinterpreted and convey the idea that a treaty could cover only the period of application of the mandate. The treaty might be framed so as to cover another period in which the ex-Mandatory's responsibilities would be reduced, and the rights reserved by the ex-Mandatory could therefore be reduced in proportion. Article 116 of the Syrian Constitution had been framed exactly with reference to the Mandatory's responsibilities. It thus provided only for those responsibilities of the Mandatory which arose from the Charter of 1922, and not necessarily for its duties under the regime that might follow. In practice, the question that might arise was that of determining how a mandate might be concluded and how the requirements of which it was the expression might still influence the regime that was to follow.

M. RAPPARD pointed out that the above-mentioned passage was found both in the letter from M. Ponsot to M. Briand and in M. Briand's letter to the League of Nations.¹ Its terms must, therefore, have been very carefully weighed.

The CHAIRMAN said that he had an impression that a slight misunderstanding had crept into the discussion. In the case of Iraq, Great Britain had concluded with that country in 1922 a treaty called Treaty of Alliance which, in practice, replaced the mandate, the latter term being considered objectionable by the Iraqi. It was only in June 1930 that an Anglo-Iraqi Treaty had been concluded, which was intended to replace that of 1922, since it would not come into force until Iraq was admitted as a Member of the League of Nations. The Chairman had understood that in the case of Syria also a political evolution was contemplated, falling into two stages, the first of which would be governed by the treaty referred to by M. Ponsot in his letter, and which would maintain the mandatory regime. Later, when, under the regime of the first treaty, conclusive results had been obtained, it might be possible to conclude a treaty on the lines of the Anglo-Iraqi Treaty of 1930—that was to say, providing for the regime to succeed the mandate.

M. DE CAIX was unable to give details concerning the scope of a text which had not yet been prepared. A treaty to be applied under the conditions mentioned by the Chairman might

¹ See document C.352.1930.VI.

be framed in various ways. It might simply provide, in agreement with the representatives of the country, for the exercise of the mandatory obligations. It might apply not only to the period of validity of the mandate, but also to the period following, and might provide for the necessary machinery during the transitional period. Lastly, it might contain provisions applicable only to the period following the mandate and might come into force only on the conclusion of the latter.

M. ORTS pointed out that the exchange of views which had just taken place did not suggest any fresh possibilities to anyone who had had occasion during the last ten years to observe the internal situation in Syria and the evolution of the mandate. The apparent prospects in that country were exactly what the authors of the Covenant and of the mandate had desired to avoid when they insisted on advice and assistance being given to the country by a Mandatory until such time as it was "able to stand alone".

To imagine that this condition was realised at the present time would be a mere illusion. At its eighth session the Permanent Mandates Commission had directed the Council's attention to the difficulties encountered in the application of the mandate owing to the inertia and incapacity of the native organisations, the inadequacy and class egoism of the elements in power, and the state of social and economic dependence of the masses of the population. The events of the last few years had not yet made it possible to revise that opinion. The Syrians who aspired to govern their country without control, still required to give proof of their fitness to fulfil the less difficult task devolving upon them under the mandatory system. Present circumstances, however, appeared to be leading the mandatory Power more and more to relax its influence and the mandate, it seemed, was to be concluded before the expiration of the time laid down. Complete emancipation was thus to precede political maturity.

Such a result would imply a renunciation of the purpose of the mandate and the failure of the system. It would not mark the beginning of an era of prosperity for Syria. Would not external insecurity, the subjection of racial and religious minorities and financial disorder be the price paid for the political independence claimed by the land-owning class, upon whom the Syrian fellaheen was dependent? Would it not be too much to expect that minority, henceforth in possession of unrestricted power, to carry out the social and agrarian reforms which constituted an essential condition for the functioning of a representative regime and the conclusion of the oligarchic system?

Any progress in Syria must require the maintenance, for some time longer, of a certain influence and control by the mandatory Power. The removal of that influence would involve a grave responsibility for the mandatory Power proposing it and for the League of Nations.

M. DE CAIX observed that it was impossible to prophesy: it was a question of an experiment and no one could foretell the results of that experiment, even by a reference to the various factors—reassuring or the reverse—which would come into play. Keeping, however, to known facts, it might be noted that the finances could not be said to be in disorder: so far, the budget had always been balanced and there had as a rule even been an excess of revenue. Those sound budgets would no doubt be unable to resist for long the prodigality of weak Governments in the face of the various demands, and the local authorities must themselves supply the restraining influence hitherto represented by the necessity for obtaining the High Commissioner's sanction. That was one of the disturbing prospects of the present evolution.

External security would in no way be lessened under the regime of a treaty replacing the mandatory regime, a treaty under which the ex-mandatory Power would continue to lend its assistance to the country in the event of danger from without.

It was impossible to foresee as yet the extent to which the rights of minorities would be guaranteed under the regime of a treaty the clauses of which were not yet decided.

M. ORTS had expressed the view that the agrarian reform would not be carried out if the mandate came to an end; perhaps one ought not to be too categorical on this subject. Certain new ideas had got abroad during the past twelve years among the masses, and fresh perspectives had opened up before them. Various urban elements not belonging to the class of big land-owning notables might aim at a political career, promising to support agrarian demands. An evolution appeared inevitable; the question was to determine the conditions under which it was to take place, the regulating power from without—under the mandatory system—having disappeared or having at all events been very largely eliminated.

It would not be true to say that the policy followed by the mandatory Power was influenced solely or even primarily by the example of Iraq. It had been thought out long ago and was based on profound considerations. M. de Jouvenel had made a statement in 1926 which had been confirmed by M. Ponsot's promise and his statements made last year. It was the logical outcome of the ideas which had prevailed throughout the post-war period, ideas which were widespread all over Europe and not only in France. Those ideas were reflected in the attitude of the European Powers in regard to Asiatic problems other than those with which the Mandatories were faced in the Levant. Moreover, the mandates, it must not be forgotten, had a certain purpose in view; they were intended to teach the countries to whom they were applied how to govern themselves. It might or might not be thought that that purpose could be regarded at present as having been achieved; it might or might not be feared that a fully autonomous Government in those countries was still bound to be far distant from the ideal which the authors of the Covenant had in view and that it would be more to the detriment than to the advantage of the population concerned, but it should occasion no surprise to discover that the policy of the mandatory Power was not at variance with so general a trend of ideas.

The CHAIRMAN agreed in substance with M. ORTS' observations. He fully realised the influence that might be exercised over the state of mind of the Syrians and more particularly over that of

the ruling classes by the measures contemplated in regard to Iraq. He observed, however, that there were certain important differences between the two countries. In Syria the number of educated persons was said to be much greater than in Iraq. On the other hand, Iraq already possessed parliamentary experience extending over some years, with a complete political equipment, a stable Government, Chambers, etc. In Syria, where representative regime was not working, parliamentary experience was completely lacking.

The Chairman had visualised the policy of the mandatory Power in Syria as being somewhat on the following lines: first, an Organic Law would be established; the working of that Law would then be ensured by means of elections and the convening of a deliberative assembly; then the system would be allowed to operate until the mandatory Power declared that the territory was developed sufficiently to enable it to govern itself, that being an essential condition for admission as a Member of the League of Nations.

M. DE CAIX said that he did not wish to express any views on the position of Iraq. He suggested, however, that the difference between the situation of that country and that of Syria might be more formal than profound, and that Syria might be capable of ensuring the operation of a parliamentary system of the same standard as that found in the neighbouring country. It must not, in any case, be forgotten that a Constitution based on modern models had been operating for the past five years in the Lebanon without, it was true, satisfying all the Lebanese, but without encountering serious difficulties. The difference was probably not as great as it had appeared to the Chairman. It must be remembered that the territories under French mandate possessed more schools than the neighbouring territories, and three universities at which large numbers had qualified for diplomas, after passing examinations based on curricula similar to those found in the West. That fact explained many of the claims that had been made. It was not possible in Syria, any more than in the neighbouring countries, to start again from the very beginning. It might be that the stages suggested by the Chairman would be desirable, but it was necessary to take into account the change of atmosphere to which M. de Caix had just referred and of which one very important stage had been marked by the Organic Law promulgated last year.

M. RAPPARD referred to the fact that the Chairman, when emphasising the differences between Iraq and Syria, had mentioned that Iraq had had longer parliamentary experience. Two further points must also be considered. Account must be taken on the one hand of the administrative unity of Iraq and the division that existed in Syria; on the other hand, a very small military force was maintained by Great Britain in Iraq, whereas in Syria the mandatory Power had a very considerable force of occupation. The expenditure on that item amounted to 300 million francs. Were those two facts such as to justify the maintenance in Syria of a different regime from that contemplated for Iraq?

M. DE CAIX pointed out that it was not correct to say that the size of a military instrument necessarily determined the extent of the operations for which it could be employed. An examination of the figures, moreover, would show that the number of French forces stationed in Syria was very moderate. He did not think that a comparison of those forces with the British forces in Iraq could be used to establish a difference between two policies.

The contrast between the unity of Iraq and the political division of the territories under French mandate was not significant of a situation requiring different policies. Obviously, as was shown by the Organic Law promulgated last year, it was not the Mandatory's intention to force the autonomous Governments, which had been in existence for close on eleven years, to be subject to the authority of the Syrian Government. It had been explained on several occasions—on the last occasion by M. Ponsot—that the relations to be established must depend upon the free consent of the different populations themselves. There was nothing in that to prevent the French Government from concluding an agreement with Syria and indeed with the Lebanon, those being the States which, under the Organic Law, possessed all the constitutional organs necessary for their independent existence.

M. RAPPARD pointed out that the mandatory Power would always have the minorities to defend, both the minorities within the country and those living in the neighbouring territories, in regard to which the Syrian patriots had already voiced their claims.

M. DE CAIX agreed that the minorities problem called for consideration in Syria, where it was, indeed, particularly important, as the numbers affected would be further increased by the exodus from Anatolia; the same problem applied, however, to Iraq.

M. RAPPARD had meant that the present Syria was surrounded by territories which, when she was emancipated, she would no doubt wish to annex. Would not that imply for the ex-mandatory Power, which would have to defend the liberty of Syria's neighbours, duties quite different from any that Great Britain might have in Iraq?

M. DE CAIX did not think that the resulting situation would be more difficult. The Organic Law provided for powers to be exercised over the territory of Syria and not in that of the neighbouring States and Governments. A treaty between Syria and France would not alter the situation in any way, and the relations between the two countries ensuing from that treaty would merely have the effect of making Syria seek to establish, by means of agreements, such links as she might wish to institute with those neighbouring States and Governments, which would themselves maintain relations with the Power now holding a mandate to administer them. Any attack by one of those States on one of its neighbours was less likely to occur in such circumstances than in any other situation.

M. RAPPARD agreed, provided the mandatory Power remained in a position to protect the neighbours of the present State of Syria—that was to say, the Druses, the Alaouites, the Lebanese, etc.

M. DE CAIX replied that France would certainly exercise the rights and duties arising out of the treaty, but he could not define them before the treaty had been drawn up. Moreover, the question of minorities, as certain precedents and certain discussions appeared to show, did not concern only the Mandatories and local governments at the moment when a change in the legal nature of their relations was under preparation.

M. MERLIN pointed out that, during the discussion, several speakers had advised the mandatory Power not to be in too great a hurry. He would like to make a remark on this point and perhaps ask the accredited representative a question. It was certain that the Near Eastern countries would, after a longer or shorter period, be capable of claiming their independence. This was a question with which the Commission would soon have to deal in connection with Iraq and, later, for other territories under mandate.

M. Merlin would be glad if the accredited representative would explain his point of view on one point. M. de Caix had said that there was one fact which had necessarily to be taken into account in the administration of Syria—namely, that Iraq appeared likely to acquire complete independence in the near future. *Si parva licet componere magnis*, the events of 1789 and the revolution of 1848 had been felt throughout Europe. They had been a matter of concern for both monarchical and democratic countries. In the same way neither Syria, nor the mandatory Power could remain indifferent to the events taking place in Iraq, though not from any need to imitate them and, so far as the mandatory Power was concerned, not from any desire to show itself no less generous than its neighbour, but because the populations of the country were still affected by the results of the events in question, and because, if the mandatory Power was disposed to temporise too long, there was a danger that it would find itself at odds with an excited public opinion, and perhaps obliged to face more serious difficulties amounting even to disturbances. Similar cases had been seen even in the strongest monarchies. It was a *de facto* situation which the mandatory Power had to take into account.

When M. de Caix spoke of the repercussion of measures to be taken in respect of Iraq, did he refer merely to the mandatory Power's anxiety not to appear less generous than the neighbouring mandatory Power, or was he alluding to a state of over-excitement which might arise in Syria and the neighbouring countries and which the mandatory Power would have to take into account?

M. DE CAIX could only repeat that it would appear morally difficult not to grant to Syria similar treatment to that given to Iraq. There might be differences of detail in the stages passed through and in the treaties to be concluded, but it would be impossible to refuse to grant in one case what was considered possible in the other. The League of Nations was free to decide what attitude it would adopt towards the question, but it would appear that that attitude could not be essentially different in the two cases. The League's recommendations might, moreover, be useful in respect of the rights which it wished to guarantee when the changes with which the Commission was rightly concerned were about to take place.

OPPOSITION OF CERTAIN POLITICAL PARTIES TO THE PROVISIONAL SYRIAN GOVERNMENT.

M. PALACIOS wished to ask a question on general policy before the Commission entered on the detailed examination of the report. He pointed out that in 1930 a certain opposition to the Government had been displayed, not only by the Nationalist Party, but also by certain other parties for example, the Moderate group of the United Parties. Could the accredited representative supply some information on this opposition movement?

M. DE CAIX pointed out that the opposition in question had been directed not against the mandatory Power but against the Syrian Provisional Government. The origin of this movement group could, no doubt, be found to a great extent in the very natural desire of each party to be in power during the period preceding the elections and the establishment of the permanent Government.

In reply to a further question by M. Palacios regarding the suspension of newspapers, in particular, the *Istiklal*, M. de Caix stated that the Press was subject to local legislation adopted by the Governments of Syria and the Lebanon. There was no doubt that the authorities of the States tended to use the weapons at their disposal in order to suppress the attacks of their political opponents.

SPECIAL SERVICES IN THE LEVANT.

The CHAIRMAN thanked the mandatory Power for the information supplied on pages 45-47 of the report on the reorganisation of the Intelligence Service. He added that he Commission would be glad to obtain the text of the High Commissioner's Decree, No. 3390, of December 31st, 1930.

M. DE CAIX said he would endeavour to communicate the text of this decree to the Commission during the afternoon or on the following day.

M. ORTS, referring to details regarding the Intelligence Service supplied during the examination of the annual report for 1929, recalled that the accredited representative had pointed out the value of this Service from the point of view of the Mandatory's responsibility.

Since that time a reform of the Service had been initiated with a view to bringing it more into line with the general administrative organisation, and M. Orts noted that civil officials had been introduced into the Service, the staff of which had hitherto been exclusively military. He would like to know if the statement on page 47 of the report took into account the civil elements introduced into the organisation.

M. DE CAIX replied that this nomenclature applied exclusively to officers of the Special Services and did not take the civil elements into account. The civil officials who were required to fulfil duties hitherto performed by intelligence officers did not form part of the Special Services. The name and the statute of these services had been adopted in order to define and organise, on fresh lines, the relations of the officers composing them with the High Command and the High Commissariat.

M. ORTS asked whether the civil elements of the Special Services would not increase the Secret Service.

M. DE CAIX observed that the Secret Service was in quite a different position. It did not constitute in any way, an advisory or Supervisory branch of the Administration of the country. It controlled suspects and looked out for subversive acts which it reported to the authorities.

M. ORTS also noted a tendency to reduce the effectives of officers attached to the Special Services. They were in fact less numerous than in the previous year.

M. DE CAIX replied that this was due to the general reduction in the European military staff and their replacement by civilians. This reduction was not to be taken as a reflection on the work done by officers employed on civil duties. Their interest in the population, their perspicacity and, it must be added, their good humour rendered them invaluable in distant and difficult posts for which it would not be easy, or at any rate would take a long time, to recruit civil officials. Their duties, especially on the Turkish frontier, were often very arduous. In addition to their work connected with political supervision, they had to encourage the direction of municipal improvements, sanitation, and the planting of young trees, etc. This activity rendered their isolation bearable. Their number had decreased, especially in the Central Services. In certain distant and difficult posts, on the other hand, the number might have to be increased.

ASSISTANCE TO REFUGEES.

The CHAIRMAN asked the accredited representative if he could inform the Commission whether there was at present an influx of new refugees. It appeared that they continued to arrive in the mandated territory. On page 50 of the report there was a reference to "the menace of smallpox on the Turkish and Iraqi frontiers at the time when the tribes change pasture land and an exodus of refugees takes place". Did this refer to optants arriving from districts exchanged with Turkey or to other refugees, and was there a considerable number of these newcomers?

M. DE CAIX replied that Christians continued to leave Turkey for Syria, but this movement was naturally declining as the supply was now practically exhausted. As he had mentioned in his statement, there was a fairly considerable immigration of Kurds into the region known as Bec de Canard. There were no refugees coming from Iraq.

CONFERENCE OF COMMON INTERESTS.

M. ORTS asked where the Conference of Common Interests was held and by whom the Governments had been represented.

M. DE CAIX replied that there had been too little time between the Conference and his departure for Geneva for him to be able to obtain any details. It was held at Beirut at the office of the High Commissioner, who looked after common interests, and it was probably presided over by the Secretary-General.

The delegates of the Governments were partly high officials, possibly Ministers and Directors, and partly technical experts, in accordance with the provisions of the Organic Law for the Conference of Common Interests, issued in 1930.

As he had remarked in his statement, the Conference was required to examine the management accounts of the Service of Common Interests.

APPLICATION OF ARTICLE 116 OF THE SYRIAN CONSTITUTION.

M. RAPPARD asked whether there had been any occasion so far to apply Article 116 of the Syrian Constitution.

M. DE CAIX pointed out that it had been unnecessary to have recourse to this article as it referred to the time when a Government, originating from the working of the Constitution

promulgated last year, would be in existence. The safeguarding clause regarding the responsibilities of the mandate could moreover hardly require to come into effect under the regime of the present provisional Government.

MILITARY FORCES.

M. SAKENOBE noted that the effectives stationed in the territory had not been changed, but that the local troops had been reorganised. The auxiliary and supplementary troops had been amalgamated to form the "special troops of the Levant". The organisation of the auxiliary troops was very similar to that of the French troops. On the other hand, the supplementary forces had not, up to the present, been lodged in barracks, clothed or fed, and had had to supply their own needs from a monthly salary. These supplementary troops therefore formed a kind of reserve. As a result of their fusion with the auxiliary troops, the effectives of the first line had been increased.

Moreover, a new battalion had been formed to occupy the territories transferred to Syria as a result of the final delimitation of the Turko-Syrian frontier.

He asked what expenditure had been required for the above-mentioned reorganisation and for the creation of this new battalion, and from what funds the necessary amounts had been taken.

Lastly, he noted that, simultaneously with the increase in the number of troops, the number of French and Syrian officers and of French non-commissioned officers and men had been reduced. Had this reduction been caused by the reorganisation or by the necessity for economy?

M. DE CAIX replied that, from the point of view of military efficiency, too much importance should not be attached to the recent changes in organisation. The object had been in particular to carry out this organisation in such a way as to prepare for the transfer of native troops to the local Government in accordance with the provisions of the mandate.

The expenditure necessitated by the creation of the new battalion had been covered partly by economies effected in the remainder of the budget of the special troops, and partly by advances granted by the French Government.

The decrease in the number of officers might have been inspired by a desire for economy, but speaking generally, the reduction in the number of officers was rendered possible by the progress made by the troops.

M. SAKENOBE, referring to the military school at Damascus, had been struck by the fact that, out of 191 competitors, only 13 officer candidates had been admitted in 1930. He wondered if this number was sufficient to maintain the level of the military forces.

M. DE CAIX pointed out that the number of pupils admitted was determined by the needs of the troops. At the present time all the Syrian and Lebanese officers were young men; adequate provision had been made in the lower ranks, pending the advancement of the more capable officers. It was therefore possible to be stricter in selecting candidates for admission to the Damascus school.

M. SAKENOBE asked whether there was a school of staff officers.

M. DE CAIX replied that such a school did not yet exist. It would moreover not be necessary as officers wishing to pursue higher military studies could be admitted to the French schools and centres of instruction.

M. RAPPARD said he would like to know how the Levantine troops were used. There were Syrian and Lebanese troops. Could they be used without distinction throughout the territories under French mandate, or was their activity localised? In the latter case what was meant by the reinforcement of the Lebanese troops?

M. DE CAIX replied that the Lebanese troops had been reorganised rather than reinforced. Under present circumstances, the local troops being under the sole orders of the French authorities, there was little reason for localisation; there was, however, a certain tendency towards localisation which would be necessary when the troops came under the orders of the local Governments. At that time, the troops would have to be allotted to each particular State, at any rate in peace time. In the event of foreign attack it was inconceivable that the troops of the different Governments should not co-operate.

M. RAPPARD wondered whether there was not a certain discrepancy between the relatively centralised military organisation and the political organisation based on an almost complete decentralisation of the different territories.

M. DE CAIX replied that it had only been possible to remove that discrepancy at the time when the Organic Law was promulgated.

M. RAPPARD observed that the upkeep of these local forces was very costly, and it was not very clear what military purpose they might serve.

JUDICIAL ORGANISATION.

M. RUPPEL said he had been much interested to observe the steps taken by the mandatory Power and the different Governments to improve the moral standing and the efficiency of the

personnel of the Courts in Syria as well as in the Lebanon. He noted that the abuses of authority by civil agents had been severely suppressed. He hoped that they would gradually disappear altogether.

He asked the accredited representative whether it would be possible to include in future reports figures as to the activities of all the courts, including the religious courts, in the territories under mandate. The report for 1930 only contained figures of the cases considered by the Mixed Court of the Lebanon.

M. DE CAIX replied that it would be very easy to meet M. Ruppel's wishes.

M. SAKENOBE wished to know whether accused persons in criminal proceedings were entitled to defence by lawyers or counsel.

M. DE CAIX replied that there was no doubt about it. The Ottoman Code provided for counsel for the defence; and in view of the number and activities of the lawyers in the country, the Commission might rest assured that the law was not a dead letter in this matter.

POLICE OPERATIONS AGAINST THE DENDASHI TRIBE.

M. SAKENOBE drew attention to a reference on page 11 to police operations in the summer of 1929 against the Dendashi tribe. He asked the accredited representative whether punitive expeditions of this kind were frequently necessary.

M. DE CAIX replied that the case in question was the only one he knew of since the troubles of 1925. The Dendashi were a small group of a *gens* in the Roman sense of the word rather than a tribe. They lived on raids, coming down from their haunts in the north of the Lebanon range. In view of the difficulties of repressive action in such a district, it had been necessary to deport the group in question, consisting of some 150 persons. They had been settled on land on the banks of the Euphrates.

ORGANISATION FOR THE CONTROL AND ADMINISTRATION OF WAKFS: LIBERTY OF CONSCIENCE.

M. PALACIOS thanked the mandatory Power for the completeness of the information supplied by the report with regard to the new organisation for the control and administration of Wakfs. Could the accredited representative tell the Commission whether in practice the new organisation was working satisfactorily? He noted a reference in the report (page 60) to differences between the ecclesiastical and the lay elements in some of the Wakfs of the Lebanese Republic.

M. DE CAIX replied that, in the case mentioned, which concerned the Druse Wakfs in the Lebanon, so far as he recollected, there was no question of a general dispute between the ecclesiastical and the lay elements: it was a matter of local disputes on points of minor importance.

He was glad to hear M. Palacios express satisfaction with this part of the report. It told the story of one of the most interesting pieces of work done under the mandate. A sustained and deliberate effort had been made to ensure satisfactory management of the Wakfs and the reform of their organisation on the basis of the social and intellectual development of the country on the one hand, and, on the other hand, on that of Moslem religious law, as interpreted by those who had authority to decide in accordance with its rules and its spirit.

M. PALACIOS drew attention to the considerable difference between the estimates and actual receipts in the budgets of the local Wakf Administrations of which the first amounted to 80 million Libano-Syrian pounds and the second only to 45 million Libano-Syrian pounds.

M. DE CAIX said that in most cases the explanation was to be found in the existence of claims on the States which it was difficult to recover. There were no legal grounds for cancelling these claims, but, in practice, their recovery was bound for the most part to be postponed.

M. RAPPARD put a question in this connection on the position of the minorities. He asked whether there were cases in which the Lebanese or Syrian authorities had intervened to restrict or prevent the exercise of their religion by religious minorities.

M. DE CAIX replied that there had been no such cases. Interference with the exercise of their religion by the minorities was, however, a form of attack to which they were not formerly subject. The majority had regarded the non-Moslem religious exercises with contemptuous tolerance, but they were much attached to their own supremacy in all political and social matters.

DISSENSION IN THE GREEK ORTHODOX CHURCH.

The CHAIRMAN said he gathered from newspaper accounts that there had been a crisis in the Greek Orthodox Church, two patriarchs having been elected and neither side being willing to come to an agreement with the other. What could the mandatory Power do in such a case?

M. DE CAIX replied that there were two factors involved: (1) the rights of the mandatory Power and (2) the spirit in which the European authorities were always inclined to treat problems of this kind. The crisis was a real one. Two patriarchs had been elected who defied one another, neither being willing to give way to the other. The Orthodox faithful had summoned prelates from Athens and Istanbul with a view to settling the difficulty, but without success. The mandatory Power was reluctant to interfere, in spite of the formal right which it had to do so. The patriarch used formerly to receive investiture from the Sultan and clearly the right of

investiture had been transferred to the representative of the mandatory Power as the supreme authority in the country and the only authority which was common to all the territories of the States in which the patriarch's jurisdiction would be exercised.

So long as the difficulty remained exclusively religious, the mandatory Power might feel that it was better not to interfere. But the crisis hindered the temporal activities of the community.

The administration of religious foundations came under the ecclesiastical authorities, and, above all, matters concerning personal status which (as had already been explained to the Commission) were largely matters for the religious courts. The present dual system consequently held up the temporal activities of the community which the Ottoman Law placed under the jurisdiction of the ecclesiastical authorities; and, in spite of his reluctance to so do, the High Commissioner would be compelled to intervene as the Constantinople Government used formerly to do.

The CHAIRMAN observed that the accredited representative's remarks were entirely justified. There was nothing in the mandate to prevent intervention by the mandatory Power. This was no case of action calculated to go counter to liberty of conscience: it was a case rather of the prevention of disorder and the re-establishment of such unified direction of a religious community as was necessary for the temporal activities of the latter. The Commission, he added, shared his view as to the High Commissioner's powers in the matter.

ECONOMIC SITUATION.

M. MERLIN said that the report contained very full particulars of the economic situation. The fact that the economic crisis had not spared the mandated territory, was shown in particular by the difficulties in marketing agricultural products. From page 18 of the report, it appeared that the unsold stocks of wheat and barley, as at December 1st, 1930, totalled some 3½ million metric quintals. At the same time the report stated that the area sown had increased in 1930. That was a position which was not peculiar to Syria, but he asked for information as to what steps could be taken to liquidate stocks and prevent their accumulation in the future.

M. DE CAIX replied that it was difficult to interfere in regard to the increased sowings. In any case, the figures given could only be taken as approximate. The Syrian cultivator, as he had pointed out in his opening statement, did not grow corn as it was grown in countries which were more advanced economically, merely for sale, but for direct consumption. The abundance of corn, taken in conjunction with the vast stocks accumulated in the world, might inconvenience the commercial and industrial suppliers of the fellah, but it constituted an ample provision for the latter's livelihood.

The difficulty in the marketing of corn undoubtedly had economic and budgetary consequences, but over-production was not, in Syria, an evil without counterbalancing advantages which unquestionably outweighed the disadvantages.

UNEMPLOYMENT.

M. MERLIN drew attention to the increase in unemployment, particularly in the case of workers in family workshops.

M. DE CAIX did not think the number of unemployed was at present very serious. Men deprived of their traditional occupation could easily find other employment in a country in which new forms of activity were being developed. The situation was more difficult in the case of the women in old family workshops; for instance, in the case of weavers. Here there was undoubtedly suffering for which it was very difficult to find an economic remedy in view of competition and the reduction of markets as a result of Customs barriers and changes in the habits of customers.

Mlle. DANNEVIG asked whether there was any organisation of public relief, at any rate, to assist the worst cases of unemployment.

M. DE CAIX replied that the development of public relief organisation in the country was on the same level as that of a number of other duties which devolved on the State in Western countries, but which, in the East, were left to private initiative or to Providence. Nevertheless, individualism was less developed than in Western countries, and the family, in the largest sense of the word, assisted those who had no work. But it could not be denied that the personnel of the old industries was in a bad way.

FIFTH MEETING.

Held on Thursday, June 11th, 1931, at 3.30 p.m.

Syria and the Lebanon: Examination of the Annual Report for 1930 (continuation).

M. de Caix, accredited representative of the mandatory Power, came to the table of the Commission.

AGRICULTURAL BANKS: MORTGAGE LOAN COMPANIES.

M. MERLIN thanked the mandatory Power for replying to the Commission's request for a general survey of the question of agricultural credit banks (page 19). The survey dealt with each of the States separately. The high rate of interest which the banks required of their borrowers was justified by the difficulties they experienced in obtaining payment when the loans fell due. Nevertheless, this rate of interest was a distinct improvement on the previous state of affairs when the unfortunate people needing money had no alternative but to submit to the unreasonable demands of money-lenders.

M. RAPPARD referred to the passage on page 19 to the effect that: "On the approach of the allied armies of occupation, the cash in hand . . . was taken away by the Turkish Administration". The report went on to say that, since the Treaty of Lausanne did not require Turkey to repay these sums, the corresponding claims had had to be finally cancelled. Was the Commission to conclude that the Bank had lost its creditors while keeping its debtors?

M. DE CAIX said that he had not gone fully into the question of what had happened to the sums owing to and owed by the Agricultural Bank on the departure of the Turks. Briefly, the whole cash-balance, whatever its source, had been taken away. It had been possible to recover some of the loans granted under the Ottoman regime: this was shown by the particulars given in regard to the Agricultural Bank in the chapter dealing with the Lebanon (page 145 and 146).

The CHAIRMAN referred to the paragraph concerning mortgage loan companies (page 64) and to the Decree of September 23rd, 1930. Had the mortgage loan establishments for which provision was made in this Decree begun to operate?

M. DE CAIX replied that the principal establishments granting loans of this description were the Egyptian Mortgage Bank, the Mortgage Bank of Algeria and Tunisia, the Mortgage Bank of Syria, etc., but he did not know of any local companies which had been formed for the purpose of granting loans on real estate. This did not mean that no such loans were made by the nationals of the country, but they were of a private character.

The CHAIRMAN said that it was stated on page 64 of the report that: "Foreign or local mortgage loan companies enjoy the same privileges".

M. DE CAIX replied that it was true that local companies could be formed and could enjoy those privileges, but he did not think there were any in existence. They would not meet the case of the capitalists of the country whose custom it was to grant loans to proprietors who were known to them, usually at very much higher rates than those charged by the banks making a speciality of this class of loan. The bank which lent the largest sums in the mandated States was the Mortgage Bank of Algeria and Tunisia.

IMPORTS AND EXPORTS.

M. MERLIN commented on the table on page 29, which gave a comparison of the position of each of the principal importing and exporting countries during the years 1927, 1928, 1929 and 1930. This commercial list brought out the very great variations in the position, in any particular year of the various countries: Egypt, for example, the United States of America and France. For instance, the United States, which had occupied the first place in 1929, had dropped to the fifth in 1930. Were those changes due to any special causes?

M. DE CAIX replied that this phenomenon was explained in Annex 8, page 191 of the report, where the nature of the goods exported to the various countries was analysed. This analysis explained very clearly, for instance, the position of the United States. A very grave crisis had occurred in that country in 1930. As in all parts of the Mediterranean, the principal commodity bought by the United States in the territory under mandate was hides and skins, and, as there had been a considerable reduction in the consumption of leather (commodity mentioned under the heading "Skins and Other Animal Products") in the United States, the percentage bought by that country had fallen proportionately. The chief export to France was silk, and if there was a crisis in the silk factories at Lyons, France was bound to take a lower place. Egypt chiefly purchased fruit and essential foodstuffs, together with a small number of manufactured

articles (textiles from the old looms). Egypt was, therefore, a more regular customer than the other countries purchasing the products of the States under mandate.

M. RAPPARD thanked the mandatory Power for the ample details furnished in regard to countries of destination and origin, in compliance with a request made last year by the Commission. It was surprising to see that the Palestine market was closing as a result of protectionist measures. In accordance with the terms of the mandate, neighbouring countries might grant each other privileges without infringing the principle of economic equality. What was the cause of this change in the situation? Had some misunderstanding occurred between the two countries?

M. DE CAIX said that there was no actual misunderstanding but it was the policy of the Palestine Administration to encourage the creation, even artificially, of local industries for the purpose of furnishing Zionist immigrants with a livelihood in a country which was neither very extensive nor very wealthy. Consequently, there was a tendency in Palestine to restrict imports except as regards raw materials and articles which were absolutely necessary for food supplies. The effect of this policy could be seen in various passages of the report where attention was drawn to the stagnation of the old industries, such as the soap industry, which had been deprived of their traditional markets. Certain industries in Palestine, which appeared to be very strongly assisted by various means, had even begun to export to neighbouring countries.

STATE LANDS: ALLOCATION OF COMMON LAND.

The CHAIRMAN referred to the passage in the report dealing with State property in Syria (page 97) and Latakia (page 129). On the other hand, there was no reference to State property in the Sanjak of Alexandretta, the Lebanon or the Jebel Druse. Was that because there was no State property there?

M. DE CAIX replied that apart from forest land which was not administered by the State Property Department, the amount of that property was very small in the Lebanon (approximately 1,000 hectares in the region of Tyre). The State property mentioned in the report consisted of cultivable land and not of forests. Similarly at Alexandretta there was very little State property apart from the mountainous forest districts. In the Jebel Druse there were communal lands but no state property. In this district the State, which was non-existent under the Ottoman regime could not have possessed anything since the country was practically unsubjected, and the common land belonged to the only organisation then in existence—namely, the village, which was governed by its feudal chiefs.

The CHAIRMAN asked for explanations in regard to the reference on page 117 of the report to the splitting up of collective property in the Jebel Druse. It had been said some years previously that Captain Carbillet had endeavoured to encourage this and that this had been one of the causes of the revolt of the Druses. Had the land been divided up by the Druses themselves or had the authorities exercised a certain pressure in order to arrive at this result?

M. DE CAIX replied that the Administration was encouraging the dividing up of collective properties, but without going so far as to exercise any real pressure in the matter. The movement in this direction which was noticeable everywhere in similar circumstances was becoming more and more spontaneous owing to the process of transformation going on in the country. A better ordered regime, a stronger authority, the opening of tracks permitting of motor transport almost everywhere in the Jebel, the suppression of the rebellion which had weakened the chief families had all helped to make the peasant realise that he could turn the land to account and that it was to his advantage to improve it, for instance, by planting vines and fruit trees.

Apart from the action of the mandatory administration this change would suffice to bring about the abandonment of the system of agrarian communism in the form of triennial distributions formerly in force in the country. Individual ownership, which was formerly confined to vines and orchards, was tending by means of final distributions in a safer environment and under a less rudimentary economic system, to spread and cover the whole of the soil.

The CHAIRMAN asked whether the land was in every case allotted with the consent of the population.

M. DE CAIX thought that this was so. The authorities did not and had no need to enforce an operation which the people were themselves tending to carry out under the new conditions.

M. RAPPARD asked whether this distribution applied solely to common land or whether large properties and the resultant absenteeism were also affected.

M. DE CAIX replied that absenteeism did not exist in the Jebel. On the contrary, the feudal families exercised a very active management, and their lands had not been confiscated. The distributions made were confined to land which was formerly distributed periodically and was now being finally allotted. This was the land that bore the annual crops and not the land planted with trees or vines which was already subject to the regime of individual ownership.

M. RAPPARD asked why the less important families had benefited by this distribution at the expense of the principal families.

M. DE CAIX did not think it could be said that this was usually the case. Generally speaking, the classes which were formerly less favoured tended to become more exacting when they felt

safer and the authority of their former masters had dwindled. There was no question of confiscating the property of the principal families—all that was being done was to distribute the common land from which the ruling families had formerly benefited to a greater extent than the villagers.

M. RAPPARD, in reply to another observation by the accredited representative, said that, in Switzerland also, the rich peasants profited most by the common land on which everyone was free to graze his cattle, so that they had often been the most seriously affected by the distribution.

Count de PENHA GARCIA said that, since 1926, a considerable area of land belonging to the State had been worked as the result of the distribution. He understood that the system employed was that of sale by means of payments spread over several years. Had the payments been regularly made or had any of the debtors defaulted?

M. DE CAIX said that he not heard of any defaulters.

Count DE PENHA GARCIA asked whether the system of renting land to farmers during this time of crisis had been intensified?

M. DE CAIX replied that the large properties, which were situated in Syria and not in the other States and Governments, did not attract colonists. They were situated in the eastern part of the cultivated land—that was to say, in a region bordering on the desert, where the climate was not particularly favourable to crops without irrigation, which was not possible in every case and which necessitated large construction works. The purchasers of State lands appeared to be mainly the peasants by whom they were already being cultivated and a certain number of whom were the descendants of fellahs who had been settled on this land before it was declared to be State property. He could, however, obtain more definite information on this point. This land might also attract a certain number of Bedouins who were settling down.

Count DE PENHA GARCIA asked whether it would not be possible to settle Armenians on that land or some of the agriculturist inhabitants of the country who were in a bad financial situation.

M. DE CAIX reaffirmed that these large properties were situated in barren districts to the east of the cultivable land. The Bedouins from the desert found this soil sufficiently good, and it was being cultivated by the former inhabitants, but the Armenians would be reluctant to settle there. It would be easier to settle a larger number of agriculturists on land to be irrigated than to bring peasants from fertile districts to regions which were not irrigated.

CULTIVATION OF HASHISH AND THE POPPY.

Count DE PENHA GARCIA observed that fresh attempts had been made to grow hashish (page 144 of the report). It seemed, therefore, that certain cultivators were not in the least deterred from growing hashish even though their crops had been destroyed. Was that, he asked, the only penalty?

M. DE CAIX replied that the hashish crops had greatly decreased; the destruction of the crops was a very heavy penalty.

Count DE PENHA GARCIA thought that provision should be made for penal action.

The CHAIRMAN had read in a pamphlet that opium was grown on a large scale near Zahle in the Lebanon and that the Lebanese and Syrians were not the only ones to profit by this cultivation.

M. DE CAIX did not think that the author of the pamphlet could have been referring to the only French cultivator in the mandated territory. Apart from the native population this Frenchman was the only person who could benefit by the cultivation of opium or hashish. Moreover, while a field of hashish was not visible at a distance, poppies in bloom could be seen a long way off. Although M. de Caix had often visited the neighbourhood of Zahle he had never noticed that the poppy was being grown to any extent.

SUPERVISION AND SETTLEMENT OF BEDOUINS.

The CHAIRMAN referred to the question of the settlement of Bedouin tribes (pages 101 and 118 of the report). What had been the result of the enquiries into the question of the settlement of the semi-nomadic tribes mentioned on page 118?

M. DE CAIX said that he had asked for this information but had not yet obtained it. The settlement of the Bedouins had been effected here and there, as economic progress was made, and, in some cases, by the efforts of the chiefs themselves. In certain cases, it had been facilitated by the existence of old irrigation channels dating from Roman days and which could be put into use again without very much trouble.

The settlement of the Bedouins could not be effected all at once. It was the custom of the tribes to leave behind a few of their men in somewhat temporary accommodation to cultivate the land to some extent for the purpose of supplying the nomads with grain. The rest of the tribe continued to move about according to the requirements of its pastoral life.

The security of persons and property might perhaps result in the extension of the area under cultivation and in an increase in the number of men in charge of these operations, but it would be a mistake to believe that all the tribes, especially those which travelled long distances, would give up their nomadic life. By means of their camels, they were assured of real wealth by which the bazaars benefited during the visits of the nomads. The desert was poor, but its vast expanse made it possible to feed a large number of camels and sheep and there would doubtless always be tribes, especially among those coming from the driest districts in Arabia, to make use of it by transferring their flocks, etc., from place to place.

DELIMITATION OF THE FRONTIER BETWEEN TURKEY AND SYRIA.

M. ORTS noted with satisfaction that the delimitation of the frontier between Turkey and Syria had been completed. Exchanges of territory had been effected and some Syrians had previously complained that these exchanges had involved amputations of Syrian territory. The report stated that Syria had obtained 1,000 square kilometres of land and 85 villages by these operations. Had the Turks also derived any benefit from them?

M. DE CAIX explained that the last delimitation operation concerned the region situated between the Tigris and the Nessibine railway terminus, a large part of which had been contested. The area under discussion was a very considerable one and it was not surprising that Syria should have obtained 85 villages. On the completion of the delimitation operations, the Turks had been given the points allotted to them on the remainder of the frontier, in regard to which agreement had already been reached—namely, three or four villages.

There was very little justification for the repeated complaints of the Syrians in regard to frontiers. That was obvious if one stopped to consider whether there would have been the slightest chance, without the assistance of the mandatory Power, of Syrian territory extending as far east as the Tigris.

M. ORTS enquired whether the procedure laid down in the Protocol of March 17th, 1930, for the exercise of the right of option of the inhabitants in the exchanged territories had worked satisfactorily.

M. DE CAIX thought that the time-limit for option had now expired; he would consult the documents for which he had asked as regards the application of that right. He understood that there had been very few optants for a country other than that in which the persons in question possessed land.

M. ORTS referred to the passage on page 14 concerning the disarming of the population on the frontier zone: that operation appeared to have been indefinitely postponed, owing to the attitude of the Turkish authorities.

M. DE CAIX stated that the Turkish demand in exchange for such disarmament—namely, as was mentioned in the report, that the Armenian refugees in the north of Syria should be removed from that region—could not be favourably considered. The territories under mandate had been able to receive and provide a livelihood for over 100,000 Christian refugees from Turkey, but only by distributing them over the whole of the territory. The problem would become insoluble if certain regions, the richest regions, were to be prohibited for refugee settlement.

How was it possible to agree to remove from the frontiers a perfectly inoffensive population? Such a demand exceeded the requirements of Turkish territorial security, especially as there were very few Armenians still left in Turkey, and there was no danger of their being influenced by agitation from outside—a state of affairs, moreover, which the mandatory authorities would never permit.

PROPERTY CLAIMS IN TURKEY OF INHABITANTS OF SYRIA AND THE LEBANON, INCLUDING THE ARMENIAN REFUGEES.

M. ORTS noted (page 14) that no decision had been reached in connection with the negotiations relating to such property. He seemed to remember from the statements of the accredited representative last year that the Turks had made this question conditional on that of the property of the Armenian refugees.

M. DE CAIX pointed out that the difficulty arose chiefly from the fact that the mandatory Power had endeavoured to bring about the restitution of the property belonging not only to persons originating in the now mandated countries, for whose nationality they had opted, but also of the refugees who, since 1921, had come in such large numbers from Anatoly.

DELIMITATION OF THE FRONTIER BETWEEN IRAQ AND SYRIA.

M. ORTS referred to the passage in the report (page 16) which stated that the delimitation operations had been suspended on account of practical difficulties. What was the nature of these difficulties? The mandatory Power seemed to wish that those operations should be actively pursued.

M. DE CAIX thought that the practical difficulties mentioned in the report—difficulties which had been in existence some ten years previously—consisted chiefly in the fact that the inland frontier regions had hardly been recognised at that time.

Further, in order fully to understand the question, it must be remembered that the parties involved were not the British and French Governments, negotiating about their own property, but mandatory Powers, having behind them Iraqi and Syrian public opinion, respectively, and even Governments prepared to criticise local concessions which might require on either side

the application on the ground of geographical boundaries, under the terms of the Agreement of December 23rd, 1920.

M. ORTS enquired whether France was negotiating with the Department of the British High Commissioner ?

M. DE CAIX replied in the affirmative. The mandatory Government for Syria had to deal with the British Government which was responsible for the external relations of Iraq and Transjordan, a Government, moreover, which was a signatory to the Agreement of December 23rd, 1920, fixing the frontier as it now exists.

CONVENTION REGULATING THE TRANSIT OF MINERAL OILS OF THE IRAQ PETROLEUM COMPANY LIMITED THROUGH THE TERRITORIES OF SYRIA AND THE LEBANON.

M. ORTS referred to the information given in the French Chamber by M. Paganon concerning the construction of a pipe line in the territory. It appeared from a sketch in *The Times* that the branch line would end at Tripoli in Syria. An agreement had already been concluded between the Iraq Petroleum Company and the Palestine Government concerning the construction of a branch line ending at Haifa. Had a similar agreement been concluded as regards Syria, and was the execution of the Tripoli branch line actually contemplated ?

M. DE CAIX replied that a similar agreement had been concluded and that the two branches were to be constructed.

M. ORTS enquired whether the Company itself would construct the pipe line. Syria would obviously derive benefit from this, but the benefit to be derived by the company was not so apparent.

M. DE CAIX replied that, if the plan had been established with reference to purely technical considerations, it would doubtless have been decided only to construct the Tripoli pipe line, as that was the shorter of the two and presented the easier profile. Syrian interests would not, he thought, have had to be taken into consideration.

M. RAPPARD enquired whether the French Government was interested in the Company.

M. DE CAIX replied in the negative. French interests were represented to the extent of about one quarter, but not in the form of State participation.

In reply to a request of the Chairman, he said that he would certainly ask that the text of the Agreement concluded by the Syrian and Lebanese Governments should be communicated to the Commission, as had been done by the British Government.

He added that it was a question of determining which of the plans was best calculated to serve the commercial interests of the company. Moreover, the latter might perhaps have thought it desirable that its exports should not depend upon a single outlet.

M. ORTS enquired whether Syria was participating financially in the concern.

M. DE CAIX stated that, although he had not gone specially into the question, he had never heard that either Syria or the Lebanon had to intervene in the establishment of the pipe line, which was to be constructed entirely by the Company.

COMMERCIAL RELATIONS WITH NEIGHBOURING TERRITORIES.

M. ORTS noted (page 14 of the report) that the commercial negotiations with Turkey, interrupted in December 1926 had not yet been resumed.

M. DE CAIX said that the resumption and successful outcome of those negotiations had not depended on the mandatory Power.

Replying to a further question of M. Orts, he explained that, in the absence of any agreement with Turkey, the Customs regime involved the application of the maximum tariff on either side.

M. ORTS, referring to page 16, asked what was the provisional regime accorded to the Nejd, which had denounced the Commercial Convention of 1926.

M. DE CAIX replied that he could not give the exact information as the necessary documents were not in his possession.

M. ORTS said that the report gave the impression that the Customs regime was somewhat unstable at the moment; the commercial negotiations with Turkey had come to a deadlock; negotiations with Transjordan had been opened with a view to a modification of the Customs tariff; the commercial convention with the Nejd had been denounced; as regards relations with Egypt, a *modus vivendi* had been established. The mandatory Power was no doubt anxious to improve such a situation.

M. DE CAIX replied that it was certainly the wish of the mandatory Power, but that its own goodwill was not the only factor in the case.

DISSIDENTS RESIDING OUTSIDE THE TERRITORY AND ORIGIN OF THEIR RESOURCES:
INFORMATION DISSEMINATED REGARDING AN ALLEGED OFFER OF THE THRONE OF SYRIA
TO THE EMIR ALI.

M. RAPPARD recalled that, according to the report, the Nejd was the haunt of dissidents, and enquired whether the diplomatic channel might be best suited for the settlement of questions arising in the matter.

M. DE CAIX replied that very little attention need be paid to the small group of Druze dissidents, which was the only group of the kind and the members of which found themselves in a difficult position.

M. RAPPARD noted that reference had been made to the foreign help extended to Soltan Attrach and others. He would be interested to have information on the subject.

M. DE CAIX replied that this observation probably referred to the contributions made by certain emigrants of Syrian and Lebanon origin, but that the amount in question was probably quite small. It was likely that some of the 500,000 or 600,000 Syrians and Lebanese living abroad, some of whom were Druze, sent certain contributions, which were, however, certainly very small.

M. ORTS pointed out that, according to certain information given in the Press there was some question of the mandatory Power offering the crown of Syria to a brother of the Emir Feisal.

M. DE CAIX replied that many rumours were rife in the East but that there was no reason to believe that that particular one had any foundation.

ANTIQUITIES.

COUNT DE PENHA GARCIA thanked the mandatory Power for having complied with his request concerning the Antiquities Service. The information given was very complete and was a credit to the mandatory Power. Would it be possible for the Commission to have a complete set of the *Syria Review*, of which the Secretariat had copies up to 1928 ?

M. DE CAIX replied that he would take the necessary steps. He added that, owing to the smallness of the budgetary credits allocated by the States for the preservation of historic monuments, there was reason to fear that certain of the latter might be in danger of collapsing for want of the means to preserve them.

COUNT DE PENHA GARCIA asked if there did not exist in the territory a permanent budget maintained by the States for the exploration and preservation of the archæological riches with which the country was so abundantly provided.

M. DE CAIX replied in the negative.

COUNT DE PENHA GARCIA regretted that this was so, and expressed the hope that this budget would be created in the moral and material interests of the territory.

PUBLIC FINANCE.

M. RAPPARD thanked the mandatory Power for the explanations given in regard to public finance. The complexity of the financial organisation accounted for the questions which had been raised last year by the Commission. The relations of the mandatory Power with the different States, and of those States with one another, were very delicate. In the absence of any special system of allocation, the operations concerning the allocation of expenditure must, it seemed, have been very difficult. He noted that the report contained no mention of the matter. Was the question so technical that no one understood it, thus leaving the matter in the High Commissioner's hands ?

M. DE CAIX replied that the High Commissioner had hitherto been solely responsible for the administration of joint interests and had been left to decide the matter of allocation, but that the latter was effected on the basis of carefully studied data which were revised from time to time. Moreover, the parties concerned had been consulted on various occasions without its having been possible, however, for them to agree on a decision to be taken by the High Commissioner with due reference to the arguments of all the parties.

M. RAPPARD referred to the tables concerning the budgets of the States (page 117 of the report). He asked for an explanation of the extraordinary irregularity in the proportion of the revenue as between Syria and the Lebanon ?

M. DE CAIX replied that the Lebanon had more indirect receipts, derived chiefly from Customs, as its population undoubtedly consumed a larger quantity per head of imported articles than the populations inland, which were less in contact with the outside world and in particular included a smaller number of emigrants returning to the country with fresh requirements which they introduced around them.

The Lebanon, on the contrary, by reason of its geographical situation was regarded as benefiting less directly from the military expenses borne jointly by the States, and, accordingly, defrayed a smaller proportion than Syria.

Lastly, politics and economics explained how indirect taxes predominated in the revenue of a country which did not possess any great area of cultivable land, and in which the dominant political element was a class which everywhere preferred taxes on consumption rather than direct taxes.

M. RAPPARD concluded that Syria must be a very democratic country.

M. DE CAIX could not agree, but observed that there was in Syria a much higher proportion of land which paid the tithe, or taxes levied in place of it.

M. RAPPARD noted that, on page 99, it was stated that the Syrian Government was studying new regulations for the taxation of buildings. Could the Commission have further information on the subject ? Were new regulations concerning the rural property tax contemplated ?

M. DE CAIX replied that only two reforms had been carried out in connection with the rural tax. In the first place, the tithe had been consolidated, by the adoption as the assessable quantity of the average for the last four years in the districts where the survey had not been made; secondly, in the districts where the survey had been made, a land tax had been introduced. He pointed out that the establishment of the survey, which had resulted in the assessment of the yield of land whether cultivated, uncultivated or no longer cultivated, was a cause of the fresh charges in respect of large properties.

M. RAPPARD asked if it was to be concluded that this reform would not be carried out in Syria, where the big landowners preponderated.

M. DE CAIX replied that they would have great difficulty in preventing a reform, the principle of which had been adopted and the practical possibilities of which were being developed. For the rest, there was a counterbalancing concession for the big landowners in the form of the consolidation, by a final land settlement, of rights, sometimes open to dispute and contested until they were established by unobjectionable titles.

M. RAPPARD said that that confirmed his impression that the influence of the mandatory Power was stronger in financial matters than in general policy. He asked if the survey operations, which were very difficult, were carried out by local authorities.

M. DE CAIX replied that they were carried out by a *régie* which was not a Government organ but worked for the States for a general fee. Those who carried out the work were not local people, but Europeans—many of them Russians who had come from Istantul and were able to make use of their technical knowledge in the service of the survey office. When the State had decided that this or that district should be surveyed, it was handed over to the *régie* and the work was done on the technical and legal lines explained in previous reports. It was possible that if the country were left to itself, this work would not be done.

M. RAPPARD wondered whether in these circumstances, a change of regime, which might be unfavourable to progress, was desirable.

M. DE CAIX replied that it was to be hoped that a new regime would not modify in any way the work which had been begun.

COLLECTIVE FINES.

M. RAPPARD mentioned an article in the *Temps* of June 4th, 1931, in which it was stated that a former Syrian soldier who had been attacked by rebels and severely injured had asked the French *Conseil d'Etat* that the indemnity which had been levied on the town where the incident had occurred should be paid to him. The request had been rejected by the *Conseil d'Etat*. M. Rappard observed in this connection that a question raised some years previously by the Commission had not been answered—namely, was the yield of collective fines used to compensate the victims or was it paid to the budget?

M. DE CAIX replied that the sums in question were used to compensate the victims although they were not sufficient to make good all the damage caused through the insurrection. There was one exception—the case of Homs, which had paid an indemnity of 100,000 pounds, which was devoted to municipal improvements in Homs itself.

EXPLOITATION OF LARGE PROPERTIES.

The CHAIRMAN desired to know how large properties were worked, whether by tenant farmers or by the owners themselves.

M. DE CAIX replied that every possible method was employed in the country. Owners themselves worked their estates, especially if they had progressive ideas. Elsewhere, the land was shared by the owner with fellahin, under a form of joint working. The system varied from the owner simply contributing the land while the fellah provided the labour and capital, to the fellah providing only labour and the owner furnishing the rest.

The great majority of the land was not cultivated by the owners, but it would be unfair to say that they themselves undertook no work of exploitation. Some of them were agricultural experts who endeavoured to put their knowledge into practice.

The tenant-farmer system proper was extremely rare, because it was based on the assumption that a profit would be made on the land, whereas actually the cultivators lived on the land as best they could, and most of them were always in debt.

The CHAIRMAN asked whether large portions of these properties were still waste land.

M. DE CAIX replied in the negative so far as concerned cultivable and inhabited areas. There were, however, fallow lands, which the cultivators did not manure and which therefore had to be left fallow periodically.

It could not be said that there were many waste lands in the cultivable areas, which, for the most part, did not extend further than 60 or 80 kilometres east of the railway between Aleppo and the south.

The CHAIRMAN asked the accredited representative's opinion on the conditions of life of the fellahin.

M. DE CAIX said that most of them were very poor people, working land which did not belong to them with the help of loans on very harsh terms. In most cases, the fellah never succeeded in completely paying off the advances that he had to have in order to live and carry on his work.

LABOUR.

Mr. WEAVER welcomed the promulgation of the Decree of July 6th, 1930, regulating child labour in certain industries in Syria. It was not, however, quite clear whether the minimum age laid down was 11 or 12 years. Article I of the Decree prohibited the employment of children of less than 11 years of age, while Article 7 provided that a criminal action would be brought against any person employing a child under 12.

M. DE CAIX admitted that there appeared to be a contradiction between the two articles.

Mr. WEAVER asked whether Article 7 was not meant to apply to children who had just completed their eleventh year and were entering upon their twelfth year.

M. DE CAIX added that the regulations would only affect a very small number of children, while a large number were working in family workshops in regard to whom it was impossible to adopt any legislation.

Mr. WEAVER asked whether the word "family" was interpreted in a very broad sense.

M. DE CAIX explained that the expression referred to workshops in connection with houses inhabited by artisans.

Mr. WEAVER asked whether this meant that a very large number of small factories actually evaded the regulations.

M. DE CAIX replied in the affirmative. The regulations could only apply to modern factories. No matter what regulations were promulgated, their application would be a slow matter in the absence of the necessary administrative machinery.

Mr. WEAVER observed that, under Article 5 of the Decree, infringements would be reported by agents appointed by the Director General of Public Health and Welfare. Would those agents actually be labour inspectors responsible for the application of the Decree?

M. DE CAIX replied that they would, in any case, act as temporary inspectors. There was no corps of Labour inspectors and there was, at present, no question of creating one. Agents of other administrations would act as inspectors.

Mr. WEAVER asked whether these inspections were carried out regularly.

M. DE CAIX thought that they were very irregular in the State of Syria. The existing conditions in those countries had to be taken into account.

Mr. WEAVER hoped that the Decree in question would nevertheless be of great utility.

M. DE CAIX said that this was a first experiment, which was perhaps due in part to the questions raised by the Commission. The officials administering the mandate paid great attention to what was reported in the Minutes. They had to begin by introducing measures of principle, but these could only be applied gradually.

Mr. WEAVER asked whether this Decree could be regarded as an initial measure with a view to the introduction of a labour code.

M. DE CAIX said that that idea had not been abandoned, but that it was difficult to carry it out owing to the situation in the country. It was contemplated more particularly in the Lebanon, but some time might elapse before the scheme could take shape. He added that, whatever might be the drawbacks of work in modern factories, the workers earned more than in family workshops, which suffered from competition, as had frequently been described in the reports. He had met some workers who had asked him to try to bring about the erection of factories which would provide them with more work.

M. PALACIOS thanked the mandatory Power for the care with which it had given information regarding conditions of labour (particulars as to wages, etc.) for which he had asked in previous years. He considered that the labour regulations for miners in the State of Syria indicated the introduction of action, no doubt salutary, against the policy of "*laissez-faire*".

M. DE CAIX thought that the Commission would be better satisfied on this point next year. It was very difficult, he said, to obtain such information in the East.

M. PALACIOS observed that at Damascus and at Homs (page 95 of the annual report) old looms were working on raw material provided by merchants. Who profited by this work? Who placed the goods on the market? The workers or the contractors?

M. DE CAIX said that as a rule they were the same persons.

M. PALACIOS concluded that this was perhaps a sweated industry. This would not be the case as regards home industries of which the produce would be sold by the producer direct to the public.

M. DE CAIX pointed out that he was referring to home industries.

M. PALACIOS answered that, if they were being exploited by contractors, a question arose, perhaps a very serious one, which required most careful consideration.

EDUCATION.

Mlle. DANNEVIG said that as she had not received the report until just as she was leaving for Geneva she had not had time to study it thoroughly. She was glad to notice appreciable increases in the budget appropriations for education and the number of schools and pupils. It was stated in the report that the elementary school-leaving age in Syria had been raised by one year, the total school period being now six instead of five years. She would like to know whether the children stayed at school for the whole of that period, or left after three or four years.

M. DE CAIX made a note of this question.

Mlle. DANNEVIG added that she was thinking primarily of girls, in connection with the age of marriage. It might be that girls were taken away from school too early because their parents wished them to marry—at all events, certain newspaper extracts suggested this.

M. DE CAIX said he had never heard that Syrian girls were often married when they were still of school age. Marriages, he observed, seldom took place so early in that country; while the Koran allowed this, it was not done in practice, and the customs of the country rendered the authority given by the Koran theoretical.

Mlle. DANNEVIG was not surprised to see that the percentage of girls attending school was very low. Doubtless it would take a long time to improve the position. She would like to know whether there were any domestic science schools.

M. DE CAIX replied that domestic training was given in private schools.

Mlle. DANNEVIG said she had read that, in the Lebanon, all schools, both public and private, were being brought under Government control.

M. DE CAIX said that the foreign schools were the only ones which were not under the control of the local Government.

Mlle. DANNEVIG noted (page 136) that many schools in the Lebanon had been closed by the Lebanon Government in the previous year for reasons of economy, but that they had been reopened later when conditions were better. That, she thought, was apt to give rise to many difficulties.

M. DE CAIX thought not. The schools that had been closed were those which were not attended by enough children.

Mlle. DANNEVIG asked whether Lebanese students who went to France went on scholarships or at their own expense.

M. DE CAIX answered that some did one thing and some the other; there were many Lebanese students in France who were supported by their families.

PUBLIC HEALTH AND ASSISTANCE.

M. RUPPEL thanked the mandatory Power for the very full particulars given with regard to official and private relief institutions (Annex 10 of the annual report). It was surprising that there was such a large number (120) of private institutions, native and foreign, and that they did so much work. That being so, it was quite comprehensible that the Government of the States should be content to offer additional opportunities of treatment to the population, at all events where private institutions were at work. The Governments seemed to have been increasing their efforts since the previous year, inasmuch as expenditure on public health, hygiene and assistance had risen by 15 per cent.

M. DE CAIX explained that this development of private institutions was due to the fact that in the past, since the Ottoman Empire had done nothing, they had had to perform a function which in western countries was usually fulfilled by the State.

In reply to further questions from M. Ruppel, M. de Caix said that the supply of local doctors was tending to exceed the demand, especially in the towns. Doctors trained in the French and American universities at Beirut were usually good, and sometimes excellent. The training at Damascus was improving considerably. There were far too many doctors in the large towns and not enough in the country districts, where conditions of life were often uncomfortable. It must not be forgotten that, with very few exceptions, the villages in the Syrian plain consisted of huts similar to the huts in the Sudan.

DEMOGRAPHIC STATISTICS.

M. RAPPARD observed that, at the eighteenth session, the accredited representative had announced a new Ordinance was being issued regulating civil status in Syria. The report for

1930 stated (page 80) that "civil status is to be reformed". The question had frequently come before the Commission but no great results had been achieved.

M. DE CAIX replied that a reform had been attempted and that registrars of civil status had been appointed. The system, however, was still inadequate. M. Rappard's remarks suggested that the mandatory Power was still continuing its efforts and was anxious to carry out a reform.

CLOSE OF THE HEARING.

The CHAIRMAN once more thanked M. de Caix for his co-operation, by means of which he had throughout given the Commission so much help, instruction and pleasure. He asked M. de Caix to convey to the mandatory Power and to the High Commissioner in Syria the Commission's best wishes for the success of their work in spite of all obstacles.

SIXTH MEETING.

Held on Friday, June 12th, 1931, at 11 a.m.

South West Africa: Examination of the Annual Report for 1930.

Mr. te Water (High Commissioner of the Union of South Africa in London) and Major F. F. Pienaar, D.T.D., O.B.E. (accredited representative of the Union of South Africa to the League of Nations), accredited representatives of the Government of the Union of South Africa, together with Mr. H. T. Andrews (Political Secretary to the High Commissioner), came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed Mr. te Water and Major Pienaar, who had been appointed as accredited representatives for the examination of the annual report on South West Africa.

Before opening the discussion on the annual report, he wished to inform his colleagues of a letter dated April 10th, 1931, received by the Secretary-General of the League from the Government of the Union of South Africa, explaining that on this occasion it had departed from its custom of accrediting an official of the Administration of South West Africa possessing personal knowledge of the affairs of the mandated territory. The Government of the Union explained that, in making this departure from the usual practice, it had been inspired exclusively by the desire for economy in view of the present financial crisis. The Chairman thought he was interpreting the unanimous view of the Commission in stating that it greatly appreciated the confirmation thus given by the South African Government of its desire to maintain a practice of which the Commission had always been in favour and which had been constantly followed by the mandatory Power.

The Commission had the best memories of its co-operation with Mr. te Water in the previous year; the Chairman had therefore much pleasure in welcoming him on behalf of the Commission and in requesting him to make his general statement.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

MR. TE WATER. — I wish at once to thank you, Mr. Chairman, for your kind words of welcome to Major Pienaar and myself, and to state that I felt sure that the happy atmosphere in which South West Africa's problems were discussed last year will, under your wise and tactful chairmanship be recreated this morning.

I had occasion last year to state that the South West African Territory was passing through a period of great stress; that the country was experiencing the most destructive drought within the experience of the Union Government's administration, and that, as a result, also, of the worldwide depression and the consequential drop in the revenue of the territory, the Administration expected to have to close its financial year with a deficit.

In presenting the report concerning the administration for the year 1930, I regret to have to confirm that the year has been, in the words of the report, "a tragic one for South West Africa".

This Commission will therefore readily appreciate the Administration's desire to effect every possible economy in the interests of the territory. It is for this reason alone that it has been decided

this year to depart from the previous practice of sending an official from the territory to appear before the Commission as a deputy-representative.

We are, therefore, without the very valuable assistance which these officials have hitherto rendered, and the Commission will, I am sure, appreciate that it will not be easy to furnish all immediate information as to details of administration with which it has been possible to amplify and supplement past reports.

Major Pienaar and I, however, propose to lend ourselves to the task of satisfying your demands to the best of our ability, and, where we are not able fully to satisfy them, to claim that indulgence which was not withheld from me last year, under easier, though not happier, circumstances.

As has been notified by the Union Government, however, the absence of an official on this occasion must not be taken as a precedent, and with an improvement in the general position, it is hoped to revert as far as possible to past practice in this connection.

Having said this, I believe it may be of value to the Commission if I give in broad outline some of the main features of the 1930 report.

The climax of a long period of drought—the worst within European memory—was reached in 1930 and, as a result, both the farmers and native inhabitants suffered grievous losses of stock, while agricultural production dropped almost to vanishing point.

The effect of the world depression also made itself felt on the mining industry, and, contrary to the hopes expressed last year, that industry, on which so much depends in these territories, did not revive.

On the other hand, the diamond position has become so acute as to cause considerable unemployment.

As a further consequence, both European and native wage-earnings have considerably decreased, although it is perhaps of some small comfort to note that the natives have not suffered the drastic cuts in wages which have had to be effected in the case of the Europeans. The Commission will note that the report states that, unless some unforeseen improvement takes place in the near future in the mining sphere, a further drop in European and native wages must result.

The depressed condition of these two basic industries—farming and mining—has naturally reacted on the merchants, and indeed on the whole community, so that the Commission will not be surprised to observe the considerable rise in the curve of insolvencies.

It will be seen from the report that the Administration is undertaking a number of measures to assist in the rehabilitation of agriculture. Through the medium of the Land Bank and the Land Board it is proposed to make limited advances to deserving farmers; the operation of the Proclamation relating to the suspension of claims in respect of fencing has been extended; provision has been made for the establishment of co-operative societies; and generally the commercial banks have exercised and are exercising the greatest forbearance towards the farming community.

I have thus far painted the gloomy side of the picture. But fortunately there is a silver lining to the cloud, which gives some cause for encouragement—in spite of the price of silver.

The drought in South West Africa has broken, so that in respect of agriculture I am happy to reflect the optimism shown by the Administrator when, in addressing the Legislative Assembly in April last and reviewing the general situation, he expressed the belief that, with the fall of copious rains in practically every part of the country, the worst was now over, and that, whilst the aftermath of the drought had naturally still to be faced, there were encouraging signs of improvement, as for instance the rise in the price of wool, the demand for Caracul pelts and encouraging enquiries for slaughter sheep.

It was realised that a return to normal conditions could not be expected in a day, but in the words of the Administrator: "If all sections of the community continue to display the same patience and fortitude as they have hitherto displayed, and apply themselves energetically, with the assistance of the relief measures (outlined in this report), to the task of reconstruction, all the ground that has been lost during 1930 will be recovered".

An effort has been made in the report before the Commission to furnish as full information as possible on the subject of native affairs in the territory.

It will be remembered that, in the course of last year's examination, two matters attracted particular attention under this head; first, the situation in Ovamboland and the native reserves as a result of the drought, and, secondly, that of the education of non-European children and the request for information as to the school facilities offered both to urban and rural native children in the mandated territory. In addition, a request was made for further information as to native labour conditions in the territory.

Every effort has been made to present as much information as possible, on all of these points and I trust the Commission will regard any shortcomings in this connection as arising out of the difficulties which always face the Administration, rather than as a lack of desire to co-operate to the fullest extent with the Mandates Commission.

As a general observation on this subject of native affairs, I would like to point out that, despite the imperative necessity to reduce expenditure in all directions, the actual direct expenditure on

natives has gradually increased during the past five years, whilst the provision for the financial year ending March 31st, 1931, was placed at £57,870, including a sum of nearly £15,000 on education. (Mission Schools, £13,800; Inspection, £1,120.)

As the Chairman very wisely said at last year's examination on this subject of education:

" He did not think it wise for the Commission to show too great impatience or to be too exacting in so far as the education of natives in the reserves was concerned . . .

" He did not think it should be too insistent in regard to education as a whole, for the mandatory Power must be permitted to organise this branch of its activity calmly and surely." ¹

This expression of opinion, though I do not seize upon it as an excuse, nevertheless does show, if I may express my own opinion, a deep and wise insight into this difficult problem.

I feel that a perusal of this year's report on this particular subject, coupled with the very interesting memorandum giving " The Missionary's Point of View ", which has been incorporated in the report, will go to prove that the Administration is moving in this important matter as expediently as wisdom and experience dictate.

This chapter embraces, *inter alia*, a review of the number of native schools and pupils, and the arrangements made for training native teachers, whilst you will see that in respect of expenditure on education the vote for " Coloured and Native Education " has been increased from £10,800 in the financial year 1929-30 to £12,900 during the current year—an increase of approximately twenty per cent. These sums do not take into account head office administration expenses and school inspection—estimated to amount to about £2,000.

In any case, however, the Commission will appreciate that expenditure is on the increase, and will be pleased to note the authoritative opinion of Dr. Vedder of the Rhenish Mission that, as a result of the co-operation between the Administration and the missionaries, " there is hardly another branch of the entire cultural work in South West Africa which manifests such unimpeded growth as schoolwork among the natives ".

You will also be interested to know of the relief measures that were taken to assist the Ovambos, both in the way of supplying food and providing employment. Owing to the failure of crops it was necessary to continue on a much larger scale the work of relief which was adumbrated last year; in addition the Director of Works was despatched by the Administration to Ovamboland, and, following his survey of the situation, the construction of dams on an extended scale was undertaken. This afforded unemployment relief to thousands of natives and, as stated in the report, some thirty-two dams were completed.

In addition to the assistance rendered by missionaries and by the natives themselves, the Administration despatched over twelve thousand bags of meal to the distressed area. This work of humanity has been amply rewarded, and I am pleased to say that excellent rains have fallen and the crops are reported to be in a flourishing condition, so that the danger of further famine in Ovamboland has been averted.

Arising out of the Commission's last examination, information has been furnished on the position of native labour in the territory, with particular reference to inspections—other than medical—undertaken by the Administration. It will be seen that the safeguarding of the native labourers' interests is specially placed in the hands of three officials who divide up the territory between them, and the closest touch is maintained as between the Administration and the natives. I need only reiterate the truth that the feeding, clothing and housing of these labourers reach a high standard, and that generally the total absence of industrial disturbance is eloquent proof that their interests are well looked after.

The Administration has also continued to safeguard to the utmost the general health of natives employed in mining operations, and this year is able to report a most satisfactory decrease in mortality, which at 28.12 per thousand per annum is the lowest during the past five years.

The various recommendations made by Dr. Fischer in regard to improving conditions on the northern mines have been largely put into effect and are detailed in the report, whilst the Commission will be pleased to have further evidence of the mining companies' interest in the matter, in their utilisation of the services of Professor Campbell, Professor of Bacteriology of the Capetown University, to make further investigation into the influenza epidemics that hitherto have caused such extensive harm. A number of additional recommendations have been made by Professor Campbell, which should still further serve to improve health conditions generally.

I would add that, in response to the observations of the Commission arising out of last year's report, information has also been furnished in respect of the Caprivi Zipfel on a similar basis to that of the other areas within the territory. In addition, a chapter has been inserted on the subject of native beverages and will, it is hoped, be sufficiently informative for the Commission's purpose.

In conclusion while I have been unhappily driven to describe the year 1930 as " a tragic one for South West Africa ", I am the more pleased to draw the Commission's attention to the

¹ See minutes P.M.C. eighteenth session, page 138.

Administration's opinion contained in paragraph 149 of the report, "that the country is intrinsically sound and, given reasonable conditions, will soon recover".

This opinion is not only indicative of the optimism of our people, who all use the phrase "*alles sal reg kom*", but an opinion which, I can assure the Commission, is indicative of the courage and zeal with which the Administrator and his officials are facing extraordinary difficulties. To this courage and zeal a tribute, which comes from an unprejudiced and unbiassed source, has been paid by the Finnish Mission in these remarkable words: "The Administration of South West Africa can stand before God and the world with a good conscience".

Finally, I am happy to announce that Mr. Werth has been appointed by my Government for a further term of two years of office as Administrator of South West Africa.

The CHAIRMAN thanked Mr. te Water for his interesting statement.

Mr. TE WATER then read the following replies cabled by the Administration to certain questions which had been put by members of the Commission last year but which, he had observed, had not been dealt with in the report.

In discussing the famine in Ovamboland, Lord Lugard had asked for information as to the number of deaths caused by famine (Minutes of eighteenth session, page 134). The reply was that no deaths were directly due to famine.

With regard to taxation in Ovamboland, Lord Lugard had asked whether the tax on the natives would have to be paid for two years in 1930 owing to the famine in 1929. He had asked if this would not be a somewhat heavy burden (Minutes of eighteenth session, page 140). In reply, Mr. te Water stated that taxation was dealt with in paragraphs 600 to 604 of the 1930 report, from which it would be seen that, owing to prevailing conditions in Ovamboland, no pressure had been exercised to collect the outstanding sums amounting to £2,221. In further amplification of the report, the Administration had cabled that taxes for 1930 had been remitted.

In respect of native labour (Minutes of eighteenth session, page 139), Mr. Weaver had asked for information as to native wages. Mr. te Water stated, in reply, that natives working in the mines received from 20/- to 60/- monthly, plus food, medical and hospital service and railway transport. Natives working on the farms received from 10/- to 20/- monthly plus rations, sugar, tobacco, meat, mealie meal, coffee and salt. In some cases, grazing for a limited number of stock was allowed free. With regard to domestic service, men received from 30/- to 80/- per month plus food, and women from 15/- to 30/- plus food. Municipal servants and others received 60/- to 90/- monthly without rations. Labour conditions were regulated by Proclamation No. 34 of 1920, and in the case of natives in the mines by Proclamation No. 3 of 1917 as amended by Proclamation No. 6 of 1925.

With regard to the liquor traffic, Count de Penha Garcia had asked that in future, licences might be shown under two headings—that was to say, liquor licences and other licences (Minutes of eighteenth session, page 148). In reply, Mr. te Water gave the following revenue figures for 1929-30: (a) liquor licences (including the gallon tax) £12,290; (b) other licences £62,196; total £74,486. Mr. te Water said that he would arrange for these two items to be kept separate in future reports.

With regard to the Rehoboth community (Minutes of eighteenth session, page 133), Mlle. Dannevig had asked why the provision for the Government school for Rehoboths for the year ending March 31st, 1930, had been returned as nil, whereas there had been a grant of £156 in the previous year. In reply, Mr. te Water said the Government school at Rehoboth was closed as the attendance had fallen to practically nil, the children having been absorbed by the existing three mission schools at Rehoboth. The Administration was paying the salaries of the teachers in those schools and providing all equipment in accordance with the Education Proclamation.

DROUGHT AND FAMINE IN OVAMBOLAND AND IN OTHER PARTS OF THE TERRITORY: ECONOMIC DEPRESSION.

M. ORTS noted the remark that, owing to the exceptional drought, 1930 had been a "tragic" year. He asked the accredited representative if he could give the Commission an idea of the extent of the actual loss suffered in the territory. What, for example, had been the total loss of stock?

Mr. TE WATER quoted a recent statement by the Administrator to the effect that the total decrease in income, due to drought and the economic depression in 1930, amounted to £248,000 or 30 per cent. The reduction in stock amounted to 55,641 large cattle and 228,000 small stock. The respective totals for 1929 and 1930 were given on pages 34 and 35 of the 1930 report. A further index was supplied by the number of sequestrations in the Territory, which amounted to 38 in 1930 as against 13 in 1929.

He remarked that it was the general experience in South Africa that decreases in stock from drought were rapidly replaced as soon as conditions improved. As abundant rain had

fallen in all parts of South West Africa, he thought that the reductions brought about by the three years' drought would soon be made good.

The CHAIRMAN asked whether the Europeans or the natives suffered more from the drought.

Mr. TE WATER replied that the report showed that the Europeans had relatively lost more than the natives.

M. RUPPEL pointed out that, according to certain South West African newspapers, a scheme had been elaborated under which the Union Government proposed to lend the farmers £175,000 through the Land Bank for the purpose of buying new stock. He asked if the accredited representative could give fuller information thereon.

Mr. TE WATER replied that this information was correct and that it was proposed to work the scheme on somewhat similar lines to those adopted in the Union of South Africa.

He also referred to page 30 of the report, paragraph 128 (iii), regarding the grant of loans by the Land Bank to members of co-operative societies. The report stated that a number of societies had been formed and up to the end of the year about £25,000 or £30,000 had been advanced.

M. RUPPEL said he had in view a new measure which was not mentioned in the report but which had been referred to by the Administrator in April 1931.

Mr. TE WATER regretted that he could not give further information immediately. Speaking from memory, it was proposed to adopt a measure similar to that in force in the Union. The report of the Administrator's speech which he had received did not contain complete information. He would, however, obtain full details on the subject.

COUNT DE PENHA GARCIA expressed his satisfaction at Mr. te Water's very clear statement, and was glad that it had dealt with the very important question of the economic crisis. For the last two years South West Africa had been greatly affected by the agricultural crisis and somewhat later by the increased difficulty of finding markets for mining products, in particular, diamonds. He drew attention to the very interesting table on page 146 of the report showing the relative value of exports of minerals, including precious stones, and agricultural products. This table showed that the exports of agricultural products rose gradually from 21 per cent in 1924 to a maximum of 34 per cent in 1928. The exports of agricultural products had declined to 23 per cent in 1929 and 24 per cent in 1930, while there had been a corresponding increase in the exports of mineral products. In his opinion the future economic prosperity of the territory depended mainly on the development of agriculture. The market for diamonds and minerals was uncertain, although the diamond syndicate was at present successful in keeping prices on a high level. It should be noted, however, that this result was obtained by considerably reducing the quantities put on sale.

Count de Penha Garcia considered that it was safer to develop agricultural production as much as possible. He paid a tribute to the work done by the Administration to combat the shortage of water and to select varieties of stock, by means of which the possibilities of production, both as regards number and value, had been greatly increased. He asked the accredited representative whether it was the policy of the mandatory Power further to encourage agriculture or if it considered that it could rely upon continued prosperity from the mining industry.

Mr. TE WATER said that, on the broad question of agriculture *versus* mining, he and every South African must agree that the permanent wealth of the country lay in the land and that the farmer should receive first consideration. This did not, however, mean that the Administration would neglect the mineral wealth of South West Africa. He fully agreed that all steps should be taken to develop agriculture in the territory.

With regard to the figures quoted by Count de Penha Garcia, he pointed out that the decrease in the exports of agricultural products was due to three years of drought and to the decline in values caused by the world depression.

It might be of interest to refer to a statement made in May last by the Administrator in reply to alarmist reports in respect of farming. The Administrator had stated that the Standard Bank had been asked to prepare figures of the assets and liabilities of the farmers. Such figures had been prepared in the case of 949 farmers taken at random from districts affected and unaffected by drought. Their assets amounted to £6,000,000 and their liabilities to £1,400,000, so that the surplus was over £4,500,000. This showed that the reports of bankruptcy were false and that, on the contrary, the country was in a sound position.

M. SAKENOBE noted that dams had been constructed in Ovamboland and asked whether similar steps for accumulating water had been taken in other parts of the territory.

Mr. TE WATER replied that the Administration's policy with regard to the water-supply was not confined to Ovamboland. This district had been particularly affected by the drought and had therefore received special treatment. In all districts where water was scarce, the Government was either constructing dams or boring wells and erecting windmills for raising

the water to the surface. It would be seen from page 78 of the report that wells were being sunk in all the various reserves. As a result of these efforts on the part of the Administration, the natives themselves were learning the technique of dam-building.

M. SAKENOBE said that he took special interest in the construction of dams in a territory like South West Africa where there was a scanty supply of water.

EDUCATION.

Mlle. DANNEVIG thanked the accredited representative for his statement regarding native education in the mandated territory and, in particular, for his personal effort to supply a complete answer to one of the questions she had asked in the previous year. She was sure that the Commission appreciated the great interest taken by the Administration, and the progress made in the last three years in native education, which was all the more remarkable in view of the great economic difficulties. As the member entrusted by the Commission with the study of native education it was her endeavour to point out what steps appeared to her to be desirable in the interests of the native. Her sole object in doing so was to co-operate with the Administration. She realised fully the difficulties of the work and felt sure that they would eventually be overcome.

Mr. TE WATER thanked Mlle. Dannevig personally and on behalf of the Administration for this expression of approval and for the keen interest which she took in native education.

RESPONSIBILITY OF THE MANDATORY POWER FOR THE BUDGET OF THE MANDATED TERRITORY VOTED BY THE LOCAL LEGISLATURE.

M. RAPPARD wished to raise a general question regarding the relations between the mandatory Power, the mandated territory and the League. This question arose out of a debate in the House of Assembly of South Africa on February 25th, 1931, in connection with an advance of £136,000 from the Union Government to the mandated territory. It was, however, with the constitutional aspect of the question and not with its financial aspect that M. Rappard was at present concerned. He read the following extract from the debate:

“ Mr. HOFMEYR: — It appears from the Minister's statement that the Administration of South West Africa budgeted for a deficit this year on revenue account of £143,000. Is that correct? If so, was it with the Minister's knowledge and approval? ”

“ The MINISTER OF FINANCE: — *I do not approve the expenditure estimates of the South West African territory. They come to me for loan moneys, as the provinces do, but I do not actually control their expenditure from revenue.*¹ ”

“ Mr. HOFMEYR: — *I am quite aware of that, but is it appropriate that we should be responsible for finding the deficit of the territory, while there is no control whatever over their budget? If that is the position, surely it is unsound. It appears from the Minister's figures that the budget, as originally submitted, disclosed a deficit of £143,000. They were allowed to go on with that, and now at the end of the year, they come to us with a deficit of £130,000 and we have to find that. Does the Minister consider that position sound?* ”

“ The MINISTER OF FINANCE: — We have expressed our willingness—and, naturally, it is the only course to adopt—from time to time to finance the territory by means of loan moneys. We have stopped them, as we have stopped the provinces, from going into the open market and obtaining loans themselves. I think that is a perfectly sound position. Naturally, we treat all applications for loans on their merits. At the beginning of the year the Administration was informed that the position would be difficult, and they would have to do as the Union had to do—curtail their expenditure and loans. Naturally, the hon. member will see that, just as little as we in the Union could avoid a deficit, so the territory could not. ”

“ Mr. HOFMEYR: — Is the Minister prepared to extend a similar consideration to the provinces of the Union with regard to their deficits, or is the position different? ”

“ The MINISTER OF FINANCE: — Yes, the position is different. Our own provinces are operating under Acts of Parliament, and the territory is not. ”

¹ The italics are M. Rappard's.

“ Mr. HOFMEYR: — Is there an obligation on the part of the Minister, or is it an act of grace? If it is an obligation, the position is unsound, and, if it is an act of grace, why is not the same applied to the provinces?”

“ The MINISTER OF FINANCE: — *The obligation is merely that of the mandatory Power,*¹ the holder of the mandate. Naturally, we are interested in the finances of the territory, and, if possible, help them out.

“ Mr. HOFMEYR: — Is there any obligation in the mandate?”

“ The MINISTER OF FINANCE: — No, I do not think so. They are operating under a constitution and not under an Act passed by this House. *I am interested only when they come to me for money,* and I scrutinise their accounts. Naturally, I am not going to bind myself, if they make demands which are unreasonable, to satisfy all these demands; that I am not prepared to do. Under the circumstances obtaining at present, it would be unreasonable of me to take up the attitude that we would not give them assistance at all. *I will see that they take the same steps to effect economies as we are forced to do here, when we agree to a loan.*”

M. RAPPARD pointed out that the Minister of Finance, who represented the Cabinet, had stated that he was not responsible for the budget of the mandated territory. Did this imply that the Government was not responsible for the administration of that territory? If the Minister of Finance made up the deficit, he did so not on account of any obligation but because he thought it was the right thing to do. M. RAPPARD pointed out that this created a very embarrassing position. The Commission regarded the mandatory Power as solely and exclusively responsible for the administration of the territory. The presence before the Commission of an accredited representative of the Government of the Union of South Africa showed that there was no disagreement between that Government and the Commission on this point. If, however, the Minister of Finance of the Union was not responsible for the finances of the mandated territory, who was?

The Commission could deal only with the Government to which the Minister of Finance belonged and not with a local Legislative Council which could not internationally be held responsible for the territory.

Mr. TE WATER said he could only give his personal views. This was an important question which might require an authoritative opinion from the South African Government.

The mandated territory was not in the same position as the provinces. It was not the first time that the question of advances to the mandated territory had been raised. Other sums had in the past been advanced and refunded. He considered that the Minister of Finance was technically correct in stating that there was no obligation to advance money. What the Minister had said must be interpreted as meaning “no legal obligation”.

M. RAPPARD again pointed out that he was not raising the question of finance, but that of the lessened responsibility of the Government of the mandatory Power apparently resulting from the large measure of self-administration enjoyed by the mandated territory. The Commission had already had occasion to discuss this point, but the constitutional question had never been so sharply brought out as by the above statements of the Minister of Finance. The Mandates Commission could only deal with the Government of the Union. When the Minister of Finance said that he was not responsible for the budget of the mandated territory, this might be held to imply that his Government was not responsible for the administration of the territory, as the budget was the keystone of that administration. If the Minister of Finance abandoned control over the finances of the territory, did not his Government—that was to say, the Mandatory—thereby abandon certain rights and certain duties? It was the Commission's duty to call attention to this danger. If the Union Government adopted the attitude of an observer, intervening in the preparation of the budget of the territory only if and when there was a deficit, the chain connecting the League with the mandated territory through the mandatory Government was broken.

The CHAIRMAN pointed out that the question whether the mandatory Power must give financial assistance to South West Africa, when required, had been frequently discussed. Mr. te Water had said there was no legal obligation on the part of the Union Government, as there was no law to that effect. That, no doubt, was true, but under Article 22 of the Covenant the mandatory Power was responsible for the mandated territory and this implied a moral obligation to give financial assistance when required. Naturally, such assistance need not be given at a loss or as a gift. The mandatory Power could require repayment of the advances and, if it so decided, the payment of interest. The mandatory Power had accepted this condition together with the mandate. He thought Mr. te Water would agree with this explanation. As M. RAPPARD had pointed out, the Minister of Finance, in his reply in the House of Assembly, had apparently lost sight of this moral obligation. The Chairman did not think, however, that the Government of South Africa would refuse financial assistance on the ground that it was not legally obliged to grant it.

¹ The italics are M. Rappard's.

SEVENTH MEETING.

Held on Friday, June 12th, 1931, at 4 p.m.

South West Africa: Examination of the Annual Report for 1930 (continuation).

Mr. te Water, Major Pienaar and Mr. Andrews came to the table of the Commission.

RESPONSIBILITY OF THE MANDATORY POWER FOR THE BUDGET OF THE MANDATED TERRITORY VOTED BY THE LOCAL LEGISLATURE (continuation).

Mr. TE WATER said that, since the morning meeting, he had had an opportunity of scrutinising the full report of the debate out of which M. Rappard's question had arisen.

He had come to the conclusion that the Minister of Finance had clearly shown that it was not his desire to avoid the duties and obligations placed on his Government by the terms of the mandate and by Article 22 of the Covenant. He had replied:

“ We have expressed our willingness, and, naturally, it is the only course to adopt, from time to time to finance the territory by means of loan moneys . . . We treat all applications for loans on their merits. At the beginning of the year the Administration was informed that the position would be difficult, and they would have . . . to curtail their expenditure . . . ”

This, Mr. te Water pointed out, showed the close watch kept by the Government on expenditure by the South West African Administration.

The Minister of Finance had stated that “ the obligation is that of the mandatory Power—the holder of the mandate ”. Mr. te Water argued that, when the Minister subsequently denied that there was any obligation in the mandate, this was to be interpreted in terms of what he had already said. In other words, he denied the legal obligation while clearly accepting the moral obligation. This attitude of the Minister, Mr. te Water submitted, was absolutely correct.

The Minister's attitude reminded him of an eminent South African barrister who invariably replied to the Court's query whether he admitted this or that contention: “ I admit nothing, my Lord ”. He was inclined to think that this was not a bad working rule for Finance Ministers as well.

Finally, the Minister had replied:

“ I am interested only . . . when the Administration comes to me for money, and I scrutinise their accounts. Naturally, I am not going to bind myself if they make demands which are unreasonable . . . I will see that they take the same steps to effect economies as we are forced to do here . . . ”

This, Mr. te Water concluded, showed a correct attitude by a tutor Government towards an Administration to which it had delegated its authority. Nevertheless, if it were desired, a formal reply could be obtained from his Government. On second thoughts and maturer consideration, however, he suggested that, as the question had arisen in Parliament in “ hot debate ”, so to speak, and as his Government clearly did not propose in any way to depart from the terms of the mandate, the Commission might, in the exercise of a wise discretion, decide that the matter had been sufficiently aired by this discussion.

M. RAPPARD said that he was entirely satisfied, so far as the question of an obligation on the Union—whether a legal or a moral obligation—to help the territory financially was concerned.

The main point which he had raised, however, was another. Were the budgetary powers of the Legislative Assembly of the territory unlimited? Or was the mandatory Power in a position to override decisions of the Legislative Assembly, or maybe to extend them, in the interests of the mandate for example, in connection with the education of the natives or some similar question in which the Legislative Assembly, consisting largely of white settlers, might not be greatly interested?

Mr. TE WATER replied that the power of veto of the mandatory Power must be considered as implicit in the terms of the mandate, and was explicit in the Constitution itself.

The Union Government, in particular the Department of External Affairs kept the closest watch on the territory, and any departure from administrative principles would, he could assure the Commission, be very closely scrutinised.

FRONTIER BETWEEN ANGOLA AND SOUTH WEST AFRICA.

M. ORTS recalled that at the eighteenth session the accredited representative had indicated that the final settlement of the question of the frontier between Angola and the mandated territory was still under negotiation between the Portuguese Government and the Government of the Union

of South Africa, and the accredited representative had added that he had been instructed to tell the Commission that his Government would report on the subject as soon as it had any definite information. Had the accredited representative any statement to make on the matter now? The only reference to it in the report was the observation in paragraph 811 to the effect that "the Angola-Caprivi Boundary Commission will complete its labours during the current year". This observation only referred to a section of the common frontier with Angola.

Mr. TE WATER replied that the negotiations relative to the Angola-South West Africa boundary were still continuing. The Union Government had laid all its points before the Portuguese Foreign Office in a despatch dated January 26th, 1931. Until the negotiations were concluded, it would not be possible to report further to the Commission.

RESTRICTIONS ON IMMIGRATION INTO THE TERRITORY AND PRINCIPLE OF ECONOMIC EQUALITY.

M. SAKENOBE drew attention to Act No. 8, "which places certain restrictions on immigration into the Union of South Africa and the Territory as from May 1st, 1930" (paragraph 24 of the report).

He did not contest this legislation on the part of the mandatory Power: it had perfect right to apply such an Act in the mandated territory under Article 22, paragraph 6, of the Covenant, as interpreted by its authors. But as the Japanese Government had always maintained a different view on this point—that was to say—the interpretation of Article 22, paragraph 6, he wished—not as the representative of the Japanese Government, which he was not, but in his private capacity—to remind the Commission of the Japanese view on the principle of economic equality as applied in C mandates.

In June 1919, when the Committee on Mandates first met to discuss and determine the terms of A, B and C Mandates, the representative of the Japanese Government proposed the inclusion in the terms of C Mandates of a provision for equal opportunities of trade and commerce for other Members of the League, as in the case of B Mandates, and maintained that this was the proper interpretation of paragraph 6 of Article 22 of the Covenant. He was, however, in a minority on the point.

The Japanese Government held the view that, in interpreting Article 22 and in defining the mandatory forms therein stipulated, the fundamental principle on which the League of Nations was based should always be kept in mind, and that this fundamental principle precluded the possibility of anything in the nature of unfair or discriminatory treatment of nationals of particular Powers signing the Peace Treaty in any German territory placed under mandatory administration. This was the main issue in the Japanese Government's contentions.

Since that time, negotiations had been continued mainly between the Japanese and British Governments. They continued until December 16th, 1920, when it was finally agreed that there should be an exchange of Notes with an accompanying declaration by the Japanese Government on C Mandates. This declaration was read to the Council on the following day by the Japanese representative. It was in the following terms:

"From the fundamental spirit of the League of Nations, and as the question of interpretation of the Covenant, His Imperial Japanese Majesty's Government have a firm conviction in the justice of the claim they have hitherto made for the inclusion of a clause concerning the assurance of equal opportunities for trade and commerce in C Mandates. But from the spirit of conciliation and co-operation and their reluctance to see the question unsettled any longer, they have decided to agree to the issue of the Mandate in its present form. That decision, however, should not be considered as an acquiescence on the part of His Imperial Japanese Majesty's Government in the submission of Japanese subjects to a discriminatory and disadvantageous treatment in the mandated territories; nor have they thereby discarded their claim that the rights and interests enjoyed by Japanese subjects in these territories in the past should be fully respected."

Mr. TE WATER replied that, what M. Sakenobe had said, even though he was speaking in a private capacity, would carry great weight with the Union Government and would be communicated to it at once.

The CHAIRMAN thought the Commission should make its attitude clear in regard to the point raised by M. Sakenobe.

M. Sakenobe had not been present at the first session of the Commission in 1921, when it had been unanimously agreed that the Commission had not the right to discuss the terms of the mandates as approved by the Council. He did not think, therefore, that the Commission could suggest in its report to the Council that the C Mandates should be modified as regards the point raised by M. Sakenobe. Nevertheless, the latter's observations would appear in the Minutes. The Commission as such must rest content with that though this necessity was regrettable, seeing that the declaration made previously by the Japanese Government was, in the Chairman's view, by no means without object, even taking into account the last words of the phrase in paragraph 6 of Article 22 of the Covenant.

M. SAKENOBE agreed and thanked the Chairman for his information. His intention had been to make clear the position of the Japanese Government.

M. ORTS asked whether Act No. 8 was a temporary measure inspired by a wish to lessen the immigration movement as a result of existing circumstances or was it permanent in character.

Mr. TE WATER replied that the question of immigration restrictions had been discussed for many years and had come to a head in the 1929 session of Parliament. The Act must be regarded as a permanent measure, intended to rectify certain discrepancies in connection with immigration.

M. RAPPARD remarked that Great Britain appeared to be absent from the list of countries whose nationals were admitted.

Mr. TE WATER replied that he had also observed the omission in the report. The Act itself, however, contained a schedule in which the British Commonwealth of Nations was included among the exempted countries.

M. RAPPARD asked whether India was included.

Mr. TE WATER replied in the negative.

M. ORTS asked whether the Immigrants Selection Board referred to in paragraph 2 (page 6) was already in operation.

Mr. TE WATER presumed that this was so, as the Act had come into force in the territory in the previous year: but he had no precise information on the point.

M. RUPPEL observed that it appeared from the terms of the Act, which he had before him, that the "territories comprised within the British Commonwealth of Nations" were included in the list of countries whose immigrants were admitted.

REHOBOTH COMMUNITY.

M. ORTS remarked that in the list of Administrative Commissions appointed (paragraph 810 of the report) there was a Rehoboth Commission, the report of which was stated to be "very interesting" (paragraph 813).

The Secretariat had not yet received this report. Had it appeared since the annual report was printed?

Mr. TE WATER pointed out that paragraph 813 stated that the report was being printed separately and that copies would be forwarded to the Commission in due course. He himself had not yet received a copy.

He would note what M. Orts had said and endeavour to speed up the transmission of the report.

M. ORTS observed that an Ordinance had been promulgated exempting the Rehoboths from the Dog Tax. Was this a measure of pacification or was it a fiscal measure? If the latter were the case, had this tax been replaced by another? The Commission remembered that this tax on dogs had given rise to keen protest and had even been used as an excuse for rebellions acts.

Mr. TE WATER said he could not give an authoritative reply; but he remembered the friction in connection with this tax, when he was himself in the Rehoboth territory in 1929; and he thought that the exemption from liability in respect of one dog was probably intended as a measure of pacification.

NATIVE ADMINISTRATION.

M. SAKENOBE referred to the appointment of Native Commissioners in 1930 and enquired what were the relations between the Native Commissioners and the Magistrates. Were these the same?

Mr. TE WATER explained that there was a slight difference in the administration of native affairs in the Union and in South West Africa. In the Union Native Commissioners were appointed to deal with native affairs. With the exception of Mr. Hahn, in Ovamboland, all the Native Commissioners in South West Africa were at the same time the magistrates of the various districts.

M. SAKENOBE referred to the Native Commissioners' courts and the magistrates' courts mentioned in the report, and asked whether the same man sat in the two courts.

Mr. TE WATER said that these officials could deal with any question in their capacity as magistrates, with civil and criminal jurisdiction: in the native courts they were enabled to deal with native civil questions in conformity with native customs, if these were not *contra bonos mores*. M. Sakenobe was correct in thinking that the same person sat in two courts.

The CHAIRMAN enquired whether one white man, appointed chief of a tribe three or four years previously, still held that very exceptional position.

Mr. TE WATER thought that that must have been Mr. Hahn, whose choice at the time had represented the solution of a tribal difficulty.

M. RUPPEL, referring to the text of the new regulations, asked how the native assessors in the native courts were appointed.

Mr. TE WATER explained the procedure in the Union. In reply to M. Ruppel's request for fuller information in the next report, the accredited representative said that the Mandatory would gladly elaborate the point.

M. RUPPEL referred to a passage in the report (paragraph 459) which described the greater portion of the road from Tsumeb to Ondangua as "exceedingly heavy", so that the transport of supplies had become difficult and expensive, amounting to £1 per bag for meal. Before the war there had been a plan to build a railway to Amboland, and funds had, he believed, actually been allocated. He enquired whether the present Administration had considered constructing such a railway.

Mr. TE WATER was unable to say whether the Administration had considered this possibility, but on broad lines he could say that there was very little probability of new lines being constructed in the near future, for economic and financial reasons. The next report would deal with that point.

PUBLIC FINANCE: LOAN POLICY.

M. RAPPARD opened his remarks on the financial situation by observing that for the first time the Commission was deprived of the pleasure of congratulating the Administration on its revenue. This, of course, implied no criticism. It was obviously the result of the general depression. In addition to the very full information given in the report (paragraphs 97 *et seq.*) he would have welcomed some indication as to the policy to be followed in future. The deficit was very heavy and the debt was becoming important. He enquired if new taxes were contemplated to weather the storm, or advances from the Union Government, or reduction of expenditure.

Mr. TE WATER said that he could only point out to the Commission the new taxes levied during the year under review (paragraph 113 of the report). He agreed that the question of a future policy was important. This had not been communicated to him, but the information could, if necessary, be obtained before the next session.

M. RAPPARD did not wish to ask for any information which was not available. The mandated territory, however, was large and populated and called for a fully considered fiscal policy. He enquired whether the consideration of that policy lay with the Union or was left to the Administrator on the spot.

Mr. TE WATER stated, in reply, that the Administration acted in closest touch with the Union Government in regard to economic policy and taxation. It had, for example, been in close touch with the Government in the matter of altering the incidence of taxation on diamonds. The new system (10 per cent on export) would help to stabilise finances. In respect of economic policy he would refer, as an example, to the question of the incidence of protective Customs and dumping duties in regard to which the Administrator is reported to have said:

"I have raised with the Union Government the question of the incidence of high protective Customs and dumping duties on the cost of living, and the loss of revenue to the territory. I am glad to be able to report that negotiations are proceeding satisfactorily, and that the matter is receiving the sympathetic consideration of the Government. If the proposals submitted are accepted, considerable revenue to the Administration and a reduction in the cost of certain essential commodities should result."

As information regarding the Administration's economic policy and its efforts to expand markets, Mr. te Water would like to quote further from the same speech:

"The Trade Commission which last year visited various countries on the West Coast of Africa to investigate the possibilities of opening up markets for our products has submitted its report. It is not proposed to publish the report, but it is encouraging, and the Administration is prepared to furnish interested parties with full information and to give them all the assistance in its power with a view to the development of trade."

M. RAPPARD said that he was much obliged for the accredited representative's statement. The necessity for some authority to deal with finances in the mandated territory could be foreseen, as the present system of merely "keeping in close touch with the Union" might not be found to be sufficient: he was alarmed by the figures.

There appeared to be some discrepancy between the figures given in paragraphs 105 and 97. In the first-named paragraph the revenue for nine months ended December 31st, 1929, from mining

profits and royalties was £115,167 while in the second the revenue for the whole fiscal year 1929-30 from mining royalties, profits and leases was £115,551.

Mr. TE WATER suggested that there had probably been no revenue from diamonds, over the final quarter of the financial year and referred to paragraphs 130 and 131, where a clear indication was given as to the reduction in the revenue obtained from diamonds. He stressed this point and quoted the relevant passage:

“ The diamond market did not revive during the year. On the contrary, things went from bad to worse, and, so far from deriving any revenue from diamonds, the Administration has been obliged to refund to the Consolidated Diamond Mining Company a sum of £17,000 paid by way of provisional tax during the first quarter of the year. ”

M. RAPPARD observed that the important feature was the serious drop recorded. He referred to the mining royalties mentioned in paragraph 107, and enquired what ground there was for the hope that a 10 per cent export duty would yield a stable revenue. How could a 10 per cent duty on a fluctuating market ensure a stable revenue ?

Mr. TE WATER explained that the old method had been rather involved, and had meant that the Administration might have to refund certain amounts paid in advance. With a system of payment on actual exports the revenue from this source would be more stable. He interpreted the last clause of paragraph 107 as meaning that the Administration would get an assured income, with no question of any refund.

M. RAPPARD, referring to the Loan Account, mentioned the sum of £500,000 advanced by the Union Government for the settlement of Angola farmers. He noted, as stated in paragraph 104 of the report, that the various sums paid to the Administration in connection with the Angola Settlement Scheme were not included in the liability to the Union Government. He suggested that the amount in question might be in the nature of a grant-in-aid.

M. RUPPEL, quoting Act No. 34 (mentioned in paragraph 24), noted that those payments of £500,000 were there qualified as “ grants to the territory ” and that another passage stated that these grants “ shall be repayable at such time and in such conditions as the Governor-General may impose ”. He enquired if by this clause the Governor-General was authorised to impose the liability for the £500,000 on the territory of South West Africa.

Mr. TE WATER felt that it might be wiser not to make any statement on this question without reference to his Government. He noted M. Ruppel's request that the next report might contain a definite statement on the matter.

M. RAPPARD, commenting on the loan policy, observed that, when a municipality needed a loan, it applied to the Administration of the territory. When the Administration needed a loan, it applied to the Union, and the Union, in its turn, often applied to London. In other words, small bodies were kept out of the public market. The position was just the contrary in Switzerland. He enquired what was the purpose of that policy of financial centralisation as opposed to the policy decentralisation which prevailed in the general realm of administration.

Mr. TE WATER explained the policy of the Union in the past in relation to the borrowing powers of the Provinces. It had to be remembered that the Union of South Africa was a Union and not a federal constitution. Moreover, the Central Government would obtain better terms on the London market than the Provinces.

M. RUPPEL observed that the interest rate on the loans given by the Union appeared to be over 7 per cent; the total sum of interest paid during the last financial year according to the accounts amounted to £44,500.

Mr. TE WATER said that that figure could not necessarily be deduced from the data given in the report. Money was generally borrowed on the London market at about 5 per cent, the last loan having been issued at £95 ros. with the rate of interest $4\frac{1}{2}$ per cent. He would have to ask for information as to interest rates paid by the Administration to the Union Government.

M. RUPPEL asked the accredited representative to give in the next report some information regarding the purposes for which the loans had been spent. They had been employed apparently partly for productive purposes and partly for covering deficits.

Mr. TE WATER said he would ask for information to be supplied on the subject.

ECONOMIC SITUATION AND FUTUR DEVELOPMENT OF THE TERRITORY

M. MERLIN said that most of the points on which he had intended to ask for information had been dealt with during the general discussion, and thanked the accredited representative for his replies. He felt some anxiety as to the more or less fundamental and lengthy consequences of the persistent drought on the economic situation of the territory. Relying, however, on the experience of the local authorities and the declaration made by the accredited representative, he welcomed with satisfaction the assurance that not more than three years would be needed

to place matters once again on a satisfactory basis. He noted, however, that commerce (exports and imports) showed a reduction of a million pounds sterling, and enquired whether the protectionist policy adopted by the Union to encourage its young industries and which applied also in the territory under mandate—a territory which was primarily agricultural—was not prejudicial to the interest of South West Africa itself. He quoted in support of his argument the following passage from the *Temps* of May 22nd, 1931:

[Translation.]

“South West Africa has just sent a delegation to General Hertzog, Prime Minister of the Union of South Africa, asking him to accord a credit of £50,000 sterling to assist farmers and the unemployed. The deputation pointed out the extent to which South West Africa was suffering from the protectionist tariffs established by the Union. Every year the mandated territory pays £90,000 for its sugar, and £46,000 of that sum goes to the sugar planters in Natal. The situation is the same as regards flour, leather goods, clothing, tobacco, and other articles also covered by the tariffs established with the object of protecting Union industries. South West Africa asks accordingly that the Mandatory should be responsible for the interest on, and amortisation of, the proposed loan, on the grounds that it derives revenue from the territory under its mandate.”

Mr. TE WATER said that, as regards the application in South West Africa of the protectionist policy of the Union, the question had been raised by the Administrator with the Union Government and, as had been stated previously, negotiations were proceeding satisfactorily. As regards the drought and the question of recovery, he observed that it was proposed to grant advances to farmers and quoted the following passage from the Administrator's speech at the opening of the Assembly:

“It is proposed, through the medium of the Land Bank and Land Board, to give limited advances to deserving farmers to assist them to re-establish themselves. To assist these two bodies, a local advisory committee will be established in each district. The necessary enabling legislation has already been effected.”

M. RAPPARD noted that the only export showing an increase was the Liebig Company's products. He enquired whether this fact was in any way connected with the drought.

Mr. TE WATER surmised that the cattle must have been in a poor condition and that the general economic situation was such as to have enabled purchasers to buy cheaply. This might have accounted for the increased activity.

Mlle. DANNEVIG, referring to paragraph 896 of the report, enquired what goods were imported from Norway.

Mr. TE WATER suggested that timber, which he knew was imported from Sweden, was probably also imported from Norway.

M. RUPPEL noted with interest that the Administration had changed its mining policy and had granted in the last year two big concessions, one over an area of 48,150 square kilometres, the other over 57,350 squares kilometres. He agreed with the passage in the report (paragraph 203) to the effect that the results of the operations of the two companies in question must be of importance, not only from the point of view of the mineral development of the territory, but with a view to determining whether the policy of replacement of the small prospector and speculator by a mining company with adequate means had been justified.

JUDICIAL ORGANISATION.

M. RUPPEL noted the big increase in the number of criminal cases tried by the High Court and Circuit Courts and enquired whether this was due to economic conditions.

Mr. TE WATER replied that it was not necessarily so, his experience being that an increase in crime might be due to increased police activity.

M. RUPPEL pointed out an apparent inconsistency in the references to the Girls and Mentally Defective Women's Protection Proclamation (No. 28 of 1921): under paragraph 38 the number of contraventions was given as three, while on page 13 eleven cases were mentioned.

Mr. TE WATER said that he would draw attention to the discrepancy in question.

M. RUPPEL asked that the Commission might have statistics every year of crimes committed by natives against Europeans and by Europeans against natives.

Mr. TE WATER noted this request.

POLICE.

M. RUPPEL observed that the force had decreased, while expenses had increased, and said that he would be interested to have some explanation.

Mr. TE WATER stated that he was unable to give an immediate answer. In the Union, economy accounted for vacant posts not being filled.

M. SAKENOBE, referring to paragraph 416 of the report, enquired how the tribe of Ukuanyama in Ovamboland had been disarmed. He understood that the tribes in Ovamboland were well armed and their disarming was a very difficult matter.

Mr. TE WATER said that Major Pienaar had reminded him that towards the end of the war, on the occurrence of some disturbance in Ovamboland, a force had been despatched from South West Africa to deal with the situation, and might have taken the opportunity to disarm some of the tribes.

M. SAKENOBE enquired who would constitute the first line force in case of need, the police or the burghers.

Mr. TE WATER replied that in the Union the police were popularly looked on as the first line. The police were trained in the use of arms. Reference to the 1929 report (paragraph 56) showed that the force was mounted and the European section armed.

He answered in the affirmative M. Sakenobe's further question whether the police had machine-guns.

SOCIAL CONDITION OF THE NATIVES.

Mlle. DANNEVIG found the report very interesting on the subject of social conditions. She observed a great change as compared with the position in 1928 and suggested that the improvement might be due perhaps to the "eye that saw" as much as to the actual change in those conditions. Referring to the Caprivi Zipfel, Mlle. Dannevig understood that conditions in that part of the territory were entirely different from those in South West Africa proper.

Mr. TE WATER replied that the work was progressive and was beginning to show results. He had himself noticed the efficiency and zeal of those responsible for it. In the Caprivi Zipfel the rainfall was as much as thirty inches a year: it might indeed be described as a land flowing with milk and honey. Conditions were much better than in the South West territory and the country would be much easier to administer.

Mlle. DANNEVIG commented on the large number of wild animals and observed that the natives were not allowed to shoot them, except in very definite cases. She supposed that this was with the object of protecting the animals, but wondered whether the natives might sometimes be in danger.

Mr. TE WATER agreed, and said that the situation was the same in the Union, especially in the north, where the lion was a problem. He pointed out, however, that the white man was always called in and was very willing to help. The Union went on the principle of protecting the indigenous fauna of the country and South West Africa was doing the same.

Mlle. DANNEVIG raised the question of the fencing of boundaries, mentioned in paragraph 553, as one of the improvements effected during the year and mentioned again in paragraph 615, where it was stated that the boundaries of the native reserves did not permit a removal of stock.

Mr. TE WATER pointed out that the Administration had endeavoured in all cases to help the natives in moving their cattle. Arrangements had been made whereby certain natives could move their stock to privately-owned farms (paragraph 551); but the cattle had become weak, and the distances were great. The erection of boundaries was a matter of policy, in order to prevent tribal difficulties, and these higher considerations had complicated a difficult situation.

M. PALACIOS observed that on the Kaokoveld there had been some protest in regard to the movement of a certain tribe. Was drought perhaps the explanation? There appeared also to be rivalry between the Chiefs Oorlog and Muhona Katiti which might give rise to difficulties (page 71 of the report).

Mr. TE WATER recollected that there had been tribal trouble and even danger of bloodshed. The movement of the tribe in question had been effected with considerable difficulty. He understood that the tribes were becoming reconciled to the position.

EIGHTH MEETING.

Held on Saturday, June 13th, 1931, at 11 a.m.

South West Africa: Examination of the Annual Report for 1930 (continuation).

M. te Water, Major Pienaar and Mr. Andrews came to the table of the Commission.

EDUCATION (*continuation*).

Mlle. DANNEVIG thanked the mandatory Power for the very detailed and valuable information on the education of native children. As regards the statement in paragraph 312 she observed that it had obviously never been the idea of the Mandates Commission that the aim of education should be to Europeanise the natives but, on the contrary, to convert them into better natives.

She was glad to note the co-operation established between the Administration and the missions in the matter of education. Personally, she did not much believe in hostels where children and young people were taken away from their natural surroundings, but she suggested that useful results might be obtained by correspondence classes and broadcasted lectures for advanced pupils in schools in remote districts.

Mr. TE WATER asked Mlle. Dannevig to amplify her suggestion regarding correspondence classes, so that he could communicate it to his Government. He suggested discussing this matter with her privately.

Mlle. DANNEVIG noted the difficulty of training native teachers and referred to the interesting information on this subject given by the Rhenish Mission and reproduced in paragraph 612.

From the statistics given in paragraph 368, she noted that in some cases, as many as 90 boys and girls were taught by one teacher. She asked if it were possible for even well qualified teachers to give satisfactory instruction under such conditions.

Mr. TE WATER said this question had been previously raised. There was an insufficient supply of trained teachers and the Administration was doing everything it could to increase the number.

Mlle. DANNEVIG quoted paragraph 319 of the report to the effect that the children in the urban areas were provided for on the same lines as the children in rural areas. She thought there was a greater need for education in the towns than in the country districts.

Mr. TE WATER agreed and said that, though the type of education was the same in both cases, more education was given to children in the towns. Moreover, the natives in the towns, by constant contact with the white man and his ways, absorbed civilisation more rapidly. Unfortunately, at the same time in many cases, they adopted the bad habits of civilisation.

Mlle. DANNEVIG referred to the figures quoted in paragraph 369, which showed that in the Finnish mission schools there were three times as many girls as boys. She asked if this was due to the instruction in basket-making given in those schools.

Mr. TE WATER replied that parents frequently used the boys for herding their stock and were, therefore, more averse to sending them to school. They realised that the girls could obtain knowledge in these schools which would lead to their obtaining employment and better wages. This did not apply to the same extent to the boys.

Mlle. DANNEVIG noted the remark in paragraph 336 that the knowledge of carpentry gained by the boys was not often utilised after they left school. Would it not be possible to teach some other trade than carpentry?

Mr. TE WATER replied that the difficulty was due to the fact that skilled workers in South West Africa were almost invariably white men.

LABOUR.

Mr. WEAVER noted that the report contained much valuable information regarding native labour. He thanked the accredited representative for replying so fully to the questions which he had asked last year.

He had read with much interest the account of the relief measures for the Ovambos; he had also noted with much satisfaction that the death rate had fallen to 28.12 per 1,000. He wished to congratulate the Administration on these achievements. Among the Ovambos from Angola,

however, the death rate was still very high; at Tsumeb, this death rate was 50.80 per 1,000. This showed that the problem of safeguarding the health of these natives was not yet solved. Professor Campbell (see paragraph 722 *et seq.* of the report) had stated that the main factor was the non-immunity of "new" races—*i.e.*, new to the conditions of compound life entailing exposure to comparatively massive infections. He asked what was the policy of the mandatory Power as regarded this difficulty. Would it trust to an improvement in medical arrangements or would it cease recruiting Ovambos?

Mr. TE WATER thanked Mr. Weaver for his praise of the efforts being made by the Government to reduce the death rate at the mines, which would be appreciated by the Administration. He pointed out that the general death rate had fallen, not only because there had been less influenza than in other years, but on account of the administration's efforts to combat disease in general. The Administration recognised that as regards the death rate among the Ovambos the position was not yet satisfactory. It was probably correct to say, as the experts had done, that this was due to the non-immunity of new races. The question of ceasing to recruit natives from Angola and Ovamboland was one of policy which could be referred to the Administration for reply. There appeared to be no urgency as, owing to the surplus of labour and the small demand, the number of recruits from these areas would probably not be so great at present.

Mr. WEAVER asked whether the Administration had accepted Professor Campbell's recommendations contained on page 107 of the report, in particular No. 6 to the effect that at the commencement of an epidemic the introduction of new recruits should be limited and, if possible, cease.

Mr. TE WATER assumed that, as in the case of Dr. Fischer's recommendations, those made by Professor Campbell would be examined and put in practice. Definite information would be obtained on this point.

Mr. WEAVER pointed out that paragraph 665 on page 91 of the report was obscure. It stated that the mine authorities fully appreciated that it was in the interest of the mining industry for the Administration to act as guardian to the native employees and so to prevent their being influenced by agitators. He asked whether this meant that the Administration discouraged any attempt among mine workers to organise themselves.

Mr. TE WATER said the policy of the authorities was similar to that of the Union; the authorities discouraged any ill-advised agitation which might lead to disturbances. Mr. Weaver would realise from his own experience in South Africa that, if the native came under the influence of agitators, old feuds were apt to be revived and tribal conflict was a natural consequence.

Mr. WEAVER said he had had this possibility in view and wished to know whether such difficulties had in fact arisen.

Mr. TE WATER said he could not state as a fact that such trouble had arisen, but from one's knowledge of the native it would be realised that it was necessary constantly to guard against the possibility of this kind of trouble.

Mr. WEAVER raised the question of European employees. Some years previously the question of the relations between the Administration and the Workers' Union of South West Africa had been raised. He was interested to know whether the Administration had been able to give any satisfaction to the desires of this Union. Among their wishes was the extension of South African labour legislation to South West Africa. What was the present position, and were relations between the Administration and the Union now more harmonious?

Mr. TE WATER said he had no instructions or information and would report next year.

MISSIONS.

M. PALACIOS thanked the mandatory Power for the detailed information given regarding the work of the missions during 1930. The latter continued to show considerable activity in connection with education and assistance. He would not examine in detail the questions which arose as a result of this activity. The chief problem, however, seemed to be that raised by the Church of England (paragraph 657 of the report)—namely, the shortage of men ("the shortage of clergy is being felt all over the world") and money. This was a serious problem, for, if the churches were unable to carry out the work of civilisation to which they consecrated their time, the State must undertake this duty and must endeavour to obtain the money necessary for the purpose, just as it would do for any other object with which it had to deal.

Mr. TE WATER said the Administration and the missionaries were working in the closest co-operation. The Administration realised that it must ultimately take over the education of the territory but there was complete agreement that the time was not yet ripe. It would be realised that, in spite of hard times, the Administration was spending more than ever before on native

affairs. The particular complaint about the shortage of men and money referred to by M. Palacios had been made by the English mission. No such complaints had been recorded by the other missions.

M. PALACIOS hoped the mandatory Power would continue in the future to supply the Mandates Commission with information concerning the work done by the missions in the territory under mandate.

TRAFFIC IN ALCOHOLIC LIQUORS AND DRUGS.

Count DE PENHA GARCIA noted the decrease in the imports of all spirits except brandy during 1930, as shown on page 15 of the report. The table on page 12 also showed that there were fewer convictions for contraventions of the liquor law. He asked if this was the result of legislation or of the economic depression. He also enquired to what the increase in brandy imports could be attributed.

Mr. TE WATER thought the decrease in convictions was to some extent due to the economic depression. In good years, the natives drank more heavily and produced more kaffir beer. He referred to paragraph 50 of the report which stated that the Act for the Suppression of Harmful Drugs was being rigidly enforced. The use of "dagga" usually went hand in hand with drinking, and he had no doubt that the supervision in both respects had been tightened up.

He could not state the reason for the increased imports of brandy, but, in any case, this did not affect native consumption, as the brandy imported was consumed by the white population.

Count DE PENHA GARCIA thanked the mandatory Power for the information supplied on pages 151 to 153 of the report regarding beverages consumed by the natives. He had asked for this information as he thought it advisable to make such an investigation for all mandated territories. When the investigation was complete he would be in a position to ask further questions on this subject.

Mr. TE WATER said he understood the reason for this investigation and considered the information collected would be valuable to the South West African Administration.

PUBLIC HEALTH.

M. RUPPEL observed that whereas in the previous year there had been three whole-time medical officers, of whom two were in Ovamboland, in the last year (1930) there was only one whole-time district surgeon for Ovamboland (paragraph 731). Why this reduction?

Mr. TE WATER replied that the reduction had no doubt been made for purposes of economy. It was, however, also happily the case that disease in South West Africa had been less than in previous years. The Commission might rest assured that, if more doctors were required, they would be provided by the Administration.

M. RUPPEL remarked that the same thing appeared to be true in the case of private doctors. In 1930, there were only thirty registered medical practitioners in the territory, whereas in the previous year there were thirty-five (paragraph 735). Had the five doctors left the territory?

Mr. TE WATER had no direct information on the point, but he inferred that the reduction in the numbers was due to the same cause—that was to say, to the absence of sufficient patients to enable the doctors to make a living. Probably in the circumstances they had moved to the Union.

M. RUPPEL was grateful to the mandatory Power for the new regulations enabling nurses and midwives with foreign qualifications to become registered in the mandated territory (paragraph 737). The new regulations entirely met the wishes he had expressed a year ago. He wondered, however, whether the Administration would consider the extension of the time-limit prescribed in the regulations beyond December 31st, 1933.

Mr. TE WATER would transmit M. Ruppel's suggestions to his Government.

M. RUPPEL asked what were the sanitary services which the report said "were adversely commented upon" (paragraph 742).

Mr. TE WATER replied that there was no doubt that the sanitary services in the rural areas were primitive as compared with those in the towns. The fact that the Administration had included a reference to this comment in the report no doubt implied its intention to take steps in the matter.

M. RUPPEL remarked that, in paragraph 756, the total expenditure incurred in connection with the treatment of natives was given as £8,514, but, in paragraph 111, he found that the total public health expenditure amounted to £11,000. What was the explanation of the difference between these two amounts?

He further noted that the expenditure in connection with the treatment of natives had decreased from £10,760 in the previous year to £8,514. To what was this due?

Mr. TE WATER had also noticed the difference in the figures given in paragraphs 756 and 111. He would make enquiries with a view to a clearer statement of the position in the next report. He thought the probable explanation was that the figure in paragraph 756 referred to State-owned hospitals only, whereas the figure given in paragraph 111 included the hospitals of the missions.

The reduction in the expenditure on the treatment of natives was probably due to the fact that fewer natives were employed during the year on the mines and that the health in general of the natives during 1930 was better than in the previous year.

M. RUPPEL asked whether in the next report the subsidies granted to the missions for these purposes could be included in the total?

Mr. TE WATER replied in the affirmative.

M. RUPPEL drew attention to the particulars given in paragraph 770 with regard to cases of leprosy. He quoted from an article in the *Windhoek Advertiser*, from which it appeared that, a few years previously, leprosy was unknown in the territory, whereas there were now apparently thirty cases.

The position was not yet dangerous, and he did not doubt that the Administration had the situation well in hand.

Mr. TE WATER said the existence of leprosy in the territory was indeed a serious matter. He thought more information on the subject might well be given in the next report. He observed, however, that the twenty-eight cases reported from Ovamboland (paragraph 770) were not new cases.

M. SAKENOBE pointed out that leprosy was stated to be "fairly common" in Caprivi Zipfel (paragraph 797).

He further drew attention to the prevalence of venereal diseases in Ovamboland; the figures were somewhat alarming. The percentage of married natives suffering from these diseases was put at as much as 80 per cent (paragraph 783). Had the Government any measures in view for fighting this scourge?

Mr. TE WATER said there was no problem so clamant as that of venereal diseases amongst the native population. It was the old problem of the non-immunity of new races to a European disease. The utmost difficulty was experienced in getting the natives to appreciate the need for treatment. In South West Africa, as in South Africa, the men were not prepared to continue treatment long enough to effect a cure, while the women would not come forward at all.

Many authorities in South Africa took the view that, as these diseases became endemic, the native races would develop further powers of resistance to them.

Mlle. DANNEVIG asked whether the medical inspection of schoolchildren referred to in paragraph 746 related only to white children, or did it include native children.

Mr. TE WATER thought that the medical inspection in question might include native children, but this question would be brought to the notice of the Administration.

Mlle. DANNEVIG asked whether there was no means of making midwives available for native women in childbirth.

Mr. TE WATER pointed out that paragraph 784 related to Ovamboland, and here the authorities were up against the native custom which was to leave the mothers to bear their children unaided and without any persons being present.

DEMOGRAPHIC STATISTICS.

M. RAPPARD drew attention to the very high birth rate and low death rate figures recorded in paragraph 93. He supposed the explanation was to be found in the abnormal structure of the age-groups of the population—that was to say, in the fact that the number of marriageable persons was above the normal.

Mr. TE WATER thought there was much to be said for this theory.

M. RAPPARD enquired whether the "British naturalised" immigrants referred to in the tables on page 18 of the report were Germans who had become naturalised British subjects.

Mr. TE WATER had no authoritative information on the point, but thought M. Rappard's surmise was probably correct.

M. RUPPEL drew attention to the notes at the foot of tables iii on pages 18 and 19 (" Number and Nationality of Persons Entering and Leaving Territory by Land ") to the effect that details of the object of entry by land—*i.e.*, whether assuming domicile or visiting, and of the object of departure—*i.e.*, whether relinquishing domicile or temporary absence were not available. Could not instructions be issued to the frontier authorities to obtain these details?

Mr. TE WATER replied that he would pass on M. Ruppel's suggestion. There might be difficulties of which he had no knowledge: but he agreed that the information, if it could be obtained, would be of interest.

CLOSE OF THE HEARING.

The CHAIRMAN said that he had great pleasure in placing on record the Commission's recognition of the co-operation, given this year as in the preceding year, of the accredited representatives of the Government of the Union of South Africa. The Commission highly appreciated the frank and cordial manner in which all the questions put had been answered so far as it was possible to do so.

The accredited representatives might rest assured that, even when the questions put might seem at first sight not to arise out of the terms of the mandate, they had nevertheless an object in the minds of those who put them, and that object was the desire for a fruitful, instructive and friendly relationship between the Mandates Commission and the mandatory Power.

He thanked Mr. te Water, Major Pienaar and Mr. Andrews for their co-operation in the accomplishment of a delicate and difficult mission.

Mr. TE WATER thanked the Chairman and the members of the Commission, on his own behalf and on behalf of Major Pienaar and Mr. Andrews, for the courtesy with which they had once again been received.

Happy relations between the Commission on the one hand and the mandatory Power and its accredited representatives on the other were a factor of the first importance in the successful administration of the mandated territories.

A measure of praise was a great encouragement to those engaged in the work of administration; and what the Commission had said in commendation of the work done in South West Africa would be very greatly valued by the Administrator and his officials and by the Government of the Union.

He would not fail to pass on the suggestions which had been made by members of the Commission.

He was anxious also to pay his tribute to M. Catastini and the staff of the Mandates Section for their never-failing help and collaboration.

Mr. te Water, Major Pienaar and Mr. Andrews withdrew.

Tanganyika: Scheme for a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda.

M. PALACIOS observed that the question of the scheme for a closer administrative, Customs and fiscal union of the mandated territory of Tanganyika with the neighbouring British possessions of Kenya and Uganda was included in the agenda of the Session.

In November 1930, the Commission had again adjourned the examination of the question until the British Government had communicated to it the terms of its decision, in accordance with the undertaking noted by the Council on September 6th, 1929.

The Commission had not yet been informed of the decision in question and there was reason to think that it would not be possible for it to be communicated before the November session of the Commission. It appeared that the work of the British Joint Parliamentary Committee, to which this question had been entrusted, was not yet finished.

Lastly, as the examination of the annual report on Tanganyika for 1930 had been adjourned until the autumn session, the Commission would not be in a position to ask the accredited representative for further enlightenment and information.

M. Palacios therefore proposed that the Commission should decide to remove from the agenda of the present session the question of the scheme for a closer administrative, Customs and fiscal union of the mandated territory of Tanganyika with the neighbouring British possessions of Kenya and Uganda.

The Commission adopted M. Palacios' proposal.

NINTH MEETING.

Held on Monday, June 15th, 1931, at 10.30 a.m.

The CHAIRMAN thanked the Commission for the honour which it had done him in reelecting him to the chair. He expressed his very grateful thanks to M. Van Rees for having so kindly acted for him in his absence.

Palestine: Question of Procedure raised in connection with the Examination of the Annual Report for 1930.

He wished, before inviting the accredited representatives of the mandatory Power to enter, to submit certain observations to the Commission, and to invite his colleagues to make suggestions as to the procedure to be followed by the Commission on the present occasion.

The Chairman reminded his colleagues that, in November 1930, they had adjourned the examination of two documents concerning the status of Palestine—namely: (1) Statement of Policy by his Majesty's Government, October 1930 (Cmd. 3692); (2) Report by Sir John Hope Simpson on Immigration, Land Settlement and Development of Palestine (Cmd. 3686).

In addition to these two documents, which had been communicated to the Commission by the mandatory Power, the Commission had subsequently received the text of the letter sent on February 13th, 1931,¹ by the British Prime Minister to Dr. Weizmann, which was intended to interpret the declaration of October 1930.

The Commission had announced, in its report to the Council on the work of its nineteenth session, that it would examine at the present session the statement dated October 1930 and Sir John Hope Simpson's report at the same time as the annual report, taking advantage of the presence of the accredited representatives of the mandatory Power.

In order to avoid unnecessary discussion, the Chairman asked the Commission to decide in advance whether it considered that these various documents should form the subject of a separate examination or whether it would prefer to ask the accredited representatives questions concerning them during the examination of the annual report on Palestine, when studying the chapters dealing with the subjects to which the documents in question related.

As regards the comments addressed by the mandatory Power to the Council on the observation contained in the report on the extraordinary session held in June last year, the Chairman reminded the Commission that, in November 1930, it had decided not to make them the subject of a special discussion. It had been agreed that members of the Commission, should they think fit, might revert during the examination of the annual report for 1930, to certain observations formulated in August last by the British Government. The Chairman thought, as regards this particular question, that his colleagues would agree with him that the initiative should be left to those members of the Commission who, during the discussion, might consider it desirable to obtain further explanations. He asked his colleagues if they were in agreement with these views.

M. VAN REES agreed with the last suggestion of the Chairman. During the nineteenth session of the Commission, he had already expressed the opinion that it would be better not to examine the various points separately, a procedure which would, moreover, take too long. He was in favour of the Chairman's suggestion that the members should be left to put such questions as they might think fit. As regards the first point mentioned by the Chairman, he felt that it would be difficult for the Commission to go in detail into each subject mentioned in the official documents in question. The White Paper and the letter addressed to Dr. Weizmann, which constituted basic documents for the discussion on Palestine, could clearly not be passed over in silence; but, as regards other documents, such as the Hope Simpson report, it was not materially possible to examine them—that was, they could not form the subject of a special examination.

M. ORTS and M. MERLIN endorsed this view.

M. ORTS recalled that already during the nineteenth session of the Commission he had raised objections to certain statements in the British note of August 2nd, 1930,² and that his declaration had appeared in the Minutes as an expression of the unanimous opinion of the Commission.

Palestine: Examination of the Annual Report for 1930.

Dr. T. Drummond Shiels, Parliamentary Under-Secretary of State for the Colonies; Mr. M. A. Young, Chief Secretary to the Palestine Government; Mr. R. V. Vernon and Mr. O. G. R. Williams, of the Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

¹ Document C.173.1931.VI [C.P.M.1139].

² See Minutes, Permanent Mandates Commission. Nineteenth session, pages 72 and 73.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN had much pleasure, on behalf of the Commission, in extending a cordial welcome to the accredited representatives of the mandatory Power.

The Commission had already had an opportunity, in the previous year, of collaborating with Dr. Drummond Shiels, and he felt sure he was interpreting the unanimous opinion of his colleagues in stating that the Commission fully appreciated the British Government's decision again to send as its accredited representative, for the examination of the annual report on Palestine, the British Parliamentary Under-Secretary of State for the Colonies. The Commission understood that Dr. Drummond Shiels had visited Palestine some months previously, and it would thus have the benefit of hearing his personal views, formed on the spot, on several questions which were regarded by the Commission as of the highest importance.

He desired also to welcome on behalf of his colleagues Mr. M. A. Young, Chief Secretary to the Palestine Government, who has been sent with Dr. Drummond Shiels by the mandatory Power, and whose presence would no doubt enable the Commission to obtain explanations on many points of detail.

Before inviting his colleagues to discuss the annual report, he desired, in conformity with the usual custom, to invite the accredited representative to make a general statement on the situation, should he consider this necessary or opportune.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Dr. Drummond SHIELS thanked the Chairman and members of the Commission for their very kind welcome. He expressed his pleasure at appearing again before the Commission, and introduced his colleagues by name.

He said that he would be glad to take advantage of the Chairman's invitation to make a general statement, before proceeding to questions on the report.

The accredited representative made the following general statement:

I have again the honour of appearing before the Permanent Mandates Commission, during its consideration of the Palestine report, as accredited representative of the British Government, this time under happier auspices than last year. On that occasion, the atmosphere was still agitated as a result of the deplorable occurrences of 1929. Since then, however, I am glad to be able to say that, although it must be admitted that tension still exists in the political atmosphere of Palestine, and that the country has not escaped the effects of the worldwide economic depression, nevertheless, a period of quiet has ensued as compared with the disturbed conditions of the preceding year. Without wishing to appear in any way complacent, I venture to say that it is a source of satisfaction to His Majesty's Government that the measures taken to prevent a recurrence of disorder have proved efficacious. As an instance, I might mention that the period of Easter, both in 1930 and 1931, passed off quietly, save for a few isolated incidents. When it is remembered that, in both these years, the Easter period and those of the Jewish Passover and of the Moslem festival of Neb Musa largely overlapped each other, thereby producing a period of exceptional tension and religious excitement, it is indeed satisfactory that things passed off so quietly. I should like, in that connection, to pay a tribute to the efficiency of the arrangements made by the local administration which led to so satisfactory a result and which also gives some evidence of the progress made by the re-organisation of the police force.

While, as I have indicated, 1930 may be contrasted with 1929 as a period of quiet following a period of unrest, it has also been a period devoted to investigation, enquiry and report. In the first place, Sir Herbert Dowbiggin, one of the ablest police-officers in the overseas service of the British Empire, was sent to Palestine in January 1930 to advise on the re-organisation of the Palestine police. His report was submitted in May of last year. There has also been a report of a Committee appointed by the High Commissioner in April 1930 on the economic condition of agriculturists in Palestine and the fiscal measures of government in relation thereto. This was followed by the report of Sir John Hope Simpson (Cmd. 3686) (presented towards the end of August 1930 and published in October of that year) on immigration, land settlement and development. At about the time of the presentation of Sir John Hope Simpson's report, Mr. G. F. Strickland, of the Indian Civil Service, presented his report to the Palestine Government on the possibility of introducing a system of agricultural co-operation in Palestine. The last, but by no means the least important, report which I have to mention is that of the Commission appointed by His Majesty's Government, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Western or Wailing Wall. This report, as the Commission will be aware, has recently been published.

After full consideration of the material at its disposal, and, in particular, the reports which had by then been made available, His Majesty's Government issued in October of last year a statement of policy, as had been foreshadowed in my statement to the Commission last year (Cmd. 3692). Considerable controversy arose over this document, and it was evident to His Majesty's Government that its intentions had been seriously misunderstood and misinterpreted in some quarters. His Majesty's Government took such steps as were possible to remove the

atmosphere of mistrust and misapprehension with which its statements had been received in Jewish circles. On November 17th, 1930, a debate upon the subject of the White Paper took place in the House of Commons, and shortly afterwards arrangements were made for conversations between Jewish leaders and representatives of His Majesty's Government. These conversations, which were conducted in a spirit of goodwill on both sides, resulted in the Prime Minister's letter of February 13th, 1931, to Dr. Weizmann, which sought to remove certain misconceptions and misunderstandings that had arisen as to the policy of His Majesty's Government as set forth in the White Paper of October 1930, and which, in the words of the Prime Minister, "will fall to be read as the authoritative interpretation of the White Paper on the matters with which this letter deals".

On receipt of the letter, Dr. Weizmann issued a statement, of which a copy accompanied his letter to the High Commissioner of April 30th, last, transmitting a memorandum on the Jewish National Home in Palestine during 1930.¹ These documents are before the Commission. As will be seen from a perusal of Dr. Weizmann's statement, the issue of the Prime Minister's letter has gone a long way to achieve its object.

I do not think, in view of the manner in which the Prime Minister's letter has been received by Dr. Weizmann, that I need make any further comments upon the controversy which preceded it.

The Prime Minister's letter to Dr. Weizmann has not, however, been well received by the Arabs, who consider that it has modified, adversely to their interests, the White Paper. This we do not admit, but it is an illustration of the difficult task of Government in Palestine that it appears to be impossible (with the present racial outlook) to give some measure of satisfaction to one section without creating a consequent and equal dissatisfaction in the other.

In dwelling as I have done in some detail upon various reports, investigations and discussions which have taken place since I last appeared before the Mandates Commission, I should be very sorry if I conveyed the impression that His Majesty's Government and the Palestine Administration had nothing in the way of practical achievement to which it could point during that period. I merely wished to emphasise the fact that His Majesty's Government has been endeavouring to obtain the best and fullest possible information with regard to the various problems in Palestine with which it is faced, so that wise and appropriate action may be taken.

I think, however, that it will be clear from the report of my Government to the Council of the League on the administration of Palestine and Transjordan for the year 1930 that, despite certain adverse circumstances, definite progress has been made in various directions. In the words of the report, "Nothing testifies more highly to the country's powers of financial endurance and recuperation than the fact that the revenue from Customs in 1930 approached one million pounds. This result is all the more remarkable in a year of reduced Jewish contributions and capital investments. Were it not for the burden of defence, the finances of the country, in the world circumstances of the last two years, might be considered satisfactory".

Important public works have been undertaken during the year which have enabled the Government to afford employment to a substantial number of workers. Considerable progress has been made with the harbour works at Haifa, and an important achievement has been the completion of the Government Kadoorie Agricultural School at Tukkarem, which was opened to pupils on January 1st, 1931.

An outstanding event of the year was the opening of the bulk oil installation of the Shell Company at Haifa. It should also be mentioned that Conventions have been signed between the Palestine and Transjordan Governments and the Iraq Petroleum Company with a view to the construction of a pipe-line from the Iraq oilfields to the Bay of Acre; this being one of the two pipe-lines which, in its new Agreement with the Government of Iraq, the company has undertaken to construct by the end of 1935.

While the condition of commerce and industry during the year may be regarded with some satisfaction, agriculture has, as might be expected, suffered from the worldwide depression. It has also suffered from the additional misfortune of a bad winter crop due to unfavourable climatic conditions, a plague of field-mice and an invasion of locusts for the third year in succession. The peril of the locust invasion was successfully dealt with by the skill and energy of the Administration. Various measures have also been taken to relieve the plight of the cultivator, including the remission of one-half of the commuted tithes on the winter crops, and the distribution of £35,000 to farmers in short-term agricultural loans.

It has subsequently been deemed necessary, in view of the continued depression in agriculture and the unsatisfactory financial position of agriculturists, to make further large remissions of tithe for 1930 and for the present year.

I may end this short review of events by referring to the construction of the Jordan hydro-electric power station, which, as has been noted in the memorandum submitted by the Jewish Agency, was almost completed at the end of the year, and, but for delay owing to the severe floods in the spring of 1931, would probably have by now been providing current for industry over a large area of Palestine.

¹ Document C.P.M.1178.

The instances which I have just given of activity in various branches of work in Palestine leave out of account what is perhaps the most important practical problem at the present time in regard to that territory—namely, the question of land development and land settlement. It may, I think, be regarded as common ground that a comprehensive scheme of development is called for in the interests of both the Arab and the Jewish communities and in fulfilment of the responsibilities which His Majesty's Government have for the general welfare of Palestine.

In framing a scheme which will meet these requirements, His Majesty's Government have made every effort to ascertain the views and to consult the interests of both parties. This has not been easy, and it has involved much expenditure of time; but it is hoped that, in the near future, it will be possible to announce the general outlines of the scheme.

Subject to the necessary provisions for control, consultation and advice, the administration of the scheme will be placed in the hands of an officer to be appointed under the title of Director of Development, and his appointment will be the first step. His Majesty's Government are now taking active steps to secure the services of a suitable officer for this very important task. In order to finance the scheme, His Majesty's Government propose that a loan of £2,500,000 should be raised, which Parliament will be asked to authorise His Majesty's Government to guarantee. As the Commission may be aware, I have already made an announcement in Parliament to this effect. I feel confident that the scheme, when fully worked out, will make a very marked difference for the better in the economic condition of the country and will thus prove of great advantage to the whole population, Jew and Arab alike.

As regards the method by which the policy of development should be carried out and the detailed programme of work to be undertaken, I should like to make it clear that His Majesty's Government have no intention of governing their procedure by any assumptions based on existing estimates of facts and figures. The whole problem will be carefully investigated on the spot by the development authority, whose recommendations will be framed in the light of the facts so ascertained. I emphasise this point since some of the facts and conclusions contained in Sir John Hope Simpson's report have, as the Commission will be aware, been challenged in Jewish quarters. It will, however, be clear from what I have just indicated that the development authority will not start by assuming the correctness of any set of statistics in relation to their problem, but will verify on the spot the facts necessary to be ascertained before proceeding to draw up or to execute any part of the scheme of development.

In conclusion, I should like to remark that it may be said that the difficulties of the political issue have, to some extent, tended to delay economic development. It may be said, on the other hand, that happier political conditions, if efforts to attain them are successful, as I hope they will be, should react favourably upon material progress. The situation, however, does call for action in the economic field, and it is the intention of His Majesty's Government, while taking into due consideration political facts and requirements, to concentrate upon economic improvement—in particular, through the agency of the development scheme—in the hope that thereby greater prosperity and a better understanding between the two races may gradually be established in Palestine.

The CHAIRMAN thanked the accredited representative for his statement and enquired whether the members of the Commission had any questions of a general nature to ask, before dealing with the report in detail.

MEASURES TAKEN BY THE ADMINISTRATION TO AVOID DISTURBANCES.

M. ORTS had noted that, contrary to what had happened in previous years, there had been no disturbances at Easter and that Dr. Drummond Shiels attributed that fact to the measures taken by the authorities. He would be interested to know what those measures were.

Dr. Drummond SHIELS asked Mr. Young to reply.

Mr. YOUNG referred to the strengthening of the police force and also to the fact that two British infantry battalions were now stationed in Palestine. Those two facts had made the Palestine Government feel more secure. As Dr. Drummond Shiels had said, there had been no serious difficulties at what might have been a very difficult time.

M. ORTS, while not wishing to go back over past events, noted that it was largely the presence of British troops that had prevented disturbances at Easter. He recalled that the Commission had expressed the view that the disturbances of 1929 could have been prevented, or at any rate that they would not have been so serious, if there had been more troops in the territory; at that time this argument had been contested.

Dr. Drummond SHIELS understood M. Orts to have said that the mandatory Power had disputed the view that a larger military force would have prevented or would, at least, have minimised the disturbances. He did not think that was quite an accurate statement. His recollection was that the Mandatory had agreed that this was so, but had claimed that the authorities were justified, by the improvement in the position in Palestine during the previous years, in reducing the forces to the extent that they had done. The Mandatory had further pointed out that the position of the forces in Palestine had, among other matters, been before the Mandates Commission every year. He did not think that the Mandatory had ever seriously disputed the point that the presence of larger forces would have helped the situation.

M. ORTS remembered that, when the Commission had expressed the opinion that the presence of larger forces would have had a decisive and beneficial effect, the accredited representative of

the mandatory Power had observed that, in 1920 and 1921, the presence of a large British garrison had not prevented the massacres.

Dr. Drummond SHIELS agreed, and said that he himself had put forward that very point. What he had said, however, was that no number of troops, however large, could be regarded as an absolute means of preventing trouble. He thought that M. Orts and himself were probably more in agreement than appeared from the passage of words.

QUESTION OF THE COMMUNICATION TO THE COMMISSION OF MR. STRICKLAND'S REPORT ON AGRICULTURAL CO-OPERATION.

M. ORTS referred to the Strickland report on agricultural co-operation. That report had not been communicated by the mandatory Government to the Secretariat, which had procured it through another channel. He enquired whether the Commission was to regard the report as having been communicated officially.

Dr. Drummond SHIELS said he understood that the report had been communicated to the Mandates Commission. In any case, the accredited representatives had come to Geneva prepared to discuss it. He was sorry if there had been any error in the matter.

The CHAIRMAN welcomed the accredited representative's statement, but explained that the Commission had not yet received the report officially.

Dr. Drummond SHIELS suggested that the report might have been sent to the Secretariat, as instructions had certainly been given for it to be communicated.

M. CATASTINI explained that the Secretariat had not received from the mandatory Power copies of the Strickland report. When, however, it had learnt that the report had been published, it had obtained copies, which it had distributed to the members of the Commission.

Dr. Drummond SHIELS expressed his regret, and suggested that Mr. Young would be very glad to give an idea of the report, if the Commission so desired.

The CHAIRMAN explained that the members of the Commission were already in possession of copies of the report. He had merely wished to settle a point of order, and enquired whether the Commission could take the Strickland report as having been communicated, with a view to discussion.

Dr. Drummond SHIELS replied in the affirmative.

QUESTION OF THE PUBLICATION OF THE REPORT BY SIR H. DOWBIGGIN ON THE RE-ORGANISATION OF THE POLICE FORCE.

M. RUPPEL noted the reference in the accredited representative's statement to a report by Sir H. Dowbiggin on the re-organisation of the police force. He asked whether copies of this report would be communicated to the Permanent Mandates Commission.

Dr. Drummond SHIELS replied that Sir H. Dowbiggin's report had not been published. It was a very confidential document which it was considered hardly possible to publish.

LAND SETTLEMENT AND DEVELOPMENT.

M. ORTS understood, as regards the question of land, which was fundamental, that a final policy had not yet been adopted by the mandatory Power, which was looking for a qualified official to study the question more closely. Could the Commission conclude that the Hope Simpson report was not the last word, and that the final land policy would not necessarily be based on it?

Dr. Drummond SHIELS said that that view was perfectly correct. What the mandatory Power had done in the meantime was to take measures to safeguard tenants from eviction. As regards the larger question of the development scheme, the Government was trying to obtain the services of someone with the desirable knowledge and ability to deal with what was generally agreed to be a most difficult subject.

M. VAN REES had listened with the greatest interest to the accredited representative's general statement, particularly the latter part, and had heard with great satisfaction that the general plan of economic development was not to be based on the statistics at present available but on the results of further investigations. He congratulated the mandatory Power on that decision. He understood that the development scheme must, to a certain extent, be inspired, not only by economic, but also by political considerations, and asked if that point might be explained more fully.

Dr. Drummond SHIELS said that he was not aware of having made such a statement. The Government was hoping, on the contrary, to escape political difficulties and to proceed on economic lines.

He added that he had hoped to be in a position to give at this meeting full particulars of the development scheme, but was not yet able to do so.

The first object of the scheme was the resettlement of Arabs who had been dispossessed owing to the fact that their lands had passed into Jewish hands.

The other objects were to increase the absorptive capacity of the country by general improvements, such as more intensive cultivation, irrigation, drainage, and possibly by other means, such as agricultural research. The idea was to provide, in the first place, for the class of landless Arabs described and then to investigate the other questions, after which a final decision on the policy would be taken.

M. VAN REES was surprised that the principal object was to re-establish the Arabs who had been expelled owing to the sale of land to the Jews, and that everything else was considered as secondary. Nevertheless, as regards this primary object, which could not be realised without very detailed and exact information, M. Van Rees wondered how this part of the plan could be put into operation without knowledge, not only of the number of Arabs to be re-established on the land, but also under what conditions they had left, voluntarily or otherwise, the lands they had occupied. The accredited representative would remember that last year M. Van Rees had asked him to transmit to Sir John Hope Simpson certain questions he had asked. No reply had been received to those questions.

Dr. Drummond SHIELS replied that the request had been conveyed to Sir John Hope Simpson, who had, however, been unable to give the information. It would be the first duty of the Development Commission to find out and register the number of this particular class of landless Arabs and then to initiate the procedure of resettlement.

M. RAPPARD noted the reference in the accredited representative's statement to a report by a commission, appointed by the High Commissioner, on agricultural and fiscal measures. On page 13, paragraph 29, of the annual report it was stated that Sir E. Dowson had paid a return visit to Palestine in 1930 and had presented a report on the progress made in land settlement and urban taxation. M. Rappard asked if these two reports were identical and if they were confidential.

Mr. YOUNG replied that the two reports were quite distinct.

The former report had been presented by a Committee consisting of the Deputy Treasurer and an Assistant District Commissioner and had been published. Copies had been sent to the League on February 24th, 1931, at the request, he understood, of the League library.

The second report related to the progress of land settlement and the prospect of the introduction of a general land tax in place of the existing agricultural taxes. It had not been published, but there was no objection to its being placed at the disposal of the Permanent Mandates Commission, if the members so desired.

M. CATASTINI said that, as in the case of the Strickland report, the first of the two reports to which Mr. Young had referred had been distributed to the Commission by the Secretariat on its own initiative.

COUNT DE PENHA GARCIA did not quite understand why the term "dispossessed" was used in respect of the Arabs. He thought that the Jews had bought the land and that the Arabs had sold it. This was a normal transaction. The Arabs in question had sold their land and in many cases, the farmers who had occupied them had even received indemnities, so that it was incorrect to say that they had been evicted or dispossessed. In these circumstances, why should they be given land as reparation? Such a method of visualising the problem was not calculated to improve the relations between the two races.

Was it a question of improving the position, by means of an agrarian reform, of the former farmers who had been evicted from the land bought by the Jews? This would be too narrow a problem. In reality, the point involved was that of the situation of the Arab peasants, which was only partly due to the Jewish immigration. The difficulty of the problem arose from the quantity of cultivable land which was available for distribution. It would be necessary to ascertain whether it was possible to bring fresh land under cultivation, seeing that those available were insufficient. When this investigation had been made and the preparatory work completed it could be seen whether the Government had enough to distribute to everybody. On this capital point would depend the extent of the agrarian reform and its effect on the solution of the Palestine problem.

Dr. Drummond SHIELS replied that it was true that some, at least, of the dispossessed Arabs had received cash compensation for leaving the land. It had, however, been agreed generally, and this applied to the Jewish authorities, that, when Arab peasants had been displaced as a result of Jewish colonisation and no other land or occupation had been found for them, other land should be given them. With regard to Arabs who had never been in possession of land, it would depend on the later working out of the development plan whether or how land would be available for them when more cultivable land was created.

He pointed out that the dispossessed Arabs were in most cases not owners but tenants who had been turned out when the land changed hands.

M. VAN REES expressed satisfaction at the replies which the accredited representative had just given. He was glad to hear that further enquiries would be made which would not merely fix the number of tenants evicted as a result of the Jewish colonisation. He asked whether the Administration's attention was confined to Arabs who had been evicted as a result of the sale of land to the Jews, or whether it was also directed to the Arab occupants who had been evicted as a result of land transactions concluded between Arabs. In this connection, M. Van Rees recalled the letter, dated May 11th, 1931, from the British Government to the League of Nations

enclosing the observations of the Government on the memorandum from the Arab Executive Committee dated December 6th, 1930.¹ In these observations it was said, among other things (page 10):

“ It should be borne in mind that the Arab landlords themselves have, in some cases, evicted agricultural tenants ”

Dr. Drummond SHIELS thought the passage in question referred to evictions from land which was about to be transferred to Jewish owners. He pointed out that the only pledge given by the British Government was to give land to persons dispossessed of it as a result of Jewish colonisation.

M. SAKENOBE asked what would be the position of Jewish immigrant farmers during the period when the development scheme was being elaborated.

Dr. Drummond SHIELS replied that the Jewish Agency had considerable reserves of land which would not be fully utilised by the time the development scheme was fully set up.

POLITICAL SITUATION.

The CHAIRMAN noted that, when making his statement, Dr. Drummond Shiels had omitted to give the Commission his views on general political conditions. He did not know whether this omission was intentional or not. He had hoped that Dr. Drummond Shiels, after visiting Palestine, would have informed the Commission of the impressions he had received as a result of the conversations he had had with the different sections of the population.

The Chairman recalled that, in October 1930, the White Paper published by the British Government had caused a considerable sensation both among the Arabs and the Jews in Palestine. Almost at the same time the British Government had published the report of Sir John Hope Simpson, followed in February 1931 by the publication of the letter from the British Prime Minister to Dr. Weizmann, the tone of which had not failed to arouse emotion amongst the Arabs. It was sufficient to compare these various documents to realise how uncertain was the policy of the mandatory Power in connection with the Palestine problem. The Chairman asked Dr. Drummond Shiels if he could reassure the Commission on this point, by telling it that the British Government had at last adopted a definitive policy, and, if possible, what that policy was.

Dr. Drummond SHIELS replied that he would be very glad to give the personal impressions which he had gained from his visit to Palestine. He would prefer to do so later in the session, after he had had time to prepare his statement.

FORM OF THE ANNUAL REPORT.

The CHAIRMAN pointed out that, at the extraordinary session held in the previous year, some suggestions had been made as to the form of the annual report, with a view to the more rational arrangement of the subject matter. He thanked the mandatory Power for having complied with the Commission's wish, and noted that the annual report for 1930 showed a considerable effort to satisfy the Commission's wishes. The various subjects were very fully treated and, in general, detailed replies had been given to the questions asked by the Commission in the previous year.

He also thanked the mandatory Power for having supplied the members of the Commission with copies of a map with a view to facilitating the examination of the annual report.

COMPARISON OF THE WHITE PAPER OF OCTOBER 1930 (CMD. 3692) WITH THE LETTER FROM THE BRITISH PRIME MINISTER TO DR. WEIZMANN, DATED FEBRUARY 13TH, 1931.

M. VAN REES noted that, on pages 25 to 27 of the report, the second chapter of the White Paper (pages 12 to 15), dealing with “ Constitutional Development ”, had been reproduced in full. He regretted that this was the only part of this document that the mandatory Power had considered it necessary to reproduce in the report, seeing that the third chapter of the White Paper (pages 15 to 23), dealing with “ Economic and Social Development ” and explaining the constructive policy which the British Government proposed to follow in these matters, was undoubtedly of greater importance, in present circumstances, than the second chapter.

As regards the views of the British Government on economic and social development, the report merely referred the reader (pages 19, 28, 35, 41 and 50) to the White Paper and to the explanatory letter sent by the Prime Minister to Dr. Weizmann, dated February 13th, 1931, and did not explain any of the essential points. M. Van Rees considered that it would have been a good thing if the report had at least developed these essential points, referring at the same time to the relevant passages in the White Paper. He asked if there was some special reason why the report contained only a part on the White Paper and passed over in silence the other part, which was quite as interesting to all those who were dealing with affairs in Palestine.

¹ Document G.P.M.1169.

Dr. Drummond SHIELS replied that, in the case mentioned, it was probable that only one part of the White Paper had been reproduced in the report because the authors considered it to be relevant to the question asked. He did not know of any other reason.

M. VAN REES observed that this partial reproduction was the more regrettable, in that it prevented the reader of the annual report from ascertaining what were the guiding principles of the policy adopted by the Mandatory in economic and social matters. Further, the reference to two documents giving this information, neither of which was complete, necessitated a careful comparison of each of these documents with the other. This was somewhat difficult work in view of the fact that the letter to Dr. Weizmann was in reality something more than a simple interpretation of the White Paper, since it restricted and, in consequence, modified certain statements made in the other document; and indeed, as regards certain other points, went so far as flatly to contradict the White Paper. M. Van Rees had felt it his duty to give his reasons for this point of view by stating in writing the principal divergencies between the two documents; he was ready to read the statement in question if his colleagues so desired.

The CHAIRMAN asked M. Van Rees to postpone reading the document until the next meeting.

TENTH MEETING.

Held on Monday, June 15th, 1931, at 4 p.m.

Palestine: Examination of the Annual Report for 1930 (continuation).

Dr. Drummond Shiels, Mr. M. A. Young, Mr. R. V. Vernon and Mr. O. G. R. Williams came to the table of the Commission.

COMPARISON OF THE WHITE PAPER OF OCTOBER 1930 (CMD. 3692) WITH THE LETTER FROM THE BRITISH PRIME MINISTER TO DR. WEIZMANN, DATED FEBRUARY 13TH, 1931 (continuation).

M. VAN REES wished, before giving effect to the request formulated by the Chairman at the end of the previous meeting, to make the following declaration:

He did not desire in any way to bring into the discussion the contents of the White Paper or of the letter from the British Prime Minister. M. Van Rees considered that, in his capacity of member of the Mandates Commission, he was not called upon to express a judgment on the policy explained by the British Government in these two documents, unless the documents in question, taken as a whole, proclaimed a line of conduct which was incompatible with the mandate—which was not the case. If, therefore, during later discussions, M. Van Rees found himself obliged to make certain observations regarding the attitude of the mandatory Power concerning the *practical application* of certain provisions of the mandate, those observations would only relate to the methods of application of those provisions and not to the general policy outlined in the two documents in question.

As he had observed, the letter from the British Prime Minister to Dr. Weizmann, which was presented as an interpretation of the White Paper, served, in reality, to define a certain number of statements appearing in the White Paper which had been more or less contested. M. Van Rees congratulated the British Government on having succeeded in explaining and completing these contested declarations in such a way as to bring them more closely into harmony with the real sense of the provisions of the mandate.

Passing to his statement of the points in question, which were of particular interest to the Commission, M. Van Rees desired to say that he did not wish in any way to provoke a discussion on them, but only to show that the letter to Dr. Weizmann contained more than a mere interpretation of the White Paper. He would give parallel passages from the two documents from which anyone could draw his own conclusions. This did not call for any reply from the accredited representative.

Dr. Drummond SHIELS said he would listen with interest to M. Van Rees' arguments, provided always that it was understood that the fact of his not replying did not necessarily imply his acceptance of all M. Van Rees' views.

I. Jewish People.

M. VAN REES said that in paragraph 3 of the Prime Minister's letter he found that "His Majesty's Government... recognises that the undertaking of the mandate is an undertaking to the Jewish people and not only to the Jewish population of Palestine". The White Paper, on the contrary, nowhere gave the impression that any special importance was attached to this essential distinction. Judging, for example, from the last sub-paragraph of paragraph 3 it rather appeared that the British Government had only assumed responsibility as regards the Jews established in Palestine, whereas the preamble to the mandate referred expressly to the *Jewish people* in general.

II. *Interpretation of Articles 2 and 6 of the Mandate.*

The Prime Minister's letter contained in paragraphs 6 and 7 interpretations of the reservations appearing in Articles 2 and 6 of the mandate.

In paragraph 6 it was laid down that the words "safeguarding the civil and religious rights" occurring in Article 2 (of the mandate) cannot be "read as meaning that the civil and religious rights of *individual citizens* are to be unalterable". "The words, accordingly", it was said later, "must be read in another sense, and the key to the true purpose and meaning of the sentence is to be found in the concluding words of the article 'irrespective of race and religion'. These words indicate that, in respect of civil and religious rights, the Mandatory *is not to discriminate between persons on the ground of religion or race*, and this protective provision applies equally to Jews, Arabs and all sections of the population".

Again in paragraph 7 of the Prime Minister's letter it was laid down that The words "rights and position of other sections of the population" occurring in Article 6 (of the mandate) "plainly refer to the non-Jewish community. These rights and position are not to be prejudiced, that is, *are not to be impaired or made worse*". . . . "But the words are not to be read as implying that *existing economic conditions in Palestine should be crystallised*. On the contrary, the obligation to facilitate Jewish immigration and to encourage close settlement of Jews on the land, remains a positive obligation of the mandate, and it can be fulfilled without prejudice to the rights and position of other sections of the population of Palestine."

These perfectly justifiable interpretations were little in accord with the spirit of the White Paper, which, in more than one place, gave the impression that the reservations quoted above were rather obstacles in the way of the establishment of the National Home, and therefore obstacles as much to Jewish immigration as to the extension of the Jewish agricultural enterprises.

III. *Lands to be reserved for the Arabs.*

Referring to the State lands, the White Paper contained the following general conclusion; "The Government claims considerable areas which are in fact occupied and cultivated by Arabs. Even were the title of the Government to these areas admitted, and it is in many cases disputed, it would not be possible to make these areas available for Jewish settlement, in view of their actual occupation by Arab cultivators and of the importance of making available additional land on which to place the Arab cultivators who are now landless".

What could that text mean except that all the available land should be reserved in the first instance for landless Arabs or Arabs without enough land?

But in paragraph 9, the Prime Minister's letter said something quite different. It explained that "it is desirable to make it clear that the landless Arabs . . . *were such Arabs as can be shown to have been displaced from the lands which they have occupied in consequence of the lands passing into Jewish hands, and who have not obtained other holdings on which they could establish themselves or other equally satisfactory occupation*". The letter continued: "The number of such displaced Arabs must be a matter for careful enquiry. *It is to landless Arabs* within this category that His Majesty's Government feel themselves under an obligation to facilitate their settlement upon the land. The recognition of this obligation in no way detracts from the larger purposes of development, which His Majesty's Government regards as the most effectual means of furthering the establishment of a National Home for the Jews".

IV. *Enquiry regarding State Land.*

In paragraph 15 the White Paper said: "It can now be definitely stated that at the present time and with the present methods of Arab cultivation there remains no margin of land available for agricultural settlement by new immigrants, with the exception of such undeveloped land as the various Jewish agencies hold in reserve".

In the Prime Minister's letter, however, this certainty is quite as definitely abandoned, for in paragraph 10, sub-paragraph 2, it said: "It is the intention of His Majesty's Government to institute an enquiry as soon as possible *to ascertain, inter alia, what State and other lands are, or properly can be made, available for close settlement by Jews* under reference to the obligation imposed upon the Mandatory by Article 6 of the mandate".

V. *Transfer of Land to the Jews.*

According to the White Paper (paragraph 23) only by the methodical application of such a policy (of agricultural development) will additional Jewish agricultural settlement be possible consistently with the conditions laid down in Article 6 of the mandate . . . For this reason—the White Paper went on to say,—it is fortunate that the Jewish organisations are in possession of a large reserve of land not yet settled or developed. Their operations can continue without break, while more general steps of development, in the benefits of which Jews and Arabs can both share, are being worked out. During this period, however, the control of all disposition of land must of necessity rest with the authority in charge of the development. Transfers of land will be permitted only in so far as they do not interfere with the plans of that authority.

It was not surprising that it had been inferred from these principles that, at least during the period of transition, which according to the White Paper was expected to last for an appreciable time, all transfers of land to the Jews would be prohibited.

The letter from the Prime Minister stated that this was not so. It was said in paragraph 13 that "the policy of His Majesty's Government *did not imply a prohibition of acquisition of additional land by Jews. It contains no such prohibition, nor is any such intended.* What it does contemplate is such temporary control of land disposition and transfers as may be necessary not to impair the harmony and effectiveness of the scheme of land settlement to be undertaken".

VI. Jewish Immigration.

Paragraph 27 of the White Paper said: "It may be regarded as clearly established that the preparation of the Labour Schedule must depend upon the ascertainment of the *total* of unemployed in Palestine", and, later on, (paragraph 28) it is added: "Clearly, if immigration of Jews results in preventing the Arab population from obtaining the work necessary for its maintenance, or if Jewish unemployment unfavourably affects the general labour position, it is the duty of the mandatory Power under the mandate to *reduce*, or, if necessary, to *suspend* such immigration until the unemployed portion of the 'other sections' is in a position to obtain work".

What could that mean except that His Majesty's Government reserved the right to prohibit all Jewish immigration as far as that immigration might prevent the Arab population from finding work?

In paragraph 15, the Prime Minister's letter said: "His Majesty's Government *never proposed to pursue such a policy.* They were concerned to state that, in the regulation of Jewish immigration, the following principles should apply—namely, that 'It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole and that they should not deprive any section of the present population of their employment'" (White Paper 1922).

Later, in paragraph 16, the Prime Minister's letter added: "His Majesty's Government *did not prescribe and do not contemplate any stoppage or prohibition of Jewish immigration in any of its categories.* The practice of sanctioning a 'Labour Schedule' of *wage-earning immigrants will continue. In each case consideration will be given to anticipated labour requirements for works which, being dependent on Jewish or mainly Jewish capital, would not be, or would not have been, undertaken unless Jewish labour was made available*", and later (in paragraph 17): "His Majesty's Government do not in any way challenge the right of the Agency to formulate or approve and endorse such a policy"—that was to say, a policy whereby the obligation to employ Jewish workmen for the works or undertakings executed by the Jewish Agency was to be regarded as a question of principle. The paragraph went on to say: "*The principle of preferential and, indeed, exclusive employment of Jewish labour by Jewish organisations is a principle which the Jewish Agency are entitled to affirm*".

In the White Paper, however (paragraph 20), the right of the Jews to employ, if they preferred to do so, only Jewish labour in their own undertakings was contested as being contrary to the terms of Article 6 of the mandate, and, in particular, incompatible with the provision to the effect that "the rights and position of other sections of the population must not be prejudiced".

VII. Public Works.

The White Paper did not deal expressly with the question of labour for public works, although the letter from the Prime Minister contained the following declaration regarding this subject (paragraph 16): "With regard to public and municipal works falling to be financed out of public funds, *the claim of Jewish labour to a due share of the employment available, taking into account Jewish contributions to public revenue, shall be taken into consideration*".

Dr. Drummond SHIELS said he had listened with interest to the comparisons which M. Van Rees had made between the White Paper and the Prime Minister's letter.

The policy of His Majesty's Government must be taken as a whole, as formulated, explained and amplified in the Parliamentary Debate, in the White Paper and as interpreted, in regard to certain points, in the Prime Minister's letter.

He reminded the Commission that, as long ago as 1922, the mandatory Power had laid it down that the immigration policy must be based on the absorptive capacity of the country. That was still the position. He would point out that the new development plan should work in the direction of increasing the absorptive capacity of the country.

The CHAIRMAN suggested that in case Dr. Drummond Shiels might have to leave Geneva that night it would be advisable for the members immediately to put to him any questions they might desire to ask him directly. He personally desired once more to ask Dr. Drummond Shiels what his impression was as regards the relations between the two elements of the population in Palestine.

USE IN THE TERRITORY OF GRANTS-IN-AID FROM THE BRITISH EXCHEQUER.

M. RAPPARD said that in the Mandatory's comments on the report of the Mandates Commission of last year one point had interested him in particular—concerning finance. Replying to the recommendation of the Mandates Commission that greater efforts should be made in the matter of economic development, the Mandatory had made the following statement (Minutes of Seventeenth (Extraordinary) Session, page 152):

“ Having regard to the unpromising local conditions, such a view assumes that practically unlimited funds for this purpose are at the disposal of the Palestine Government. Their resources, on the contrary, are strictly limited.

“ It implies, moreover, a fundamental misconception of the general policy of His Majesty's Government with regard to the territories for which they are responsible. It has been their consistent aim, justified by long experience, to emancipate as soon as possible such territories from dependence upon grants-in-aid from the British Exchequer.

“ If a territory is to be developed on sound economic lines, it must be, in the opinion of His Majesty's Government, on the basis that it is self-supporting. It is true that until recent years it has been necessary to assist the Government of Palestine by grants from the British Exchequer. In fact, the expense which has fallen on His Majesty's Government in connection with the mandate has not been inconsiderable. Taking only the period since 1921, when the present system of administration (*i.e.*, control by the Secretary of State for the Colonies) was inaugurated, the sums provided by His Majesty's Government have amounted to more than nine million pounds sterling. This expenditure naturally includes the cost of defence of the territory.”

He compared this with the statements concerning non-recoverable grants-in-aid on page 147 of the report for 1930, and noted also that there were no loans or advances from His Majesty's Government (page 154). The expenditure incurred on defence from 1922 to 1928 was shown, but figures for the following years were not available, “ as no separate record has been kept ”.

There appeared to be no expenditure for civilian purposes, and he wished to enquire what part economic development had played in the expenditure, amounting to nine million pounds sterling, since 1921. The reference to that sum appeared to imply that Great Britain had already made great sacrifices for the economic development of Palestine.

Dr. Drummond SHIELS regretted that he was not in a position to reply very fully, as he had not the necessary material at hand. He suggested that the explanation might perhaps be largely a matter of book-keeping. For the first years, the whole cost of the garrison had been entered, while in recent years only the excess cost over the cost of the garrison at home had been noted. Should it prove impossible fully to clear up the point by consultation after the meeting, the information would be forwarded either to M. Rappard direct or to the Secretariat of the Commission.

M. RAPPARD would be very grateful for the communication of such a statement. The Mandates Commission had urged the speeding up of economic development, and the statement that nine million pounds sterling had been spent by the Mandatory had appeared before the world two months later. The dates and circumstances governing the interchange of views between the Commission and the Mandatory made the former seem unreasonable in asking so much—the Mandatory having already spent so large a sum—but the actual sums appeared to have been used almost entirely, if not entirely, for purposes of defence and police.

Dr. Drummond SHIELS could not quite accept the view that expenditure on the police or even on defence services was necessarily irrelevant to considerations of development. It might have considerable effect on the possibility of economic development. He hoped to be able to give a satisfactory explanation as soon as he could command the necessary figures.

LEGISLATIVE COUNCIL.

M. VAN REES noted that, according to the passages of the 1930 White Paper reproduced on pages 25 to 27 of the report, His Majesty's Government proposed to repeat the attempt, which had failed in 1923, to establish a Legislative Council on the basis of the White Paper of June 1922—that was to say, in conformity with the provisions of Part 3 of the Palestine Order-in-Council, 1922.

That Council would be composed of the High Commissioner as President and of twenty-two other members, including ten officials appointed under Article 20 of the Order-in-Council and twelve elected non-official members. The composition of this latter portion of the Legislative Council, however, had not been settled by the Order-in-Council. Was there any decision whereby the number of Arab, Christian and Jewish elected members was fixed ?

Dr. Drummond SHIELS regretted that he could not supplement the information given, as there had been no decision on the subject.

M. VAN REES said that, although the Order-in-Council did not say so explicitly, the Legislative Council would no doubt have the right of initiative in all legislative matters, subject to the limitations expressly laid down in Article 18. On the other hand, Article XVI of the Royal Instructions of August 14th, 1922, stipulated that the High Commissioner should not submit to the Legislative Council any ordinance which was contrary to, or appeared not to be reconcilable with, the provisions of the mandate.

How was this instruction to be interpreted?

Did it imply that, so far as concerned the execution of the mandate, no legislative measure might be considered by the Council unless it had been submitted by the High Commissioner? Should this hypothesis be correct—which M. Van Rees doubted—the Council would have no right of initiative in any matter affecting the mandate.

If, however, such an hypothesis were incorrect, as he believed, another more serious question arose. Articles 24 to 27 reserved the right of the High Commissioner or of His Majesty to prevent the entry into force of any ordinance approved by the majority of the Council. Such a repressive weapon could only be used in extreme cases—that was to say, very rarely, on pain of provoking undesirable conflicts. There was no real fear of the majority deliberately flouting the explicit provisions of the mandate, of their acting contrary to the very letter of that instrument, since in such a case they would inevitably expose themselves to the application of the High Commissioner's right of veto. In the case, however, of the *interpretation* of certain provisions of the mandate, it would be much more difficult for the High Commissioner to decide whether or not the ordinance approved by the Council scrupulously respected the provisions of the mandate.

A striking example of this difficulty was furnished by the White Paper of October 1930, which clearly attributed to the reservations appearing in Articles 2 and 6 of the mandate a meaning which the British Government had later been obliged to restrict for the reasons stated in paragraphs 6 and 7 of the letter from the British Prime Minister of February 1931.

Hence, in so far as the Council might proceed to legislate on questions relating to the mandate, the number of cases revealing a divergence of views between the majority of the Council and the High Commissioner might prove to be very considerable, a position which would involve consequences ill-calculated to promote that understanding between the different elements of the population which the Government still hoped might one day come to pass.

M. Van Rees considered that that aspect of the proposed legislative organisation called for the most careful attention, in the very interests of the country which the British Government was called upon to administer on the basis of so complex an instrument as the Palestinian mandate, an instrument unique of its kind.

Dr. Drummond SHIELS quoted the paragraph on page 27 of the report to the effect that the High Commissioner would continue to have the necessary power to ensure that the Mandatory should be enabled to carry out its obligations to the League of Nations, including any legislation urgently required, as well as the maintaining of order.

He agreed with M. Van Rees that the veto was a very difficult weapon, which could only be used sparingly, because of its effect on local feeling. As regards the interpretation of the mandate, that had been one of the Mandatory's difficulties: certain parts were open to doubt as regards their interpretation. There would almost certainly be a new Order-in-Council before the Legislative Council was set up, and the points raised by M. Van Rees would certainly be taken into consideration.

ATTITUDE OF THE ARABS TO THE MANDATE.

M. PALACIOS reverted to a general question raised by the Chairman. It would also be interesting to know the accredited representative's impression of the situation in Palestine, both from the political and public standpoint. The Commission had received a petition¹ from the Arab opposition movement, which had held a congress and appeared to be definitely and strongly opposed to the mandate. Was that movement gaining force or was it dying down? He would be interested also to know what was the position as regards the Jews, and whether the differences between the Revisionists and other parties appeared to be growing less acute.

EFFECT IN PALESTINE OF THE POLITICAL DEVELOPMENT OF IRAQ.

The CHAIRMAN wished to ask a question which touched upon the very nature of the mandate. It was clear that the Moslem element in Palestine was following with the keenest interest the political development of Iraq. The Chairman wondered what, when the time arrived, would be the effect in Palestine of the declaration of independence of Iraq. The Arabs in Palestine, who were always complaining about the special character of the Palestine mandate, would not fail to consider that they had been treated less well. The Chairman asked the accredited representative if he could give his views on the subject.

¹ Document C.P.M.1169.

LOCAL ADMINISTRATION.

COUNT DE PENHA GARCIA observed that the mandatory Power had already made several attempts to introduce local administration, in the form of local elective councils or similar institutions. So far, no great result appeared to have been achieved and the impression given by the report was not very optimistic. It often seemed difficult to obtain properly elected councils. In the Councils the distrust between the two races was increasing. He would be glad to have the accredited representative's impressions on this point and his opinion as to whether it might perhaps be found necessary to base the local administration on traditional formulæ, especially as regards the Arab villages, at the same time adapting those formulæ to present requirements.

Dr. Drummond SHIELS agreed that there had been difficulties, but felt that it was hardly accurate to say that no success had been achieved. He thought that Mr. Young would be better qualified than himself to give information on the subject of local councils and possibly on the further development of the system.

Mr. YOUNG stated that it was hardly the case that the Palestine Government was finding great difficulty at present in allowing the municipalities to have control over their own affairs. For reasons which were mentioned in the report, it had been decided in 1930 not to hold re-elections, so that the membership was the same now as in 1927. It was the intention of the Palestine Government to introduce, as soon as possible, an Ordinance dealing with the subject of local government. This was naturally a very comprehensive measure and it had not yet been submitted to the Advisory Council. It would include the subject of village administration, and a Committee which was now sitting would make recommendations concerning village councils. It was hoped that the complete Bill would come into force within the next few months, and local autonomy would then operate in matters which could safely be left to local discretion. It was definitely not the case that the Palestine Government was experiencing great difficulties in the matter. The Government was, on the contrary, looking forward to the extension of the institutions to which he had referred.

COUNT DE PENHA GARCIA observed that it had been necessary, for various reasons, to dissolve certain local councils, while in other cases the Jews had refused to participate in the elections or the elections had been postponed in order that the situation might not become strained. The report did not convey the impression that any electoral system would function very satisfactorily at present.

Dr. Drummond SHIELS thought that the point just raised was largely a reflection of the existing racial relations. In this, as in many other matters, the fundamental question was the improvement of those relations and democratic progress must depend on that improvement.

RELATIONS BETWEEN THE HIGH COMMISSIONER AND THE PALESTINE ADMINISTRATION.

The CHAIRMAN noted that the Commission had tried in vain to get a clear view of the state of the relations existing between the High Commissioner and the Palestine Administration. The mandate mentioned, for example, local autonomy and a Legislative Council. He would like at least to know whether the Mandatory had yet evolved a plan whereby the territory would attain this administrative autonomy. He had the impression that the policy of the Mandatory was very unstable and that it would lead to very regrettable uncertainty.

Dr. Drummond SHIELS thought that the Chairman was tempting him into what Parliamentarians described as "hypothetical regions". There might, it was true, come a time when the actual Administration would cease to represent the mandatory Power to any great extent. Any consequent modification of the mandatory system must rest with the Council of the League, since no other body possessed the power to amend the mandate.

The CHAIRMAN felt it necessary to explain the difficulty that the Mandates Commission had always experienced in correcting the impression of uncertainty, of fluctuation which had appeared to characterise the policy of the mandatory Power. In this connection, he thought it useful to quote the following passage from the work of M. Van Rees, who was an authority on these matters:

"In this mandate specific powers and duties are accorded to or made incumbent on either the 'Mandatory' exclusively (Articles 1, 2, 3, 5, 9, 10, 12, 13, 14, 15 (paragraph 1), 16, 17 (paragraph 3), 18 (paragraph 1), 19, 20, 21, 24, 25, 26) or on the 'Administration of Palestine' (Articles 4, 6, 7, 11, 15 (paragraph 2), 17 (paragraphs 1 and 2), 18 (paragraph 2), 23). It brings out the distinctive character of the latter, more particularly in Article 13, which provides for arrangements between the Mandatory and the Administration in connection with the Holy Places; in Article 18, which provides that the Administration shall obtain the advice of the Mandatory in fiscal and Customs matters; in Articles 19 and 20, which provide that the Mandatory shall adhere to international Conventions 'on behalf of the Administration of Palestine' and shall co-operate, on its behalf, in the execution of matters of common policy; lastly, in Article 28, which speaks of financial obligations 'incurred by the Administration of Palestine', and which, moreover, foreshadowing the termination of the mandate, transforms the 'Administration' into the 'Government of Palestine'.

“ It appears evident, therefore, that the authors of the mandate, when reserving to the Mandatory, in Article 1, full powers of administration and of legislation, intended that this should be only a transitional precautionary measure, necessitated by the establishment of the Jewish National Home, and that, in consequence, the actual administration of the country should pass, at a more or less distant date, to the local quasi-autonomous body provided for, which should eventually become the ‘ Government ’ of the territory.”¹

He would be glad to have the accredited representative’s views on the matter.

Dr. Drummond SHIELS said that he quite understood the situation. As far back as 1922 the Government had envisaged a time when the elected representatives would have considerable power. This was shown by reference to the statement of British policy in Palestine, issued in June 1922, from which he desired to quote the following passage:

“ The Secretary of State is of opinion that, before a further measure of self-government is extended to Palestine and the Assembly placed in control over the Executive, it would be wise to allow some time to elapse. During this period the institutions of the country will have become well established; its financial credit will be based on firm foundations, and the Palestinian officials will have been enabled to gain experience of sound methods of government. After a few years the situation will be again reviewed, and if the experience of the working of the Constitution now to be established so warranted, a larger share of authority would then be extended to the elected representatives of the people.”²

He could not say exactly what would be the relation then between the High Commissioner and the Administration. The matter would, no doubt, be determined by the experience and wisdom of the mandatory Power, with the help of the Mandates Commission.

The CHAIRMAN pointed out that the Mandates Commission, as much as the mandatory Power, must abide by the terms of the mandate. The Commission wished to know whether there was any hope of the difficulties hitherto encountered decreasing in the future.

Dr. Drummond SHIELS observed that the mandatory Power was only one factor in the situation. He felt that once the relations between the two peoples were improved, further progress could be made in Palestine.

The CHAIRMAN noted that Dr. Drummond Shiels would be prepared to make a statement in reply to the various questions put to him.

ELEVENTH MEETING.

Held on Tuesday, June 16th, 1931, at 10.30 a.m.

Palestine: Examination of the Annual Report for 1930 (continuation).

Dr. Drummond Shiels, Mr. M. A. Young, Mr. R. V. Vernon and Mr. O. G. R. Williams came to the table of the Commission.

At the beginning of the meeting, Dr. Drummond SHIELS, in response to a request from several members of the Commission, made a personal statement of his impressions formed during his visit to Palestine and of his appreciation of the general outlook. In the course of his statement he replied to various questions with which he had been asked to deal.

The CHAIRMAN thanked Dr. Drummond Shiels for his statement.

ATTITUDE OF THE ORTHODOX JEWS TO THE ELECTIONS OF THE ELECTED ASSEMBLY OF THE JEWISH COMMUNITY

The CHAIRMAN noted, on page 23 of the report, an account of the elections for the Elected Assembly of the Jewish Community, which took place on January 5th, 1931. The report stated that the *Central Agudath Israel*, organ of the dissentients, appealed to orthodox Jews to boycott the elections, but that there was little response to this appeal. He asked whether this statement

¹ VAN REES, *Les Mandats Internationaux*, 1928, page 101.

² Report of the Commission on the Palestine Disturbances of August 1929, page 198 (Cmd. 3530).

could be taken to mean that the orthodox section of the Jewish population had abandoned the attitude of resistance which it had adopted when the Jewish Community Regulations were passed in 1927.

Mr. YOUNG replied that the fact that the appeal had been made indicated that this opposition had not been abandoned. It was, however, a hopeful sign that there was little response to the appeal. It would appear that there was less opposition than there had been previously.

The CHAIRMAN referred to a remark made in the previous year that there were 30,000 to 40,000 orthodox Jews, representing about one-quarter of the Jewish population, and that they reproached the other Jews with not strictly observing Jewish religious rights. He therefore supposed that the opposition still continued.

Mr. YOUNG said he was unable to confirm these figures. He thought the proportion was rather high and asked for the source of the figures.

The CHAIRMAN replied that they were based on the number of orthodox Jews in Palestine before the mandate.

JEWISH AGENCY.

M. VAN REES desired, in the first place, to state that nothing which he proposed to say regarding certain clauses of the mandate should be interpreted as affecting the principles at the basis of the policy adopted by the British Government as described in the White Paper and in the letter sent to Dr. Weizmann by the Prime Minister.

Nevertheless, while recognising the legitimacy and importance of those principles, M. Van Rees considered that their application in the territory under mandate was of still more real interest to the Mandates Commission. In order that this application should be scrupulously in accord with the principles adopted, it was essential, in the first place, that no doubt should exist as to the real meaning and scope of the provisions of the mandate which, up to the present, had given rise to different interpretations. The significance of the reservations occurring in Articles 2 and 6 of the mandate had been established once for all by the letter from the Prime Minister, and this was a matter for satisfaction. On the other hand, Articles 4, 7 and 11, to which reference was made in the White Paper, had not yet been clearly defined. For the moment, M. Van Rees would merely submit certain observations on Article 4, which dealt with the part played by the Jewish Agency as an advisory body.

In this connection, a discussion had taken place during the fifteenth session of the Mandates Commission (see pages 85 and 86 of the Minutes of that session). From this discussion, it appeared that it was at least very doubtful whether the Agency had been able, in its capacity of official advisory body, to play a part approaching that which, without any doubt, it had been intended to play by the authors of Article 4 of the mandate. This impression was corroborated by the information given on page 31 of the annual report, in which reference was made to three cases, of which two were fairly recent, in which the Agency had been consulted by the Administration. Apart from these, it was left to the Agency to take the initiative in giving such advice.

It would be difficult, after carefully analysing the terms of Article 4 and comparing it with the guiding principle expressed in the preamble to the mandate, not to admit that, in the beginning, a very much more active rôle was given to the Agency in its capacity of advisory body. Apparently the British Government have taken this into account.

In paragraph 6 of the White Paper of 1930, it gave its opinion on this matter in the following terms:

“ In particular, it is recognised as of the greatest importance that the efforts of the High Commissioner towards some closer and more harmonious form of co-operation and means of consultation between the Palestine Administration and the Jewish Agency should be further developed, always consistently, however, with the principle, which must be regarded as basic, that the special position of the Agency, in affording advice and co-operation, does not entitle the Agency, as such, to share in the government of the country.”

The reservation contained at the end of this sentence was quite legitimate. Moreover, the Zionist Executive had never expressed a contrary view. This was proved by the White Paper of 1922 and confirmed by the White Paper of 1930, where it was said in paragraph 5 (c):

“ It is also necessary to point out that . . . the Palestine Zionist Executive has not desired to possess and does not possess any share in the general administration of the country.”

In conclusion, he asked whether some reform in the sense indicated in the passage he had just quoted was contemplated. If so, what was the nature of that reform ?

Dr. Drummond SHIELDS replied that the Palestine Government was always anxious to maintain friendly relations with the Jewish Agency. On all important questions that Agency had an opportunity of giving its views. He recognised the importance of M. Van Rees' statement and would keep it in mind.

M. VAN REES wished to say that his object had not been to criticise the action taken by the Administration in the past. He would merely like to know what had been the effect of the passage in the White Paper to which he had referred, or whether it would have any effect.

Mr. YOUNG replied that, since the White Paper had been published, there had been no alteration in the form or extent of the co-operation with the Jewish Agency. The Government was in fairly constant consultation with that Agency and he had himself consulted it on various matters.

IMMIGRATION AND EMIGRATION: UNEMPLOYMENT.

M. RAPPARD referred to the measures taken to facilitate Jewish immigration and noted that revised instructions had been issued (see page 35 of the annual report). He asked whether those instructions had been published.

Mr. YOUNG replied that the instructions were issued to the departments concerned and were not for publication. If M. Rappard desired a copy, he could arrange to send him one.

M. RAPPARD said that, as regards the general immigration policy, everyone would agree that account must be taken of the absorptive capacity of the country. If the inflow of immigrants became excessive, the Jews would be the first to suffer. Unemployment statistics were, naturally, of great importance in determining the absorptive capacity. M. Rappard, therefore, warmly welcomed the table of unemployment in 1930, contained on page 46 of the report. Unfortunately, a footnote was added to the effect that, until better means of determining the extent of unemployment were available, "these figures should be accepted with reserve". He hoped that it might be found possible to prepare the statistics in such a manner that they could be accepted without reserve.

He quoted the following passage from page 38 of the report:

"It is estimated that there were about 600 unemployed Jewish labourers in the Jewish agricultural centres in June, about 750 in November, on the eve of the orange-picking season, and about 850 in December, when the seasonal work in the groves had begun."

He did not understand why unemployment should have increased as the demand for labourers increased.

Dr. Drummond SHIELDS agreed as to the importance of exact statistics to assist in ascertaining the economic position of the country. With the imperfect machinery available, however, it was not yet possible to obtain entirely accurate statistics. Accurate unemployment statistics were always difficult to obtain, even in well-developed countries. It was particularly difficult to obtain exact statistics regarding unemployment among some classes of Arabs, whose mode of life was irregular.

Mr. YOUNG replied to M. Rappard's question regarding the increase in unemployment at a time when more labourers were required. The explanation was contained in the last sentence of paragraph 18, which stated that the Jewish farm workers constituted a floating population, and, if work failed in the colonies, they re-entered the towns. During the picking season, more labourers than could be absorbed moved from the towns to the colonies. The result was a temporary increase in the unemployed in the colonies.

M. RAPPARD wondered whether this did not prove that the method of computing unemployment was unsatisfactory, as these persons were shown as having become unemployed, whereas, in reality, they would seem to have been unemployed previously. Would not unimpeachable unemployment figures, apart from their technical advantage for the administration of the immigration policy, present an additional political advantage? Would this not deprive the Jewish and Arab populations of dangerous opportunities of bringing pressure on the Government? If there were much unemployment, the Jews would not insist on more immigration, and, if there were little or none, the Arabs would lose at least one reason for opposing immigration. As long as the figures were uncertain a premium was placed on agitation.

Mr. YOUNG, while agreeing fully with M. Rappard as to the importance of obtaining exact statistics, could not accept the statement that the number of immigrants was influenced by pressure from agitators.

He hoped M. Rappard would appreciate the difficulty of obtaining exact statistics. The Administration was doing everything it could to improve the position in this respect.

M. RAPPARD noted the statement on page 36 of the report that over a thousand immigrants, including 493 Christians, etc., had entered without permission and were allowed to remain. He asked how it was possible for this large number to enter without permission.

Mr. YOUNG said he could not give an exact explanation, but suggested that the 493 Christians had not entered the country in 1930 but had been registered in that year. The process of granting permission to remain in the country was constantly going on and related to persons who had at any time arrived in the country without permission. People might come in as travellers and subsequently remain without permission. There might also be a certain infiltration over the

frontier. It must not be assumed that all the 493 arrived in 1930; but this figure should be taken as representing the activity of the Immigration Department in registering persons who had been previously living illegally in the country.

M. RAPPARD was grateful for this explanation, as, otherwise, it would appear that the persons entering the country illegally were almost as numerous as the legitimate immigrants.

With regard to paragraph 14 on page 37 of the report, he asked why the minimum capital which an immigrant was required to possess had been increased from £P500 to £P1,000. Such an increase would be very drastic even in countries which wished to discourage immigration. It was all the less comprehensible in view of Article 6 of the mandate, which provided that the immigration of Jews should be facilitated.

Mr. YOUNG replied that this increase in the minimum capital only referred to one category of immigrants, and it must not be supposed that this qualification applied to all Jews entering the National Home. He could not give the reason for the change, which had taken place in April 1930, before he arrived in Palestine. It had since been found too high in some cases, and a re-definition was taking place which, while not restoring the old dividing line, would nevertheless make exceptions possible.

M. RAPPARD noted that, in fixing the minimum amount of capital at £P1,000, account was taken of long-term loans. Did this mean that an immigrant could enter the country if he had borrowed £P1,000? If this were so, it would apparently defeat the object of the measure, as such an immigrant would have £P1,000 worth of debt and not of capital.

Mr. YOUNG replied that this condition apparently referred to persons who were already in the country but had not been registered. Their stock-in-trade was taken into account and also any loans contracted on a sufficiently long term.

M. RAPPARD thought that, since this was the proper explanation, the paragraph was unfortunately drafted, as it certainly seemed to refer to immigrants on their arrival.

Mr. YOUNG stated that the question of legalising persons staying in the country was very important in view of the large number of such persons. Their presence in the country would probably cause difficulties in connection with the coming census, but steps were being taken to overcome these difficulties.

M. RAPPARD asked what was the present situation with regard to immigration and the present policy of the Administration as regards its regulation.

Mr. YOUNG replied that, in the six months starting from last April, only 500 certificates had been allowed under the Labour Schedule. The Jewish Agency had suggested a somewhat higher figure, but recently the head of the Agency had informed him that it did not now propose to apply for a larger number. The Administration took the view that, if the Jewish Agency could make out a case for a larger number of immigrants, a supplementary schedule might be issued.

M. RAPPARD thanked the accredited representative for the information and also for the valuable immigration statistics contained on pages 41 *et seq.* of the report.

The CHAIRMAN asked how the proportion between Jewish and Christian immigrants was fixed. He noted that, in 1930, nearly 5,000 Jews had been admitted and over 1,000 Christians. Was this proportion decided in advance, or were applications granted as received?

Mr. YOUNG replied that, apart from those immigrants who came under the Labour Schedule the number was determined by the number of applications received from persons who fulfilled the conditions.

With regard to the Labour Schedule, the number was fixed twice a year and included only Jewish labourers. So far as he was aware, there was no demand for admission from labourers other than Jews.

COMMUNIST ACTIVITY IN PALESTINE.

The CHAIRMAN stated that, according to an article in the French Press on February 1st, 1931, a Communist Congress composed of Arabs and Jews had met at Jerusalem in December 1930. An organisation had been formed in which the Arab element was predominant. He asked if these arrangements had been made with the knowledge and permission of the British Government. The Arabs said that the Communists were mostly found among the Jews, while the Jews stated that most of the Communists in Palestine were Arabs.

Mr. YOUNG replied that he had not heard of any statement on the part of Jews that the Communists were mostly Arabs. On the contrary, he thought it was admitted that they were mostly Jews. He could give no information regarding the alleged Congress in December 1930. He knew there were Communists in Palestine and that they held meetings, but he was not aware of any meeting which could be dignified with the name of a Congress.

Dr. Drummond SHIELS added that the authorities in London had no knowledge of this Congress; it appeared to be merely a newspaper report.

The CHAIRMAN asked whether the Intelligence Service had been re-organised.

Mr. YOUNG replied in the affirmative, and said it was now on a much more satisfactory footing.

The CHAIRMAN was glad that the Intelligence Service had been re-organised and hoped that it would work quite satisfactorily. He added that, as the service was now better organised, it would be inexplicable if the French Press were better informed than the Administration. It was evident that some circles were alive to the danger of Communist activity in Palestine. He therefore hoped the Palestine Government would keep this danger in view.

Dr. Drummond SHIELS said that, whereas he supposed that the Communists in all countries were connected with Moscow, he had no reason to believe that the relations were such as not to be fully in the knowledge of, and appreciated by, the Palestine Administration. It was difficult to prevent people of extreme political views from entering the country. The Administration would, however, keep in view the seriousness of this question.

TWELFTH MEETING.

Held on Tuesday, June 16th, 1931, at 4 p.m.

Palestine: Examination of the Annual Report for 1930 (continuation).

Dr. Drummond Shiels, Mr. M. A. Young, Mr. O. G. R. Williams and Mr. R. V. Vernon came to the table of the Commission.

LAND REGIME AND LAND SETTLEMENT.

M. VAN REES observed that on page 33 (paragraph 6) of the report the Jewish National Fund was stated to have purchased 16,950 dunums of agricultural land, whereas at the top of page 48 it was stated that 43,882 dunums of land were purchased by Jews. He supposed that the latter figure represented the total quantity of land which passed into Jewish hands in 1930 and asked whether all these lands had been bought from Arabs or whether part had been bought as a result of transactions between Jews.

Mr. YOUNG pointed out that at the bottom of page 47 it was stated that 24,516 dunums of land were sold by Jews during 1930. It might certainly be concluded that a good part of this land was purchased by Jews.

M. VAN REES supposed that the rest would have been purchased from Arabs ?

Mr. YOUNG assumed that that was so.

M. VAN REES further pointed out that, on page 39 of the report (paragraph 24, second sub-paragraph), it was stated that under the Ottoman Law "in the event of failure to cultivate for three consecutive years or of failure of heirs within certain degrees the land reverts to the State as 'Mahlul' (vacant land)." Was this law still in force ?

Mr. YOUNG replied in the affirmative. The land became "Mahlul", but the owner was entitled to recover it on payment of the unimproved value of the land.

He added that, to his knowledge, this provision had not been universally applied.

M. VAN REES asked if it had been applied on occasion.

Mr. YOUNG replied in the affirmative.

M. VAN REES asked whether it had been applied in the case of large Arab land-owners who left part of their land uncultivated.

Mr. YOUNG was not aware of any such case.

M. ORTS had heard of a case mentioned in a Jewish newspaper (*Jüdische Rundschau*, of October 17th, 1930) of an action brought before the Courts by several Arab tenants who claimed a right of pre-emption in respect of properties in Wadi Hawareth. Was this a case to which the Ottoman Law mentioned by M. Van Rees applied ?

Mr. YOUNG replied that this was altogether a different matter. It was a claim by certain tenants to the possession of a prior right under paragraph 41 of the Ottoman Land Code to purchase the lands which they had occupied as tenants. The case was before the Courts, and no final decision had yet been reached.

M. ORTS asked whether such cases were frequent, and whether it was true, as was suggested by the newspaper in question, that it might lead to the cancellation of a large number of existing titles.

Mr. YOUNG was not aware of any other similar case. There might, however, have been cases in the past before his arrival in Palestine.

The article of the Ottoman Land Code under which this case had been brought restricted the right of pre-emption to villagers who could show that they were in need of land.

M. ORTS asked whether the Ottoman Land Code prescribed a time-limit within which such suits might lie.

Mr. YOUNG replied that he had not a copy of the Code with him; but there must undoubtedly be some time-limit.

M. ORTS asked when the Land Development Plan, to which reference was made in the White Paper and in the Prime Minister's letter to Dr. Weizmann, was to be put into operation.

It was said that the detailed measures had still to be worked out. What were the measures in question? Did it mean that the Administration proposed to wait until all the land had been surveyed? That work might take years.

M. ORTS, would also like to know for what purposes the £2,500,000 loan was intended. How much of it would be devoted to land development?

Dr. Drummond SHIELDS replied that the Commission might take it, that the first object of the scheme was the replacement of landless Arabs who had been dispossessed as a result of Jewish colonisation.

As regards the other various proposals for irrigation, drainage and intensive cultivation, etc., the main object was to render more land cultivable than existed at present.

Information, however, was lacking or imperfect on a number of vital points, and such information as was available was in some cases disputed. It might take six months or more to obtain the necessary particulars as to (a) the actual position and (b) the possibilities of development. When these particulars and suggestions were available, it would be possible to draw up lines of action for the development authority to work out.

M. VAN REES asked that as many details as possible of the plan might be given in the next annual report.

Dr. Drummond SHIELDS promised that this should be done.

Lord LUGARD asked whether the Jews did not claim to have made provision for all the Arabs who had been evicted as a result of Jewish land purchases.

Dr. Drummond SHIELDS replied that the Jews claimed not to have dispossessed Arabs in any case without compensation. But the compensation frequently took the form of money, and had been spent by the recipients, who were now without either land or money.

He might add that the Jewish authorities quite agreed that these dispossessed Arabs should be a first charge on the Development Fund.

Lord LUGARD asked whether that meant that all the dispossessed Arabs were to be given land. Would not some prefer to become wage-earners?

Dr. Drummond SHIELDS, in reply, quoted paragraph 9 of the Prime Minister's letter to Dr. Weizmann:

"The language of this passage needs to be read in the light of the policy as a whole. It is desirable to make it clear that the landless Arabs to whom it was intended to refer in the passage quoted were such Arabs as can be shown to have been displaced from the lands which they occupied in consequence of the lands passing into Jewish hands, and who have not obtained other holdings on which they can establish themselves, *or other equally satisfactory occupation.*"

The last five words were the answer to Lord Lugard's question. The passage continued:

"The number of such displaced Arabs must be a matter for careful enquiry. It is to landless Arabs within this category that His Majesty's Government feel themselves under an obligation to facilitate their settlement upon the land."

M. SAKENOBE asked, under what circumstances, pending the development scheme, Jews were allowed to buy land from Arabs.

Dr. Drummond SHIELDS replied that the recent legislation was not designed for the control of the disposal of land but for the protection of tenants from eviction.

The question of the disposal of land would come before the Development Commission. It was a question of considerable difficulty, and it was intended to apply the necessary legislation on the advice of the development authority.

In reply to M. Van Rees, Dr. Drummond Shiels added that the Protection of Cultivators Amendment Ordinance, 1930, was already in force.

Mr. YOUNG explained that the principal provision of the Ordinance was to the effect that no court might make an order for eviction unless the landlord previously satisfied the judge that the tenancy had been validly determined under the Ordinance, and unless the High Commissioner was satisfied that equivalent provision had been secured towards the livelihood of the tenant.

The latter requirement was however waived in the following cases: (a) where the tenant had not paid his rent, (b) where the tenant had not properly cultivated the land, and (c) where the tenancy was terminated in virtue of an order of bankruptcy.

The Ordinance gave similar protection from eviction to anyone who was exercising and had exercised for five years continuously a practice of grazing or watering animals or cutting of wood or reeds or other beneficial occupation of a similar character.

M. SAKENOBE asked what happened when the land was only held by the small proprietor without any tenants.

Mr. YOUNG replied that the Ordinance only related to evictions, and that in the case mentioned by M. Sakenobe no question of eviction would arise.

M. SAKENOBE asked whether it was to be concluded that small landlords could sell without any restriction.

Mr. YOUNG replied that that was so.

In reply to a question of M. Van Rees, Mr. Young added that the purpose of the recent Ordinance was to protect tenants from eviction, either (a) by the vendor—for example, in cases where he might wish to clear his land of tenants before selling, or (b) by the purchaser.

M. VAN REES asked if the Ordinance applied equally to all sellers, both Arabs and Jews.

Mr. YOUNG replied in the affirmative.

M. VAN REES reminded the Commission that at the seventeenth session he had put certain questions with regard to landed property in Palestine (see Minutes of the Seventeenth Session, pages 62-3 and 78), and he had understood from Dr. Drummond Shiels that these points would be brought to Sir John Hope Simpson's notice and that the latter would, if possible, reply to them in his report.

Presumably they came too late for Sir John Hope Simpson to deal with them, as there was no reference to the subject in his report. Nevertheless, these questions were, in M. Van Rees' opinion, of particular importance. It would always be difficult to form a definite idea of the potential possibilities of agricultural development, and of the possibility of ensuring a loyal execution of the mandate in conformity with the guiding principles laid down by the British Government, as long as complete details of the present agricultural conditions were not available.

It had been said that this detailed knowledge was still lacking, that the statistics and figures available as a result of the enquiries were not all sufficiently reliable and that a new enquiry would therefore be made. This was not going too far, for an analysis of some of the estimates upon which the calculations were based, in particular those concerning the amount of cultivable land, the land still available and the number of Arab cultivators who were now deprived of their lands, led of necessity to the conclusion that the investigators had shown more audacity than was justifiable. A new enquiry would not therefore be at all superfluous, and the White Paper and the letter to Dr. Weizmann announced that it would be made. It was to be hoped that the results would be less speculative. Nevertheless, in order that the new calculations might be satisfactory, it was important, he thought, that they should extend to certain questions that would serve to clear up some points which up to the present had remained obscure.

While not wishing to enumerate all the questions, M. Van Rees would draw attention to some of them:

1. How was the rural land distributed between (a) the large Arab land-owners, (b) small Arab land-owners and (c) Jews? He had seen it stated, though he could not vouch for the accuracy of the statement, that approximately half of all the cultivated land, other than that belonging to the Jews, was in the hands of large Arab land-owners.

2. Were there large Arab land-owners who cultivated all or part of their land themselves? If so, what percentage of the total land-owners did they represent?

3. On the large estates of Arab landlords what was the percentage of uncultivated land?

4. The Shaw report (page 114) said that of the land bought by the Jews, about 90 per cent was land formerly belonging to big Arab land-owners, and 10 per cent to small Arab land-owners. Was that correct?

5. What was the approximate number of Arab farmers who actually occupied the lands sold to the Jews at the moment of their transfer to the latter?

6. How many of these farmers had been obliged to leave the lands without having been provided with other lands in exchange and how many had not received any adequate compensation?

M. Van Rees would confine himself to these questions, which he gave merely as examples. Perhaps it would be possible to take them into consideration during the investigations which were being made or would be made. Perhaps also it would then be possible to explain the curious fact that it was precisely the large Arab land-owners who protested most vigorously against the sale of land to the Jews, although they had benefited most from those sales and, if he were not mistaken, would continue to profit, in spite of their protests that all sales of land to the Jews should be prohibited.

Dr. Drummond SHIELS replied that M. Van Rees would appreciate that Sir John Hope Simpson had only been in Palestine for a little over two months and had had in that period to conduct a very extensive enquiry. Sir John Hope Simpson had been bound to accept estimates and approximations as supplied to him. Under the circumstances he could not do otherwise.

The new enquiry, however, was a different matter, and it would cover all the extremely important points which M. Van Rees had raised. He would see that M. Van Rees' questions were put before those conducting the enquiry.

M. VAN REES thanked Dr. Drummond Shiels for his reply.

He wished to refer for a moment to one other special point. At the seventeenth session he had drawn Mr. Luke's attention to a newspaper article entitled "The Absentee Landlord", published in a Jewish paper appearing in New York.¹ The report for 1930 went into the matter in a special appendix (see Appendix V on page 244).

M. Van Rees wished to express his thanks for the detail with which the article had been treated. He regretted, however, that the article in question had not been included in Appendix V of the report, so that the reader of the appendix had before him only the refutations and not the article itself. So far as the refutations were concerned, M. Van Rees ventured to observe that the principal point of the article had been ignored. The writer of the article was not opposed to the Beisan Agreement of 1921, which he recognised to be well founded, but to the way in which it had been applied.

Paragraph 15 of Appendix V rightly stated that the object of the Agreement was "to give the cultivator tenants an interest in the development of their plots, and not to provide them with land for speculative ends". The main point of the newspaper article was that speculation had in fact resulted; and this was confirmed by no less an authority than Sir John Hope Simpson himself, whose expert view was accepted by His Majesty's Government as a basis for the policy put forward in the White Paper. On page 85 of his report Sir John wrote:

"The whole of the Beisan lands have been distributed, and large areas have already been sold. Further large areas are in the market. The grant of the lands has led to land speculation on a considerable scale. The custom is that the vendor transfers to the vendee the liability for the price of the land still owing to the Government and, in addition, takes from him a sum varying from three to four pounds a dunum for land in the Jordan Valley. These proceedings invalidate the argument which was used to support the original agreement. It was made in order to provide the Arabs with a holding sufficient to maintain a decent standard of life, not to provide them with areas of land with which to speculate."

M. Van Rees merely made the observation; he did not ask for further explanations.

M. RAPPARD, referring to paragraph 25 on page 39 of the report, noted that, for the first time, the Mandatory had made a statement concerning the employment of waste lands for purposes of closer settlement by Jews. He observed, however, that one of the allocations had been partly made before the war, one had been made during the war and had since been confirmed, a third was a swamp, a fourth had had to be abandoned for lack of water, while the fifth, which he had himself had the pleasure of visiting, consisted of a small plot on the shore at Tel-Aviv used as a site for a bathing establishment, restaurant and esplanade. In point of fact, therefore, the application given to the relevant provision of Article 6 of the mandate seemed exceedingly modest.

Dr. Drummond SHIELS thought that the statement in the report showed that the matter had at least been kept in mind, and pointed out that there had been other cases in addition. As he had observed last year, the idea that a great deal of State land was available for settlement was quite erroneous. In any case, closer Jewish settlement was one of the items of the development programme.

Lord LUGARD enquired whether any particular attention had been paid to the coast belt, the strip shown on the map as "sand dunes" extending from a point a little south of Jaffa to the south-west boundary of Palestine. He had seen it stated somewhere that the Jews declared that 50,000 families could be settled on this belt, and that there were only a very few Arabs upon it.

¹ See Minutes, Permanent Mandates Commission, Seventeenth Session, page 100.

Dr. Drummond SHIELDS replied that, although a great deal of coastal land had already been laid out and transformed by the planting of orange and other groves, there was very little change in the actual southern part to which reference had been made; a considerable area, he thought, had not yet been dealt with, as he understood that water was required. That point would also be considered by the development authority.

NATIONALITY.

M. PALACIOS was grateful to the mandatory Power for having replied (on pages 58-60) to the questions raised last year. He would be glad to have information on two further points.

The report stated on page 36 that 1,432 Palestinian citizens had left Palestine permanently during the year 1930. It stated further that that figure included 597 Jews. He enquired whether these were, in the main, persons who had settled in Palestine since the establishment of the Jewish National Home and, if so, what was their present national status. Did they retain their Palestinian nationality or had they resumed their former nationality?

In the second place, the table on page 47 of the report showed, under the heading "Emigration", 193 foreign Jews whose destination was given as Poland and 134 foreign Jews whose destination was given as other European countries. He enquired whether the majority of these were Jewish immigrants who had given up the idea of obtaining the status of Palestinian citizens or to whom that status had been refused. The table in question also showed a total of 989 Palestinian and foreign Jews who had left Palestine for the United States of America and South America. Were these also ex-immigrants who had given up the idea of settling in the mandated territory?

Mr. YOUNG replied that he was not in a position to say with certainty how many of these were Jews who had entered Palestine since the establishment of the mandate. Probably the great majority were persons who had entered the country in recent years and decided afterwards to return to their place of origin. If they had already obtained Palestinian citizenship, they would retain that citizenship for a certain period, until it became evident that they had no intention of returning to Palestine. Otherwise, they would presumably retain the status which they had possessed before entering Palestine.

M. VAN REES wished to put a question concerning the former Turks who had opted for Palestinian citizenship and foreigners who had become Palestinian citizens by naturalisation. Was Palestinian citizenship considered a distinct nationality from an international standpoint, or were such persons treated as British protected persons outside Palestine?

Mr. YOUNG replied that they possessed the status of Palestinian citizens and received the treatment accorded to British protected persons outside Palestine. His impression was that the holder of a Palestinian passport was recommended to the British consular officers.

M. VAN REES enquired whether any essential distinction existed between Palestinian and other nationalities (British or French, for example). Article 22 of the Covenant spoke of certain communities whose existence as independent nations could be provisionally recognised. Palestinians should not be treated on the same footing as natives of Togoland or the Cameroons. To take another territory, under A mandate—namely, Syria: Syrian nationality was recognised as a separate nationality outside Syria. Was Palestinian nationality recognised in the same way outside Palestine?

Mr. YOUNG replied in the affirmative. A Palestinian citizen, he said, possessed full Palestinian nationality, and the fact of his being a British protected person did not derogate from that status.

M. VAN REES understood that the description "British protected person" constituted, as it were, an additional guarantee.

Mr. YOUNG replied that it might be so described.

M. VAN REES wished to submit certain observations on the subject of the Nationality Law of 1925. He referred to question 2 on page 58 of the report: "Have special provisions been enacted, framed so as to facilitate the acquisition of Palestinian citizenship by Jews?" The question as set forth represented the requirements laid down in Article 7 of the mandate. He enquired whether special provisions had been enacted, framed so as to facilitate the acquisition of Palestinian citizenship. The report stated that Article 5 of the Law of 1925 *facilitated* the acquisition of Palestinian citizenship by Jews. It added that the qualifications for naturalisation were simple: two years' residence in Palestine out of the three years preceding application, good character and the declared intention to settle in Palestine, knowledge of Hebrew—in addition to English and Arabic—being accepted under the literacy qualification.

What the report did not bring out was the fact that the conditions for naturalisation applied equally to all persons other than ex-Turkish subjects. The Law of 1925 treated a Jew who entered the country just like any other foreigner; it made no essential distinction between Jews and non-Jews, nationals of any country, as regards either the conditions required to obtain naturalisation or the cancellation of certificates of nationality. The law conferred on the High Commissioner, under Article 7, paragraph 3, the right to refuse regular applications for

naturalisation without specifying the reasons for such refusal; it recognised the British Government's right to cancel naturalisation, should the holder of the certificate, as provided in Article 10, have been absent from Palestine for more than three years or have been found " by act or speech " to be disloyal to the Palestine Administration.

In view of the above-mentioned facts it would appear doubtful whether the law in question could be regarded as exactly fulfilling the purpose of Article 7 of the mandate, or the explicit declaration of His Majesty's Government in June 1922 (White Book, Cmd. 1700, page 30) to the effect that the Jewish people was to be considered as being in Palestine " as of right and not on sufferance ". That declaration either meant something definite or it meant nothing at all.

If it meant something definite, it might at least be inferred that Jews admitted to Palestine should be regarded there, not as foreigners whose presence in a country not their own was tolerated, generally speaking, only until further orders, but as constituting in that country a definite element of the Palestine population.

The telegraphic instructions sent by the British Government to the Palestine Administration on June 29th, 1922, under the terms of which the Jews were to be considered as being in Palestine " as of right and not on sufferance " gave expression, as the speaker had already remarked (see Minutes of the Seventeenth Session, pages 38 and 39), to the fundamental idea of the establishment of a national home in Palestine; they explained similarly why Article 7 of the mandate for Palestine explicitly directed attention to the Jews and provided that the necessary provisions should be enacted to facilitate the acquisition of Palestinian citizenship and why the Mandates Commission expressed in its questionnaire a desire to be informed of the " special provisions " whereby the object set forth in Article 7 of the mandate might be ensured.

M. Van Rees felt that very inadequate provision had been made in the Law of 1925 for these considerations, seeing that the law did not even mention the Jews and contained absolutely no indication that due account had been taken of their exceptional situation in Palestine.

He would not state that in itself the law was open to criticism: considered as a law for regulating the acquisition of nationality it might be perfect, but it could be so only in a country other than Palestine. He could not therefore regard the reply on page 58 of the report as being fully satisfactory. He did not expect an immediate answer to his observations, but would like them to be taken into consideration.

Dr. Drummond SHIELDS said that he was very grateful to M. Van Rees for his statement. One difficulty was that, when a Jew came to Palestine, he came, not as a Jew, but as a foreign national of one kind or another.

M. VAN REES agreed, but pointed out that such a person was still a Jew, whether of French or any other nationality. He did not enter the country without being in possession of a certificate giving him the right so to enter, in accordance with the regulations for Jewish immigration. He came, therefore, in his capacity as a Jew and not as a national of any particular country.

Dr. Drummond SHIELDS concurred, but suggested that in international law there was no such thing as a Jew from the standpoint of nationality.

M. VAN REES agreed that Dr. Drummond Shiels would be perfectly correct from the point of view of international law, were it not for the existence of the Balfour Declaration, the Mandate and the White Paper, which had introduced a new element into this law in favour of the Jewish people.

Dr. Drummond SHIELDS said that the question would certainly be considered in the light of M. Van Rees' remarks. A clear statement of the position and the reasons for it would be prepared by the mandatory Power.

JUDICIAL ORGANISATION.

M. RUPPEL referred to the Indemnity Ordinance passed to restrict the taking of legal proceedings against public officers and officers of His Majesty's forces in respect of acts done on account of the disturbances in Palestine in the year 1929. This seemed to imply that in Palestine officials and army officers could be made personally responsible for acts done in execution of their legal functions. If this were the case, he wondered for what reasons this liability had been restricted in the case of the disturbances of 1929. The report on the other hand mentioned compensation granted by the Government for loss due to the action of civil or military forces. He would be glad to have some explanation on these two points.

Mr. VERNON thought that the answer could best be given by explaining the general position of the law in the United Kingdom and in British colonies. It was necessary to provide for the exercise, in extreme cases of emergency, of powers going beyond the provisions of the ordinary law, which might amount to an enforcement of martial law. A public officer might have to act in excess of his powers and it would thus be possible for proceedings to be taken against him for abuse of power. Accordingly, it was the regular practice to enact what was known in England as an act of indemnity and in Palestine as an ordinance of indemnity. It was also the British practice to provide for the compensation of individuals who might have suffered, under the exceptional conditions just described, from extra legal powers so exercised.

M. RUPPEL thanked the mandatory Power for including in the report for 1930 a very complete description of the judicial system and a full account of the activities of the Religious Courts for which the Commission had asked last year. Referring especially to page 68 of the report, he noted the high number of persons tried before the Court of Criminal Assize on capital charges. He noted also that of the 163 persons in question, 107 had been acquitted. He enquired whether this pointed to inefficiency on the part of the police.

Mr. YOUNG observed that the figures for "Murder" under "Incidence of Serious Crime" on page 82 of the report should read 126 (not 166). He agreed that, even allowing for the number of cases which were not finally included in the criminal statistics as true murder cases, the figures for capital charges were high, and he could only hope that they would be progressively reduced.

M. RUPPEL, referring to the appointment of a British Judge of the Supreme Court of Palestine as a member of the Full Court of Appeal from the Supreme Court for Egypt, enquired whether this Full Court possessed jurisdiction over Palestine.

Mr. YOUNG explained that the Court only possessed jurisdiction in the case of appeals from Egyptian Courts.

M. RUPPEL, referring to the Religious Courts, noted that, in the Sharia Courts, judges and inspectors were on the Civil Establishment of the Palestine Government. He observed that judges other than those of the Moslem community, were not paid by the Government, and enquired why there was any discrimination in the matter.

Mr. YOUNG replied that the facts were as stated, the fees of Court being credited to the Palestine revenue. The inclusion of Sharia officials as Government officials was, he thought, a relic of Turkish days. So far as he knew, there had never been any complaint in the matter from the other Courts.

M. RUPPEL noted that the British Government had recently been asked in Parliament to give information in a case where the witnesses had been allowed to give evidence behind screens. The Under-Secretary of State had replied that the competent officer had been informed that that procedure was improper and that it should not be adopted. He enquired whether the accredited representative could give further details about the case and tell the Commission whether, according to local custom, witnesses had been allowed to give evidence without actually appearing before the Court.

Mr. YOUNG replied that the procedure was not in accordance with precedent; the officer in charge had considered it advisable, but had since been told that it was not so. The case in question was unique.

M. RUPPEL noted that reference had been made in the Parliamentary Debates on May 20th, 1931, to a penal case where the Press was not allowed to attend. He enquired whether there was a general rule regulating access of the Press to the Courts.

Mr. YOUNG replied that it was within the discretion of the judge to exclude the Press and the public: the matter must, he thought, be left to the discretion of the judge.

Lord LUGARD, referring to the statement on page 65 of the report to the effect that twenty-seven persons had been admitted as advocates before the Civil Courts during the year, enquired whether there was a superabundance of legal practitioners in Palestine. He enquired also whether advocates were required to qualify in Moslem as well as in British law.

M. RUPPEL observed that under an Ordinance passed last year women were also allowed to practise as advocates.

Mr. YOUNG would not go so far as to say that there was actually an excess of legal practitioners. He was unable to answer the question concerning Moslem law.

Lord LUGARD enquired whether there was a right of appeal to the Supreme Court from the Land Court and also from the Religious and Community Courts. It had been found elsewhere that appeals in land cases led to unnecessary litigation, by which legal practitioners profited.

Mr. YOUNG replied that there was certainly a right of appeal from decisions of the Land Court. His impression was that there was no right of appeal from the Religious Courts on questions of personal status. He did not think that the number of appeals from the decisions of the Land Court was so great as to make much difference in the volume of work or the number of advocates.

M. PALACIOS wished to enquire concerning the composition of the Moslem Supreme Council. The Commission had been told last year that it was on a provisional basis.

Mr. YOUNG replied that that was still the case, and that no steps had been taken to alter the position.

PETITION OF MRS. EVELYN EVANS (documents C.P.M.1141 and 1152).

M. RUPPEL noted that in the British Government's observations on this petition reference was simply made to the fact that His Majesty's Government had persistently refused to take up the claim against certain foreign Governments, their reasons for doing so being explained in a letter dated May 29th, 1922, to the claimants' solicitors. He supposed, therefore, that the British Government did not recognise any claim against themselves in their capacity as Mandatory for Palestine, and enquired further whether the petitioner could go before a Court and take proceedings against the British Government in Palestine. He pointed out that the British Government's letter of 1922 had been written before the conclusion of the Treaty of Lausanne, which contained provisions relating to concessions. He would be glad to have an explicit statement from the British Government, and to know whether they refused to recognise any claim against themselves as Mandatory.

Mr. WILLIAMS stated in reply that it had not been clear that the petitioner was petitioning against the British Government. She was, in any event, free to bring a case to the Palestinian Courts. His Majesty's Government did not recognise the claim as valid, under the provisions of the Treaty of Lausanne.

Dr Drummond Shiels, Mr. Young, Mr. Williams and Mr. Vernon withdrew.

POSTPONEMENT UNTIL THE NOVEMBER SESSION OF THE DISCUSSION ON PETITIONS RECEIVED FROM M. JOSEPH MOUANGUE AND THE INDIAN ASSOCIATION OF TANGANYIKA TERRITORY.

M. PALACIOS stated that he had been asked by the Chairman to submit a report on a petition relating to the Cameroons under French mandate from M. Joseph Mouangue, communicated by the mandatory Power on November 10th, 1930. The Commission had also requested him, at the opening meeting of the present session, to report on the petition of October 20th, 1930, from the Indian Association of Tanganyika Territory, communicated by the British Government on May 15th, 1931.

Although he was prepared to submit his conclusions—at all events, provisional conclusions—immediately, he would prefer to wait until the autumn session, as the examination of the annual reports on the Cameroons under French mandate and on Tanganyika had been adjourned until that session. He requested the Commission to authorise him to defer communication of his reports on the two petitions in question.

M. Palacios' proposal was adopted.

LETTER FROM THE DISCHARGED SOLDIERS OF THE JEWISH BATTALION LIVING AT HAIFA.

M. PALACIOS read the following report:

" I have examined the letter from the discharged soldiers of the Jewish battalion living at Haifa (document C.P.M.1137), forwarded without comment by the mandatory Power on January 23rd, 1931. In my view this document simply contains a protest against the last White Paper which, in the opinion of the petitioners, removes or, at all events, restricts the ideal object of the promises which had induced them to enlist in the Gallipoli army: I think therefore that this communication should not be considered as a petition and that, in consequence, there is no reason for the Mandates Commission to take any special action in the matter."

The Commission adopted the conclusions of M. Palacios' report.

THIRTEENTH MEETING.

Held on Wednesday, June 17th, 1931, at 10.30 a.m.

Palestine: Examination of the Annual Report for 1930 (continuation).

Dr. Drummond Shiels, Mr. M. A. Young, Mr. O. G. R. Williams and Mr. R. V. Vernon came to the table of the Commission.

HOLY PLACES.

M. PALACIOS noticed that a report had been published by the Commission appointed with the approval of the Council to determine the rights and claims of Moslems and Jews in connection

with the Wailing Wall. He asked what impression this report had made on the state of mind of the population and what measures the mandatory Power contemplated taking.

Mr. YOUNG replied that he could give no account of the effect produced by the publication of this report, as it had only been published on the day he left Palestine. Up to that time there had been no untoward incidents. He thought it could be anticipated that, as the Commission confirmed the local arrangements which had been working satisfactorily for a year or more, the present peaceful position in respect of the Wailing Wall would continue.

M. PALACIOS stated that the *Corriere della Sera* of December 13th, 1930, had published a telegram from Jerusalem to the effect that the authorities had ordered restoration work to begin at the grotto of the nativity at Bethlehem. This action appeared to have raised protests from the Franciscans of the Holy Land, who regarded it as a violation of the *status quo*. He asked whether the accredited representative could give any information on this subject and could state whether the telegram in the *Corriere della Sera* was correct, and under what circumstances the authorities at Jerusalem had ordered the restoration of this sanctuary.

Mr. YOUNG replied that some minor restoration work had been required on account of some plaster falling from the wall near the steps leading to the grotto. This had resulted in the displacement of two nails to which the curtains, one belonging to the Latin and the other to the Orthodox church, had been attached. When the nails were reaffixed, the Latin patriarch complained that the nail used for the hanging belonging to the Latin church was no longer in the same position.

M. PALACIOS observed that this proved the necessity for the appointment of the Holy Places Commission for which provision was made in Article 14 of the mandate. Questions concerning the *status quo* were always difficult.

The CHAIRMAN remarked that in his view, Mr. Young had not replied to M. Palacios' question, and asked why the authorities had intervened.

Mr. YOUNG replied that they intervened in the hope of assisting the settlement of a difficult question.

The CHAIRMAN enquired whether the authorities were asked to intervene.

Mr. YOUNG could not be certain of that. It was probable that the authorities realised the difficulties which had arisen between the two parties and offered their services in order to settle them.

M. SAKENOBE asked whether the dispute between Moslem and Christian Arabs regarding the ownership of a cemetery at Haifa had been amicably settled, and whether this cemetery was considered as one of the Holy Places.

Mr. YOUNG replied that the dispute had been composed. Both parties claimed to have used the cemetery for many years or even for centuries, but it could not be regarded as one of the Holy Places.

CONCESSIONS. CONVENTION REGULATING THE TRANSIT OF MINERAL OILS OF THE IRAQ PETROLEUM CO., LTD. THROUGH PALESTINE.

M. ORTS noted that, in conformity with a promise given in the previous year by Mr. Luke, Annex II of the annual report for 1930 (pages 226 and following) gave a list of the concessions granted up to that time by the Palestine Administration. He thanked the mandatory Power for this information.

M. Orts drew attention to the text of a Convention, concluded between the High Commissioner and the Iraq Petroleum Co., Ltd., regulating the transit of mineral oils through the territory of Palestine (Annex III, page 230 of the report). This Company was incorporated in England and its registered office was in London. The Convention dealt the construction and operation of a pipe-line for the transport of oil from the centres of operation of the Iraq Petroleum Co., Ltd. to the St. Jean D'Acre Bay in Palestine. M. Orts thought that certain terms of this Convention called for some explanations.

Article IV, paragraph 1, read as follows:

"No import tax, transit tax, export tax or other tax, or fiscal charge of any sort shall be levied on petroleum, naphtha, ozokerite, natural gases, whether in a crude state or any form of derivatives thereof, whether intended for consignment in transit or utilised for the industrial operations of the undertaking."

The first paragraph of Article V read:

"The Company shall be entitled to import into Palestine free of Customs duties or other importation dues . . . all stores, equipment, materials and other things whatsoever which may be necessary for the works of the undertaking and for its transportation purposes, including all equipment for offices, houses, hospitals or other buildings, which will be the property of the Company and used for its operations . . ."

The first paragraph of Article XII read as follows:

“ No property tax, income tax or any levy or fiscal charge of any sort shall be imposed on the Company in respect of its property, employees, the income or the turnover of the Company or the operation of the undertaking, save in respect of any profits accruing from sales of the Company's products for local resale or consumption in Palestine ”

Were these advantages and privileges accorded to the Iraq Petroleum Company compatible with Article 18 of the Palestine mandate, which provides that there should be “ no discrimination 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 ” ?

M. RUPPEL also called attention to Article VI, paragraph 3, and to Article VIII. The former article referred to the payment of port dues, wharfage, lighterage and other harbour dues on schedules of special rates to be agreed between the High Commissioner and the Company, while the latter article referred to special reductions in railway rates. Article VIII stated that rates were to be reduced in so far as such a reduction was consistent with existing international obligations. This clause seemed to show that the drafters of the Convention had had doubts as to its compatibility with the terms of the mandate.

He also drew attention to paragraphs (d) and (e) on page 76 of the annual report, which stated that there was no economic discrimination in the fiscal regime or in the Customs regulations of the Palestine Government, with the exception of special privileges enjoyed by certain foreign charitable, religious and educational institutions which were granted prior to the war by the Turkish Government, but that no fresh privileges of the kind had been granted. He considered that the last statement was in disagreement with the terms of the Convention between the High Commissioner and the Iraq Petroleum Company, Limited, by which the latter was accorded preferential treatment.

Dr. Drummond SHIELS replied that the Iraq Petroleum Company was not a purely British company but was composed of national groups representing Great Britain, France, the United States of America and the Netherlands. Moreover, the Convention referred to a transit concession, as the Company was solely engaged in conveying a commodity through Palestine. The position would be different for a company importing into Palestine. Lastly, the Convention did not create a monopoly and there was nothing to prevent the granting to other companies of similar concessions under similar conditions. He, therefore, thought the Convention was not in disagreement with Article 18 of the mandate.

M. ORTS said the question of the nationality of the capital employed and of the Company itself was of secondary importance. Further, M. Orts was not arguing that the Convention in question created a monopoly in favour of the Company and, moreover, even if that were so, he would have no criticism to make, seeing that the mandate did not prohibit the setting up of a monopoly.

Again, the fact that the object of the Company's activity was transit traffic was not important seeing that the exemptions from import duties covered goods imported for local consumption and the exemptions from taxation applied to persons and immovable property in the territory.

This was a question of interpretation, and the point which arose was whether the advantages granted to the holders of the concession were not precisely those which were prohibited by Article 18 of the mandate, paragraph 2 of which said that the Mandatory could “ take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population ”, it being understood that in this matter the action taken by the Mandatory would be “ subject to the aforesaid . . . provisions of this mandate ”. The provisions in question were those which prohibited all discrimination in matters concerning taxation, commerce, the exercise of professions, etc.

Dr. Drummond SHIELS said he had referred to the composition of the Company as M. Orts had suggested that it was purely British. He repeated that the Government saw no discrimination in the clauses of the Convention, as such privileges as were given might be granted to any other company.

The exemption from import duties only referred to goods used in the undertaking and not to articles for sale. He therefore thought the Convention could not be accurately described as contrary to the mandate.

He could not state definitely, but he believed that, in respect of the other end of the pipe-line in Syria, the Company enjoyed similar privileges.

M. RUPPEL stated that he was not satisfied with the reply, as the Company was without doubt receiving preferential treatment in various respects.

Dr. Drummond SHIELS replied that there could be no preferential treatment where only one party was concerned. The Company received privileges but had not a monopoly of those privileges. There was no discrimination against, nor could any comparison be made with, any other company. The factors which would permit of such a charge being made were not present, as there was only one party concerned. If the products of the Company had received preferential treatment in competition with local products, this would have represented a concession in respect of fiscal

charges. But Article IV, paragraph 2, of the Convention definitely stated that, if the products of the Company were marketed locally for consumption in Palestine, they would be subject to the same duties and fiscal charges, including import dues, as were leviable on similar products in Palestine.

M. ORTS stated that he also was not satisfied with the accredited representative's reply. Dr. Drummond Shiels had used two arguments. In the first place, it was claimed that there was no discrimination as the goods imported duty free were for the Company's own use and not for sale. He did not consider this argument to be valid as the fact of exempting consumption goods from taxation gave a definite advantage to the Company.

The second argument was that there was no discrimination, since no comparison could be made with other companies. It was certain that such a comparison could only be made if another Company obtained the concession for a second pipe-line, which was not likely. The only question which arose was whether the benefits granted to the holders of the concession were those which were permitted under the terms of the mandate and not precisely those which were prohibited. It must be recognised that a comparison between the terms of the Convention and those of the mandate led to the latter conclusion.

Dr. Drummond SHIELS thought it was hardly profitable to pursue the discussion in view of the very definite difference of opinion. He would point out, however, with regard to the duty-free goods, that these were merely stores, equipment and materials necessary for the working of the undertaking. Many of them were unobtainable in Palestine and had to be brought into the country. If this represented a fiscal concession, it was a very narrow one, and of such a nature as not to justify the kind of criticisms that had been made.

M. ORTS had heard the accredited representative say that a similar concession had been granted to the same Company at the other end of the pipe-line in Syria. The Commission had no knowledge of such a concession.

M. RAPPARD said he had followed the discussion of this complex question with great interest. In his opinion, if the Company sold its products locally in Palestine on the same conditions as other companies, this did not imply equality, as the Company had the advantage of not paying import taxes, transit taxes, property taxes, etc., on its whole business. The Company's costs of production must necessarily be reduced in comparison with those of its competitors by the reason of all the exemptions it enjoys.

He wished, however, to regard the matter from another point of view. When the High Commissioner granted the concession, he was, no doubt, inspired solely by the interest of the territory. The granting of such privileges, however, were calculated to deprive the territory of considerable receipts from taxation. Probably, the High Commissioner considered that this price had to be paid in order that the pipe-line might go through Palestine and that, if he had refused this privilege to the Company, there would have been a loss in total receipts from taxation. If, however, these favours were granted for the purpose of competing with another mandated territory in order to secure the installation of the pipe-line, the extraordinary position arose that the principle of fiscal equality had to be violated in order to allow one of these territories to compete with another.

Dr. Drummond SHIELS said he could not deal with the larger question of the relations between different mandated territories, and must leave this to the Mandates Commission, but there was no question of competition involved.

With regard to Palestine, he suggested that there could be no infringement of Article 18 of the mandate, as there was no discrimination against the nationals of any State Member of the League of Nations. It might be thought that the Company had received too generous terms, but in all countries it was a common custom for Governments and local authorities to give concessions for factories and new industrial undertakings as an inducement for them to become established in the country. This, however, represented no violation of the rights of other citizens, and, in many cases, had nothing to do with competing State nationals. He was firmly convinced that there was no discrimination in the sense of Article 18.

M. ORTS replied that such privileges were no doubt given to companies in many other countries, although it was rare to grant exemption from land taxes; a fundamental difference, however, was that such countries were not under a mandate.

He asked whether any other tax-payers in Palestine were exempt from land taxes, income taxes, etc.

Dr. Drummond SHIELS said he had made the comparison with concessions in other countries, because they were granted under similar conditions to the concession of the Iraq Petroleum Company in Palestine. In other countries they were readily granted to public utility companies such as this was, and, as in the present case in Palestine, the concessions were granted in the general interests of the country.

He said that, as far as he knew, no other tax-payer had been exempted from the same taxes, as none was in the same position.

M. RAPPARD compared the granting of fiscal exemption by the High Commissioner to the surrendering by a guardian of rights possessed by his ward, thereby reducing the revenue of the latter. In this case the guardian was of the same nationality as the ward and this created a very delicate position. He asked whether Dr. Drummond Shiels could state that the High Commissioner

in his negotiations with the Company was free to consider solely the interests of the territory, in spite of the fact that a British company was concerned.

Dr. Drummond SHIELDS did not agree that the High Commissioner was giving away any advantages or was decreasing revenue. The Government would be disappointed if that were the case, as it had in view an increase in the collective revenues of the entire territory as a result of the Company's operations.

With regard to the nationality of the Company, he had already mentioned the various national groups interested. They were represented in equal proportions, and the British share was by no means preponderant. M. Rappard's point that privileges had been given to a party of the same nationality as the High Commissioner did not therefore hold good.

Consultations had taken place on this subject between the High Commissioner and the Colonial Office and both had been inspired entirely by the interests of Palestine. The charges made in this connection were therefore groundless.

M. RAPPARD did not wish his remarks concerning the guardian and the ward to be misinterpreted. *Prima facie*, the guardian's action lowered the ward's income. He thought the correct answer was that, if no concession had been granted, no pipe-line would have been constructed to Haifa and future revenues would thereby be reduced.

Dr. Drummond SHIELDS said he took no great objection to M. Rappard's last remarks though there was no actual lowering of income involved.

He had tried to make his own position and that of the Palestine Government clear, and he had nothing to add. They believed that they had acted throughout in the interest of the territory under mandate.

M. VAN REES said that the question was a very delicate one. The fact that he had not taken part in the discussion, must not be interpreted as indicating his assent to the suggestion which had been put forward that the action of the Palestine Government in the matter of the Convention infringed the terms of Article 18 of the mandate.

The question under discussion related to a concession. Now, Article 18 of the mandate did not refer to concessions. At the time when this article was drafted, the British Government had, for special reasons, intentionally refrained from extending the principle of equality to concessions of all kinds.¹ Consequently, this principle did not apply in Palestine to concessions.

So far as M. Van Rees was concerned, this fact alone did not settle the question under discussion but it nevertheless seemed to him to be of such a nature as to give rise to doubts concerning the theory that, in the present case, Article 18 of the mandate was infringed. The question was so complex that it deserved more detailed study, and he would therefore propose that it should be postponed to a later meeting.

M. Van Rees' proposal was adopted.

CONCESSIONS FOR THE EXPLOITATION OF THE DEAD SEA SALT DEPOSITS.

M. ORTS referred to questions asked in the House of Commons (July 16th and December 8th 1930, and February 16th, 1931) on the subject of concessions for working the Dead Sea salt deposits.

It appeared from the replies of the Foreign Secretary that the mandatory Power was negotiating with the French Government in regard to a claim for arbitration put forward by a French group which had been deprived of rights acquired under Turkish rule, owing to the concession granted to Mr. Moses Novomeski. Was the accredited representative in a position to say how the matter stood?

Mr. WILLIAMS replied that, when he left England, no conclusion had been reached. His Majesty's Government had informed the French Government that it was willing to refer the matter to arbitration on specific conditions, but, so far as he knew, the French Government had not yet accepted this proposal.

EXECUTION AND EXPLOITATION OF PUBLIC WORKS. RELATIONS WITH THE JEWISH AGENCY.

M. VAN REES wished to make certain observations regarding Question 2 on page 75 of the report, the text of which is as follows:

"Has it been necessary to arrange with the Jewish Agency to construct or operate any public works, services and utilities, or to develop any of the natural resources of the country, and, if so, under what circumstances?"

The French text of the Questionnaire said "Y a t-il eu lieu de s'entendre . . ." while the English text said "Has it been found necessary . . ." He thought that the French text was closer to the terms of the mandate (Article 11, paragraph 2), which merely said: "The Administration may arrange . . ."

¹ See "Mandate for Palestine prepared in the Division of Near-Eastern Affairs", Washington, 1927; pages 51, 56-57, 62-63.

The reply given in the report on the page mentioned above, merely stated that it had not been necessary to make any arrangement with the Jewish Agency with a view to the execution of public works or services, nor with a view to the development of the natural resources of the country.

Paragraph 2 of Article 11 of the mandate had therefore remained a dead letter, and this fully confirmed the observation made by M. Van Rees on this subject at the seventeenth session of the Commission (see page 43 of the Minutes).

Nevertheless, this paragraph had not been introduced into the mandate in order that it might be left on one side. It was useless to emphasise, as was done in paragraph 8 of the White Paper, that the provision in question "is only permissive and not obligatory". It was none the less true that within the limits of the mandate this provision had a special meaning. On two occasions this meaning had been defined by the British Government themselves.

On December 29th, 1921, the United States Ambassador in London (Mr. Harvey) having suggested that the provision of Article 7 of the B mandate for East Africa should be introduced into the Palestine mandate, Sir Eyre Crowe replied in the following terms:

"The suggestion appears to His Majesty's Government to overlook the peculiar conditions existing in Palestine and especially the great difference in the natures of the tasks assumed in that country and undertaken by them in East Africa. So far as Palestine is concerned, Article 11 of the mandate expressly provides that the Administration may arrange with the Jewish Agency mentioned in Article 4 to develop any of the natural resources of the country in so far as these matters are not directly undertaken by the Administration. The reason for this is that, in order that the policy of establishing in Palestine a National Home for the Jewish people should be successfully carried out, it is impracticable to guarantee that equal facilities for developing the natural resources of the country should be granted to persons or bodies who may be actuated by other motives."

In this explanation it was clearly recognised that paragraph 2 of Article 11 of the mandate, far from being of no importance, had been intentionally inserted in the mandate and was one of the constructive elements of the policy which the mandatory Power had undertaken to adopt with a view to the establishment of the Jewish National Home.

In the following year, in a Note (Cmd. 1708) dated July 1st, 1922, addressed to the Secretary-General of the League of Nations, in reply to a letter from Cardinal Gasparri of May 15th, 1922, His Majesty's Government stated in paragraph 5 that they:

"Regard the provision by which the Administration may arrange with the Jewish Agency mentioned in Article IV to construct or operate upon fair and equitable terms any public works, services and utilities and to develop any of the natural resources of the country . . . as a legitimate recognition of the special situation which arises in Palestine from the charge which has been laid upon them by the principal Allied Powers, and also of the fact that the Jewish people in virtue of that policy are ready and willing to contribute by their resources and efforts to develop the country for the good of all its inhabitants."

M. Van Rees did not therefore think that he had been wrong when he had ventured to explain last year (see Minutes of the Seventeenth Session, page 39) that paragraph 2 of Article 11 of the mandate constituted, with Articles 2, 4, 6 and 7, a whole group of provisions which brought into relief the basic idea expressed in the Balfour Declaration and reproduced in the preamble to the mandate.

Clearly, this did not mean that the Palestine Administration would be obliged to come to an arrangement on every occasion with the Jewish Agency with a view to executing or developing, in so far as the Administration did not itself do this, the works and services of public utility, and with a view to developing the natural resources of the country. The mandate did not require this. But while that was so, it was very certain that, if the provisions of Article 11 were rendered practically non-existent, the intentions of the authors would be materially exceeded and the importance of the machinery which the British Government attached to it in 1921 and 1922 would be ignored.

He had spoken on this question at length in the hope that consideration might be given to the possibility of applying the provision in question more nearly in accordance with its real sense. This same hope he also wished to express in connection with the other provisions of the mandate to which he had referred during the discussions, the scope and origin of which must necessarily be very carefully considered in the light, primarily, of the old and more recent declarations made in connection with them by the British Government themselves.

Dr. Drummond SHIELDS replied that, if the form of Question 2 were altered, the Administration would be glad to alter the form of its reply.

He might say that the Jewish Agency had not been very active in the course of the past year, probably for economic reasons. So far as he knew, no application had been received from it for the delegation of public utilities of any kind. But if the Agency did apply, its application would receive sympathetic consideration.

He agreed with M. Van Rees that many of the articles of the mandate were none too clear. The British Government appreciated M. Van Rees' careful study of the terms of the mandate, and his comments would undoubtedly be of great value to them.

ECONOMIC AND AGRICULTURAL DEVELOPMENT: ESTABLISHMENT OF AN AGRICULTURAL COUNCIL.

M. MERLIN observed that Palestine had not entirely escaped the economic crisis, though it had not suffered so much as other countries which were more highly industrialised. He noted that the Administration had increased the Customs duties in order to afford relief to business.

He asked for information as to the agricultural loans referred to on page 149 (paragraph 22) of the report. What steps did the Government propose in order to organise the agricultural credit system?

Mr. YOUNG replied that seed loans were made in 1930 and at the beginning of 1931 in consequence of the partial loss of the previous year's harvest.

As regards the Government's future policy, it had several times considered the question of re-establishing the former Ottoman Agricultural Bank. But for reasons which the Commission would find in the report, and more particularly in Mr. Strickland's report, the Administration had decided not to take this step, but to develop instead the system of agricultural co-operation in the villages.

Mr. Strickland had recommended the appointment of an officer acquainted with the co-operative system in Europe. This officer has not yet been appointed.

M. MERLIN asked for further information with regard to the usurious rates of interest charged by money-lenders (see page 172, paragraph 20, of the report). Usury was a real scourge both in the Near East and in the Far East.

He noted that some local merchants secured advances at high rates of interest from Syria. He would like to know what proportion of the credits came from Syria.

Mr. YOUNG had no information beyond what appeared in the report.

Lord LUGARD said he understood an Agricultural Council had been set up, but he could not find much about it in the report.

Mr. YOUNG replied that the Council was set up in January or February of the current year, and the report dealt only with 1930.

Lord Lugard would find some reference to its impending establishment on page 16, paragraph 46, where it was explained that the Council worked through the agency of a number of sub-committees dealing with different agricultural questions.

Lord LUGARD asked whether Jews and Arabs co-operated on the Council. He understood there were some twelve non-official members.

Mr. YOUNG replied that Jews and Arabs did co-operate on the Council. To the best of his recollection the number of non-official members was more than twelve.

SUPPRESSION OF THE TOBACCO MONOPOLY.

M. MERLIN observed that on page 74 it was stated that the Turkish tobacco monopoly had been discontinued. This step had been foreshadowed in the report for 1929 (page 31), which also stated that the tax of £E2 per dunum on land sown with tobacco had been replaced by an excise duty of 250 mils per kilo of tobacco. Could the accredited representative state the effects of the new system of taxation on (a) the cultivation of tobacco and (b) the revenue?

Mr. YOUNG was not in a position to give the information but he would see that M. Merlin's questions were answered in full in the next report.

RESTRICTIONS ON CERTAIN IMPORTS AND EXPORTS.

M. MERLIN said that on page 16, paragraph 43, it was stated that the export of Palestinian fruit to Egypt had suffered a reverse owing to a new Egyptian Customs tariff. What was the explanation of the new Egyptian duty on fruit?

Mr. YOUNG replied that Egypt was endeavouring to encourage Egyptian fruit-growing. The Palestine Administration had sent a mission to Egypt to make representations with regard to these particular duties, but without result.

M. MERLIN also noted that an Order of July 22nd, 1930, had prohibited the import of olive oil (page 144, paragraph 10, of the report). The country principally hit by this Order was Syria. What were the motives for issuing the Order? There was an understanding that neighbouring territories under mandate should show a certain consideration for one another.

Mr. YOUNG replied that the object of the Order had been to protect the Palestine grower. Representations had, however, been made by the Syrian Administration, and the Order had been modified so far as Syria was concerned.

COMMISSION APPOINTED FOR THE PURPOSE OF SCRUTINISING THE EXPENDITURE OF THE TERRITORY
AND EVENTUALLY TO FIND MEANS TO REDUCE IT

Lord LUGARD asked whether Sir Samuel O'Donnell's Committee had yet reported.

Mr. YOUNG replied in the negative.

EFFECT ON THE PUBLIC REVENUE OF THE REDUCED SUBSCRIPTIONS TO THE ZIONIST
ORGANISATION.

M. RAPPARD said he understood that the subscriptions to the Zionist Organisation had been seriously affected by the economic crisis. Was the accredited representative in a position to say what the extent of the falling off in the subscriptions was? He presumed that the whole balance of payments of the country had been affected thereby.

Mr. YOUNG replied that M. Rappard would note from paragraph 26 on page 13 of the report that, in spite of the falling off in the subscriptions, the Customs revenue had been well maintained. The effect of the reduction in the subscriptions was, in fact, less than might have been expected.

POLICE ORGANISATION.

M. RUPPEL referred to the re-organisation of the police force.

It appeared from the report that a number of measures had been taken during the year under review. Both sections of the force, the British and the Palestinian, had been considerably reinforced. A purification had taken place by the dismissal of unfit policemen; the disposition of the force had been rearranged to protect the Jewish settlements. A defence scheme for those colonies, including sealed armouries, had been carried out. The expenditure for the police had been increased by 25 per cent.

He thought the Commission might conclude that there was no longer any inadequacy in the police force such as there had been before the disturbances in 1929 and that the force could now be relied upon in all circumstances. The Jewish community, however, appeared to think otherwise. He quoted from the memorandum submitted to the Mandates Commission by the Vaad Leumi that month (June 1931), in which it was contended: (1) that peace and protection were by no means secured; (2) that the police force still consisted mainly of Arabs; (3) that the sealed armouries had not been returned to the villages, but had been replaced by different armouries consisting of shot-guns in place of rifles; (4) that the Arabs had unlimited possibilities of securing arms; (5) that the feeling of insecurity among the Jewish community was general.

Dr. Drummond SHIELS replied that the memorandum had only been received a short time previously. The British Government had forwarded it to the Mandates Commission, as it did not wish to keep anything back, but it had not been given time to reply to the charges contained in the document.

Mr. YOUNG said there had been one deplorable incident, a murder near Haifa, but that, in general, he did not think there was any justification for the contention in the memorandum of the Vaad Leumi that the Jewish community was suffering from a sense of insecurity.

The murder in question was committed at night in circumstances which would not have been altered by any increased police force or any change in the armouries.

He thought he could say, as a result of his visits to a large number of Jewish colonies, that the Jewish colonists in general felt much more secure. The so-called security roads were a powerful factor in this increased sense of security.

The only remaining grievance of the Jewish colonists was the fact that they were provided with shot-guns (Greener guns) and not rifles. The Administration had considered whether rifles should be supplied, but, after taking expert advice, it had come to the conclusion that the Greener gun was the most suitable weapon for defensive purposes.

FOURTEENTH MEETING.

Held on Wednesday, June 17th, 1931, at 4 p.m.

Palestine: Examination of the Annual Report for 1930 (continuation).

Dr. Drummond Shiels, Mr. M. A. Young, Mr. O. G. R. Williams and Mr. R. V. Vernon came to the table of the Commission.

PROTECTION OF THE JEWISH COLONIES.

M. SAKENOBÉ observed that at the seventeenth session the accredited representative had told the Commission that there was a defence scheme for the protection of the Jewish colonies, in case of emergency, and had given a brief outline of that scheme; it was also mentioned in the report for 1930. He would be interested to have details and to know what part the Army was to play in the scheme.

Dr. Drummond SHIELS replied that it was not possible to add very much to what had already been said. It was not usual to give full details of a defence scheme; the last time the matter was discussed, the main criticism had been that the Jewish colonies were left with inadequate means of defence. The present plan provided for the possibility of rapid access to each colony, for sealed armouries and for the installation of a telephone in each colony. Arrangements had also been made in connection with the location of the garrison and of the police, so that all contingencies were guarded against as far as possible. That, broadly, was the position.

M. SAKENOBÉ observed that last year the Commission had heard that the Jewish colonies would be divided into groups, each with a protective force. He had hoped that further details might be given.

Mr. YOUNG replied that it would be difficult to go into the details of the scheme for the defence of the various groups. The first line, apart from the armouries to which reference had been made, consisted of the police force, the disposition of which was intended to enable police to reach the colonies rapidly and in sufficient numbers. There were also included in the scheme both the battalions stationed in Palestine and the Trans-Jordan Frontier Force, so that provision was made for defence in the event of an attempted incursion across the Jordan into the Plain of Esdraelon.

Lord LUGARD enquired, in connection with M. Sakenobé's question concerning the defence of the Jewish colonies, whether the Jews were fairly satisfied with the present position.

Mr. YOUNG replied that his personal impression—from visits and discussion—was that, apart from the nature of the weapons provided, the Jews were actually better satisfied than would appear from the Vaad Leumi memorandum.

ARMS TRAFFIC.

M. SAKENOBÉ referred to certain complaints made by the Jewish General Council concerning the arms traffic on the frontier. On page 6 of the memorandum of the Vaad Leumi the following passage occurred:

“ . . . the Arabs of Palestine have unlimited possibilities of securing arms of an effective type in large quantities and with great ease. Trans-Jordan on the one side and the South of Palestine on the other side, both areas under the jurisdiction of the British Mandatory, are territories in which there is an unrestricted traffic in arms, and there can be no possible check on the penetration of such arms from either of these territories to other parts of Palestine.”

There was evidently some exaggeration in this statement, but there must be some truth in it. He enquired whether arms were registered in Palestine.

Mr. YOUNG observed that the report for 1930 contained the answer to the question put last year on this subject. He said that in the greater part of Palestine arms had to be registered.

M. SAKENOBÉ said that the Commission would be grateful if next year's report could contain a list of cases of the illicit handling of arms.

Dr. Drummond SHIELS said that this would certainly be done.

PARTICIPATION OF THE PALESTINE GOVERNMENT IN THE EXPENSES OF THE TRANS-JORDAN FRONTIER FORCE.

Lord LUGARD referred to the cost of the Trans-Jordan forces—£250,000—of which Palestine shared a part. He enquired just what the Palestine proportion might be.

Mr. YOUNG replied that the arrangement in force as from April 1st, 1930, was that the Palestine Government paid one-quarter of the recurrent cost of the Trans-Jordan Frontier Force and the whole cost of the capital works for that Force in Palestine. His Majesty's Government bore three-quarters of the recurrent cost and the whole of the capital cost in Trans-Jordan. The fact that the arrangement had come into force only on April 1st, 1930, would account for any discrepancy as compared with the figures shown on page 85 of the report.

APPLICATION OF INTERNATIONAL CONVENTIONS.

M. ORTS referred to the list of general and special Conventions to which Palestine was a party and enquired whether it was up to date. The Council had passed a resolution in 1925, asking to be informed of any circumstances that might have prevented the application of bilateral treaties to the territories under mandate. He enquired whether there had been any bilateral Convention between Great Britain and another Power that had not been extended to Palestine. The question was of importance, as the Council was dealing with the matter, not with particular reference to Palestine, but on general lines.

Mr. VERNON replied that the question of the application of bilateral Conventions to mandated territories had been exhaustively examined. The Mandatory had had to determine which Conventions could be applied to both Palestine and Trans-Jordan and which could be applied only to Palestine. The general principle followed by the Mandatory was to secure the adherence of Palestine to any bilateral Convention, if such a measure appeared of advantage to that country. In some cases the circumstances of the Convention might not permit of its application to Palestine. This statement applied to the British mandated territories in general, for example, to Tanganyika.

M. RUPPEL observed that there was no mention in the list of Conventions to which Palestine was a party of the 1926 International Slavery Convention, although the report stated that Trans-Jordan was a party to that instrument.

Mr. VERNON said that he was practically sure that the Slavery Convention applied to Palestine. He was surprised to hear that it was not mentioned in the list.¹

INCORPORATION OF THE TERMS OF THE MANDATE IN THE LEGISLATION OF PALESTINE.

M. VAN REES drew attention to the statement to be found on page 97 (paragraph 4) of the report under consideration referring to Appendix XVI of the previous report, and proceeded to quote the following passage from Appendix XVI:

“ In so far as the mandate is not incorporated into the law of Palestine by the Order-in-Council, its provisions have only the force of treaty obligations and cannot be enforced by the Courts.”

It appeared, therefore, that suits in respect of the execution of the mandate could not be entertained by the Courts, by reason of the fact that the mandate did not constitute a part of the Palestine legislation. On the basis of this hypothesis M. Van Rees wondered how a person who considered that his interests had been injured by the application of one of the formal provisions of the mandate could bring his complaint before a competent court.

In 1930, this question had been raised by one of the members of the Commission at the seventeenth session (see Minutes of the session, page 101). It was stated in reply that all the necessary provisions of the mandate were already included in the Order-in-Council or the laws of Palestine and that if a case arose in which the Court found that the mandate required the Government to take some particular action but that no legislation existed by which the Government could be required to do so, then special legislation would have to be passed to cover the matter.

M. Van Rees did not think the explanation was satisfactory or correct. The Order-in-Council referred to the mandate but did not reproduce any of its terms, and he knew of no legal provision that gave the mandate the force of law. The matter was of importance in the interests of Jews and Arabs alike.

Dr. Drummond SHIELS observed that M. Van Rees was speaking of a high legal matter. The question had no doubt already been examined, but as M. Van Rees gave it as his opinion that the mandate ought to be more fully incorporated in the Palestine Law the question would be re-examined.

PROPORTION OF THE ADMINISTRATIVE EXPENSES OF PALESTINE AND TRANS-JORDAN SUPPORTED BY THE MANDATORY POWER.

M. RAPPARD pointed out two contrasts which had struck him very specially. In Palestine there was a system of direct administration, and in Trans-Jordan a system of indirect administration.

¹ In a letter dated June 24th, 1931, Mr. Vernon, accredited representative of the mandatory Power, gave the following additional information on this subject:

“ Article 9 of the Convention provides that ‘ any High Contracting Party may declare that its acceptance . . . does not bind some or all of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage in respect of all or any provisions of the Convention Such a declaration was made by His Majesty’s Government only in respect of India and the Dominions, on whose behalf the Convention was signed separately. Consequently, the Convention applies to all the non-self-governing Colonies and Protectorates and to the mandated territories administered under the authority of His Majesty’s Government in the United Kingdom. It therefore applies to Palestine, including Trans-Jordan.”

On the other hand, Palestine cost Great Britain nothing, while Trans-Jordan received from Great Britain about one-third of the cost of administration. He would be interested to know why there was this contrast between the great generosity shown towards Trans-Jordan, which enjoyed a very large measure of self-government, and the strict economy in the relations with Palestine, which was under the direct rule of the Mandatory.

Mr. YOUNG replied that it was not quite the case that the administration of Palestine was costing His Majesty's Government nothing. That point had already been discussed. As regards Trans-Jordan, he agreed that the grants did appear high, but said that fuller material for a reply to the question would be available after the receipt of the report of the Financial Commission appointed for the purpose of scrutinising expenditure and possibly enabling those grants to be reduced.

Dr. Drummond SHIELDS observed that the more sparsely populated a country was, the greater, proportionately, were the costs of administration.

M. RAPPARD agreed that that was the case for the same quality of administration, but pointed out that Palestine was much more closely administered than Trans-Jordan.

He understood (page 147, paragraph 17, of the report) that non-recoverable grants-in-aid had been made to the Palestine Government by His Majesty's Government to meet the cost of the British section of the Palestine gendamerie until its disbandment on March 31st, 1926; to meet a moiety of the cost of the Trans-Jordan Frontier Force in 1926-27 and one-sixth of the cost from April 1st, 1927, to March 31st, 1930, the latter proportion being regarded as the Trans-Jordan share of the cost of the Force. The rest, therefore, was paid by Palestine. There appeared also to be some obscurity in paragraph 18 on the same page of the report.

Mr. YOUNG remarked that, on a mere point of nomenclature, there was at present no gendamerie. He agreed that there was an omission in paragraph 18. The only grant-in-aid was for the Trans-Jordan Frontier Force. The Force was stationed partly in Trans-Jordan and partly in Palestine. Trans-Jordan had never paid anything, and the present position was that the grant-in-aid was paid to Palestine, and Palestine bore the cost of the Trans-Jordan part of the Force.

PUBLIC FINANCE.

M. RAPPARD understood that Palestine, irrespective of Trans-Jordan, was paying its way.

Dr. Drummond SHIELDS believed it was generally agreed that this had been the case up to last year. He was not sure that it was so since then.

M. RAPPARD, referring to paragraph 28 on page 152 of the report, noted that during the year under review the Currency Board had paid £P20,000 "in aid of the revenue of Palestine". Was not this sum earned in Palestine on the amount of uncovered notes in circulation? He would be interested to have some information on that point.

Mr. VERNON replied that the Palestine Currency Board existed for purposes of control. At the end of the year it considered how much balance could safely be transferred to Palestine, and the expression "in aid of the revenue of Palestine" implied no suggestion of charity.

He explained, in answer to a further question from M. Rappard, that the item on page 151 of the report: "Payment on application for £100,000 Treasury bonds, etc., Cost price, £10,000" simply represented a part payment "on application", as described.

LABOUR.

Mr. WEAVER thought the Commission would wish him to express its satisfaction at the much fuller information contained in the 1930 report as compared with previous years.

The question of labour statistics had been already raised by M. Rappard, and the accredited representative had stated that machinery for obtaining more accurate statistics was being devised. Mr. Weaver asked whether, in devising this machinery, it would be possible to distinguish unemployed persons who were normally employed and were seeking regular employment from those who were usually working on their own account and who were seeking casual employment.

Mr. YOUNG replied that that point was being taken into consideration and, as far as possible, Mr. Weaver's request would be met.

Mr. WEAVER called attention to the table on page 46 of the annual report which showed that the unemployment among Arabs had increased from 5,500 in November to 12,000 in December 1930, and asked whether any explanation of this increase could be given.

Mr. YOUNG replied that the higher figure in December was the result of a more scientific method of computing statistics. The footnote to this table, which stated that these figures should be accepted with reserve, applied in particular to the figures previous to December.

Mr. WEAVER called attention to a remark in Dr. Drummond Shiels' opening speech to the effect that public works were being speeded up in order to provide unemployment relief. He asked to what extent employment had been provided by this method.

Mr. YOUNG replied that this unemployment relief usually took the form of road construction, which was being developed as far as possible.

Mr. WEAVER referred to a statement that labourers had been engaged in Syria to work on the construction of a road from Kfar Gileadi to Metulla.

Mr. YOUNG had not heard of this. Metulla was, indeed, on the Syrian frontier, but it would be contrary to the policy of the Palestine Administration to bring in workers from Syria.

Mr. WEAVER drew attention to the statement in the Prime Minister's letter to Dr. Weizmann of February 13th, 1931, paragraph 16, to the effect that, with regard to public and municipal works financed out of public funds, the claim of Jewish labour to a due share of the employment available, taking into account Jewish contributions to public revenue, should be taken into consideration. This raised the question of the proportion between Jewish and Arab labour. He noted on page 14 of the annual report, paragraph 35, that 988 Arab and 183 Jewish workers were engaged on the Haifa Harbour works. This proportion could hardly be based on Jewish contributions to public revenue. He asked what was being done in this respect.

Mr. YOUNG pointed out that the figures in the report related to a period before the letter to Dr. Weizmann was written, and that the Administration was now naturally taking steps to give to the Prime Minister's words. He added that there was no definite undertaking that Jewish labour should be in exact proportion to Jewish contributions to public revenue. Moreover, this proportion would be difficult to determine.

Mr. WEAVER asked whether the result of this policy would be to increase the number of Jewish workers employed.

Mr. YOUNG answered that, if Jewish employment were in exact proportion to Jewish contributions, this would no doubt result in an increase of Jewish labour.

Mr. WEAVER referred to a paragraph on page 14 of the annual report to the effect that consideration was being given to the possibility of applying the piece-work system to selected Arabs engaged on the Haifa Harbour works. He presumed this was intended to have the progressive effect of equalising Jewish and Arab wages.

Mr. YOUNG replied in the affirmative.

Mr. WEAVER noted the statement in this connection that precise statistics of earnings and output were worked out. He hoped these figures would be included in the next report.

Mr. YOUNG replied that this would be done.

Mr. WEAVER asked whether, in contracting for public works, preference was given to the lowest tenders, and whether this did not result in lower wages.

Mr. YOUNG replied that contracts were given on this basis, provided other conditions were equal.

Mr. WEAVER asked whether consideration was being given to the insertion of a fair-wage clause in these contracts.

Mr. YOUNG said that this matter was already under consideration.

Mr. WEAVER drew attention to the Convention between the High Commissioner and the Iraq Petroleum Co., Ltd., regarding the construction of the pipe-line. Article XI, which dealt with labour, contained no provisions whatever for fair rates of wages and other conditions of labour; in fact, it only dealt with the supply of labour.

Dr. Drummond SHIELS answered that this was an unfortunate omission which had only been noticed after the Convention was signed. Steps were now being taken to have included in the Convention, if it were still possible, some such clause.

Mr. WEAVER drew attention to the statement on page 105 of the annual report that it was proposed to set up machinery for conciliation and arbitration in labour disputes and to deal with certain other questions relating to labour. He also noted on page 18 of the report that the revision of labour legislation, with particular reference to workmen's compensation, would shortly be undertaken by an official committee. He asked whether this committee proposed to confine itself to workmen's compensation or would deal with other questions. He enquired whether the committee was already working.

Mr. YOUNG replied that the committee would deal with all questions and not only with workmen's compensation. When he left Palestine, the committee had not begun its work.

Mr. WEAVER noted from the report that there had been considerable growth in the trade unions. He hoped further information on this subject would be included in the next report. He asked whether the registration of trade unions was being taken into account.

Mr. YOUNG replied that at present trade unions were not registered under special legislation, but under the general Ottoman law of societies.

Mr. WEAVER asked whether any action was contemplated in this respect.

Mr. YOUNG promised to bring the matter before the committee to which reference had just been made.

Dr. Drummond SHIELS remarked that the whole question of labour legislation in British colonies and mandated territories was being taken up by the Home Government. When general principles had been established, they would be gradually incorporated in the legislation of all the territories in question. At the same time, independent examination of this class of legislation in the territories themselves was going on, and in Palestine, as had been stated, the matter was being examined.

Mr. WEAVER referred to the statement on page 103 of the annual report that the policy of the Government was to confine interference in private enterprise, as far as possible, within the limits imposed by international obligations and by the interests of public health and order. This statement was not very clear. Everything depended on whether the expression "international obligations" was interpreted in a wider or narrower sense. For instance, did it include international labour conventions?

Mr. YOUNG replied that it certainly included all international labour conventions which were already in force or which might be concluded in the future.

Dr. Drummond SHIELS hoped that this statement would be interpreted in the most generous sense, and he entirely agreed with what Mr. Weaver had said.

Lord LUGARD drew attention to the statement on page 101 of the report to the effect that there was a noticeable movement towards organisation among Arab workers. He asked whether any appreciable progress had been made towards combinations of Jews and Arabs.

Mr. YOUNG replied that, so far as he was aware, there had been no noticeable progress.

LIQUOR TRAFFIC.

COUNT DE PENHA GARCIA referred to an article published recently in the *Manchester Guardian* recording a meeting in London of a society for combating the liquor traffic. At this meeting it had been stated that the consumption of liquor in Palestine was becoming a danger, and a resolution had been addressed to the British Government as responsible for the mandated territory. He realised that such societies frequently exaggerated, but the figures contained in the report nevertheless gave the impression that the consumption of intoxicating liquors was increasing considerably and that it was necessary to watch the development of this traffic. He noticed also on page 168 of the annual report that receipts from excise duties on intoxicating liquors had increased. He also saw that there was a 30 per cent increase in receipts from liquor licences in Transjordan. He considered this figure very high.

He asked the accredited representative what substances were treated in the distilleries.

Mr. YOUNG said he could not give definite information. In Trans-Jordan he thought the distilleries probably produced arak from the palm. He could not give any information for Palestine, but would note the matter and include the information in the next report.

COUNT DE PENHA GARCIA asked that in future the alcohol content of the spirits should be mentioned.

There was no information regarding the number of licences for the sale of intoxicating liquors in Palestine.

He asked how the production figures contained on page 169 of the report were controlled.

Mr. YOUNG replied that these figures were checked by the Department of Customs and Excise.

COUNT DE PENHA GARCIA asked whether the distilleries were obliged to make declarations.

Mr. YOUNG replied in the affirmative, and said their figures were checked by Government inspectors.

COUNT DE PENHA GARCIA asked who were the principal consumers, Arabs or Jews. He pointed out that the Moslems were, by their religion, not allowed to consume alcohol.

Mr. YOUNG remarked that the Arabs were not all Moslems.

Count DE PENHA GARCIA said the reason for his question was that he wished to ascertain the consumption per head. If only a part of the population consumed alcohol, figures might be excessive which would otherwise be normal.

Mr. YOUNG said it was difficult to obtain statistics regarding the consumers of alcohol. He agreed that some indication might be obtained from the number of Moslems in the country. He considered that the best test was the prevalence or non-prevalence of drunkenness in Palestine. In fact, drunkenness was not prevalent.

Count DE PENHA GARCIA remarked that the statistics regarding convictions did not include cases of drunkenness. He supposed that persons arrested for drunkenness would usually be released on the following day.

Mr. YOUNG agreed. He thought that more reliable indications could be obtained from observing the habits of the people than from judicial statistics.

Count DE PENHA GARCIA asked whether Mr. Young did not think the Government should take steps with regard to the consumption of alcohol.

Mr. YOUNG thought no special measures were necessary beyond watching the position.

Count DE PENHA GARCIA noted that the production of wine had doubled in the last two years. As there had been no corresponding increase in the export, he concluded that twice as much was being drunk in Palestine.

Mr. YOUNG suggested that the stocks might have increased.

Count DE PENHA GARCIA asked whether the cultivation of the vine was increasing.

Mr. YOUNG thought not, but that there was a tendency to replace the vine by other forms of agriculture.

Count DE PENHA GARCIA noted the statement on page 168 of the report that there were fifteen establishments for the manufacture of wines. He asked whether land-owners produced wine in addition to these establishments.

Mr. YOUNG replied that the largest establishments were co-operative, so that the cultivators who were members of the co-operative societies were interested in the production.

Count DE PENHA GARCIA asked whether the co-operative societies bought the grapes from the cultivators and thus owned the wine, or whether they merely manufactured the wine for account of the owners.

Mr. YOUNG thought that the co-operative societies bought the grapes, but that they included the growers among their members.

Count DE PENHA GARCIA noted that there were only fifteen establishments producing over 40,000 hectolitres. He asked whether the growers had any control over the manner of producing the wine.

Mr. YOUNG thought that, as the growers were members of the co-operative societies, they were in many cases interested in the manufacture of wine.

Count DE PENHA GARCIA asked whether the co-operative societies had large cellars for storing wines or whether they sold them to merchants.

Mr. YOUNG said he knew of two very large cellars owned by co-operative societies.

Count DE PENHA GARCIA asked whether there were any other large dealers purchasing wine from the co-operative societies.

Mr. YOUNG said that he did not know of any large cellars owned by non-producing dealers.

Count DE PENHA GARCIA presumed that in that case the wine remained in the possession of the producers.

Mr. YOUNG replied in the affirmative.

DRUG TRAFFIC.

Count DE PENHA GARCIA thanked the mandatory Power for the interesting information contained on page 114 of the report. This showed that 202 persons had been convicted, and that there was an illicit traffic in drugs with Egypt. He hoped that the Administration would continue to watch this traffic and would give information each year.

Lord LUGARD noted the statement on page 114 of the report "the bulk of the hashish smuggled into Palestine comes from Syria" and that a large percentage of it was destined for Egypt. He asked whether the Syrian authorities were co-operating for the suppression of this traffic.

Mr. YOUNG replied that the Administration was working in co-operation with both Syria and Egypt.

Lord LUGARD asked whether the persons convicted for offences connected with the drug traffic were mostly Jews or Arabs.

Mr. YOUNG said he thought they were mostly Arabs.

M. VAN REES referred to a newspaper article to the effect that Tel Aviv was an important centre of the drug traffic in the East. The author of the article asked why nothing had been said of a vessel seized in Egypt, the owner of which was a Zionist of Tel Aviv. The article stated that the Tel Aviv police were independent, and consisted exclusively of Jews. It went on to say that two ships belonging to the same owner at Tel Aviv were engaged in the traffic in both arms and drugs. It added that the League of Nations would be embarrassed if it were asked by whom civil and military aeroplanes were examined when landing in Eastern countries under foreign administration. What Customs or police authority, it asked, would be willing to examine a French aeroplane landing at Tripoli, or an English aeroplane landing at Ramieh ?

M. Van Rees asked if there was any truth in these allegations.

Mr. YOUNG replied that there was no foundation whatever for the statements made in this article. There was no reason to suppose that Tel Aviv was of any importance for the drug traffic. In the last seven years only three seizures of small quantities had taken place there. No vessel belonging to a Jew of Tel Aviv had been seized or suspected. Perhaps the newspaper in question had concluded that Palestinian Jews were engaged in this traffic on account of a recent case in Egypt in which Jews were concerned. Those Jews, however, so far as he was aware, had no connection with Palestine.

With regard to aeroplanes, landing was prohibited except at the Gaza aerodrome, where strict Customs regulations were applied. In special cases landings were allowed at Ramieh, in which case all the formalities were enforced. There were also arrangements for Customs formalities in the case of forced landings at other landing grounds.

Lord LUGARD mentioned, for the information of the Colonial Secretary, that, in the list of subjects kept by the Mandates Commission, "Liquor" was included under Head XVIII, Drugs, etc. It was not so included in the report.

Mr. YOUNG noted the information for subsequent reports.

EDUCATION.

The CHAIRMAN stated that, in the absence of Mlle. Dannevig, he had handed her written questions to the accredited representative. It was unnecessary to give an oral reply immediately. Dr. Drummond Shiels could, if he preferred, reply in writing.

Dr. Drummond SHIELS promised to reply to the questions in writing.

Lord LUGARD understood that the Jews had complained that the funds granted for Jewish schools were insufficient. He observed that, according to the figures on pages 165-6, the Jews were nearly 20 per cent of the population, and they apparently received about 15 per cent of the funds voted for education (page 116).

Mr. YOUNG replied that it was true that the Jewish Agency was not satisfied with the grant and claimed an increase. The Education Department had made proposals to the Jewish Agency regarding the reform of the school board. Until that reform took place, it did not feel justified in allotting a larger proportion to the Jewish schools.

Lord LUGARD asked whether the teachers paid by the Jewish Agency received the same scale of salaries as those in the Government schools.

Mr. YOUNG replied that he thought these scales of salaries were related to the scales for Government teachers, but he could not say whether they were identical.

Lord LUGARD had noted a remark in the report on Iraq to the effect that discipline in the western sense was alien to the ideas of the East. He asked if this remark could be applied to Palestine.

Mr. YOUNG replied that, as far as he had had an opportunity of observing the schools, the pupils were well disciplined.

PUBLIC HEALTH.

M. RUPPEL stated that the Mandates Commission, in its report to the Council on the work of the seventeenth session, pointed out that it desired information as to whether the Administration could not be voted a larger sum for public health, since it appeared that the population of certain areas had recently been without adequate hospital facilities.

In 1930 the amount spent on health services had been slightly increased—that was to say, from £P.101,800 to £P.105,500, but it did not appear that activity had been considerably intensified, and it was freely admitted in the report that, in the northern district, particularly in Haifa and Eastern Galilee, the hospital accommodation for both general and infectious cases fell short of requirements. The Administration promised to consider carefully the question of providing additional hospital facilities in this part of the territory in the light of the general financial situation. Sir J. Hope Simpson, on page 29 of his report, noted the concentration of medical assistance in the towns and the fact that private medical practice did not extend to the Arab villages.

On page 136 of the annual report details were given of the general policy hitherto followed by the Health Department. The Health Department concentrated on general sanitation and the prevention of disease. As regards hospital accommodation and facilities for medical treatment of the population, it limited its activity to certain specified purposes (infectious diseases, insane persons, persons in the service of the Administration and the very poor) and endeavoured to meet the needs of the general population only where no provision, or inadequate provision, was made by voluntary organisations.

The principal voluntary organisation was that of the Jewish community. A full statement of the working of its health institutions was contained in the annual report of the Jewish Agency. Its provision for public health work was put in round figures at £P.200,000, or nearly twice as much as the Government expenditure. It should be noted that these health institutions were open for Arabs as well as for Jews.

The question arose whether the present state of affairs, in which the Administration largely relied upon Jewish work, would continue for an indefinite time. In this connection, M. Ruppel quoted the following passage from the Hope Simpson report, page 27:

“ A time will surely come when the services of the Government will be compelled to extend their radius of action so as to include Jewish settlements as well as Arab villages.”

Last year the Jewish Agency made this question the subject of a special memorandum to the Administration. It was of the opinion that about £P.60,000 of the total expenditure of £P.200,000 was devoted to the maintenance of municipal and public health services which were normally undertaken in other countries by the Government or local authorities. It therefore asked for direct Government participation in the upkeep of its services. The additional subvention was estimated at £P.14,400 a year. The proposal was not accepted by the Administration on account of the financial position.

M. Ruppel asked whether the accredited representative could give some explanations as to the policy which the Administration intended to pursue in the near future regarding the extension of its health services or the increase of subventions granted to the Jewish and other private organisations.

Mr. YOUNG replied that the health work done by Jews for Jews in Palestine was most impressive. The standard of this work was so high that the Palestine Government could not imitate it for the rest of the country. A calculation had been made of the funds required to carry out health work and the provision of hospitals on this scale in the entire country, and it had been found that the organisation would swallow up practically the whole revenue of Palestine. The Jewish organisations had found that, owing to the shrinkage of their funds, it was difficult to maintain the present standard. They had therefore asked the Government for assistance. The Government had replied that it was willing to assist, where possible, but that the assistance which it could give was strictly limited by its finances. It attached great importance to health work and desired to take over existing hospitals and to provide new hospitals where required. The Health Department was very efficient and had achieved remarkable results with the limited funds at its disposal. The Government hoped to provide more funds in the future.

M. RUPPEL took note of the last statement and expressed the hope that the financial situation would allow, in the near future, of progress in this direction. He further suggested that the next report might give details of the expenditure for public health in the same manner as was done for education in the report under review (page 122).

Mr. YOUNG said he would make a note of this.

M. RUPPEL noted the statement on page 135 of the annual report that there were 653 private doctors. The Hope Simpson report referred to complaints made by Arabs as to the enormous influx of Jewish doctors into the country which was said to have deprived a number of Arab doctors of their practices. He asked for information as to the number of Arab and Jewish doctors respectively.

M. YOUNG said he would note this question.

M. RUPPEL drew attention to the information given on page 136 of the report regarding private hospitals and other charitable institutions. He asked that the next report should contain a full list of these institutions, stating the nationality, the beds available, the number of

consultations given and other information, in the same manner as was reported by the French Government in respect of Syria and the Lebanon.

Mr. YOUNG noted this request.

DEMOGRAPHIC STATISTICS.

M. RAPPARD drew attention to the table of vital statistics on page 165 of the annual report, from which it appeared that infantile mortality was greater in the towns than in the country. It would be remarkable if this were the case, and he supposed the explanation was that it was easier to obtain statistics in the towns.

With regard to the immigration statistics on page 166 he noted that the immigration of non-Jews was increasing. This was a somewhat surprising fact and he asked what exactly was understood by the term "immigrant". Did it include pilgrims and constables?

Mr. YOUNG replied that all persons who were not travellers were classified as immigrants. Travellers obtained visas for three months, which period could be extended. Persons who arrived with the intention of staying permanently were regarded as immigrants. The increase was not very great, and he thought that it might be accounted for by constables and other officials who would be classified as immigrants. He referred to the number of constables who were included in the number of immigrants as noted on page 36 of the report.

Trans-Jordan

DELIMITATION OF THE FRONTIER BETWEEN TRANS-JORDAN AND NEJD.

M. ORTS asked whether the southern frontier of Trans-Jordan, *i.e.*, the common frontier with Nejd had been finally fixed.

Mr. WILLIAMS replied that a part of the frontier had been defined in an agreement with the Nejd Government but had perhaps not been definitely delimited on the spot. One portion had remained undefined.

M. ORTS asked if that was the portion touching on the Gulf of Aqaba.

Mr. WILLIAMS replied in the affirmative.

M. ORTS asked if there was no danger of the mandated territory losing Aqaba which was the only access of Trans-Jordan to the sea. All maps placed Aqaba in Transjordan and he wished to know if this place had been acquired by Trans-Jordan without protest or if there was any dispute between His Majesty's Government and the Nejd Government on this matter.

Mr. WILLIAMS replied that there was no active dispute, but the point had never been definitely decided with the Nejd Government.

M. ORTS asked how it was that all the official maps showed Aqaba in Trans-Jordan if there was no agreement on the subject.

Mr. WILLIAMS said that, as far as he knew, the frontier was recognised informally when His Majesty's Government accepted the mandate but that the Government of Hejaz and Nejd had never formally accepted the position. He read the following extract from the Handbook of Palestine and Trans-Jordan published in 1930:

"The southern boundary between Trans-Jordan and the Hejaz is not the subject of any formal agreement; but it is stated in a note dated May 19th, 1927, from Sir Gilbert Clayton to the King of the Hejaz and Nejd (published in Cmd. 2951) that His Majesty's Government regard this frontier as being defined as follows:

"The frontier between the Hejaz and Trans-Jordan starts from the intersection of meridian 38° E. and parallel 29° 35' N., which marks the termination of the frontier between Nejd and Trans-Jordan, and proceeds in a straight line to a point on the Hejaz Railway two miles south of Mudawwara. From this point it proceeds in a straight line to a point on the Gulf of Aqaba two miles south of the town of Aqaba."

DISSOLUTION OF THE TRANS-JORDAN LEGISLATIVE COUNCIL: EXTENT OF THE INTERVENTION OF THE MANDATORY POWER IN LEGISLATIVE AND ADMINISTRATIVE MATTERS.

The CHAIRMAN observed that the newspapers had announced in November 1930 (*Oriente Moderno*, December 1930, page 631) that there had been a debate in the Trans-Jordan Legislative Council on the question of the legality of international obligations contracted by the Emir. That debate had probably been instituted by members who were opposed to the Agreement of February 20th, 1928, between the mandatory Power and the Emir Abdullah.

Again, the *Falastin* of December 12th, 1930 (*Oriente Moderno*, January 1931, page 29) had announced that certain members of the Legislative Council had given notice of a motion for the institution of responsible government.

Further, it had been announced in March 1931 that the Emir Abdullah had promulgated a decree on February 9th dissolving the Legislative Council, in consequence of the latter's refusal to approve the budget submitted by the Government. That measure appeared to have been followed by the resignation, on February 21st, of Hasan Kalid Abdul Huda, President of the Council. The Emir was reported to have invited Sheik Abdullah es Sarrag, former Vice-President of the Hejaz Council, to form a new Cabinet.

The Chairman enquired whether the accredited representative could offer any comment on these various points and whether he could state to what extent the agents of the mandatory Power intervened in the framing of the legislative texts of Trans-Jordan and in the actual administration of the country.

Mr. YOUNG replied that the Agreement with His Majesty's Government had been definitely passed by the Legislative Council in 1929. The facts as regards the action of the Emir in February last in dissolving the Legislative Council were as stated. The extent to which the representatives of the mandatory Power intervened in the preparation of legislative texts in Trans-Jordan was best illustrated by the statement that the Legal Adviser was a British official and that Trans-Jordan enjoyed the benefit of his advice and co-operation.

The CHAIRMAN understood that the Emir had dissolved the Council in consequence of the latter's refusal to pass the budget. He enquired whether that was really so.

Mr. YOUNG replied that he had every reason to suppose that the reason given had been the real reason determining His Highness's decision.

SLAVERY.

Lord LUGARD noted the statement on page 197 of the report that Trans-Jordan was a party to the International Slavery Convention of 1926, and that it might be assumed for all intents and purposes that slavery was non-existent in Trans-Jordan. He would be glad to know the exact position, and whether the legal status of slavery had actually been abolished. He noted further, that, according to the report, a case had occurred in the past in which a slave girl was purchased for marriage, a marriage contract being made at the time of the sale. He understood that, according to Mohammedan law, marriage with a slave was forbidden. In the case mentioned, the girl must have been freed before marriage. She could not, as a slave, be purchased for marriage.

Mr. YOUNG replied that, under the Abolition of Slavery Law of 1929, the status of slavery was definitely abolished. It could be affirmed that there was no slavery in the territory. Further, under the new law, contracts such as Lord Lugard had mentioned were void.

PROTECTION OF TAX-COLLECTORS BY THE POLICE.

Lord LUGARD noted the statement in the report to the effect that tax-collectors had been deprived of the "effective aid of police escorts". He would be interested to know what that expression implied.

Mr. YOUNG said that the effective aid in question might be regarded as moral rather than physical.

STAFF OF THE EDUCATION DEPARTMENT.

Lord LUGARD enquired whether there was any British staff in the Education Department.

Mr. YOUNG said that he thought not.

MANUFACTURE OF ALCOHOL.

Lord LUGARD, referring to a statement on page 205 of the report, enquired how there came to be two licensed alcohol factories in Trans-Jordan, which was a Mohammedan country.

Mr. YOUNG replied that the reason might be that Trans-Jordan was not an exclusively Mohammedan country.

CLOSE OF THE HEARING.

The CHAIRMAN noted that the Commission had now concluded its discussion of the annual report. He was very glad that Dr. Drummond Shiels had been able to stay until the end of the discussion, and thanked also his assistants for the help they had given the Commission. He hoped

that their optimism and assurance of tranquillity in the country augured well for the future happiness of the population.

Dr. Drummond SHIELS thanked the Chairman and the Commission for their courtesy and consideration. He echoed the hope that they might now look forward to a period of tranquillity and progress in Palestine.

The accredited representatives withdrew.

Iraq: Procedure to be followed in the Examination of the Special Report on the Progress of Iraq during the period 1920-1931.

The CHAIRMAN called attention to the special character of the Iraq report which, on this occasion, took the form of replies to questions contained in the Commission's last report to the Council regarding the degree of maturity attained by the mandated territory.

In submitting its report on Iraq to the Mandates Commission, the British Government intended to give the latter the possibility of pointing out any gaps in its arguments justifying its claim that Iraq was able to stand alone, so that these gaps might be filled in before the autumn session.

He therefore thought that the present task of the Commission was not to examine the special report from the point of view of the working of various branches of the administration or from that of the British Government's execution of its mandatory obligations, but rather to prepare to give an opinion on the entire question of the degree of maturity attained by Iraq.

The British Government had not appointed accredited representatives to reply to detailed questions of administration, but rather to supply supplementary information and to record any requests made by the Commission for further details which they were unable to supply immediately.

He therefore proposed that, before the accredited representatives were invited to attend, some time should be devoted to an examination of the special report. It would be possible to go through it rapidly, and each member might state what questions he considered should be put to the accredited representatives during the discussion.

The Chairman's proposal was adopted.

FIFTEENTH MEETING

Held on Thursday, June 18th, 1931, at 11 a.m.

General Conditions which must be fulfilled before the Mandate Regime can be brought to an End in Respect of a Country placed under that Regime (continuation).

TRANSLATION OF M. VAN REES' NOTE (document C.P.M.1183).

Lord LUGARD put forward a special request that, in view of the importance of M. Van Rees' note (contribution to the examination of the above question), the document should be translated into English.

M. CATASTINI stated that the document had not been translated into English simply because the Mandates Section was obliged to fall in with the Secretariat's policy of strict economy. In view of Lord Lugard's special request, a translation would be made.

Iraq: Procedure to be followed in the Examination of the Special Report on the Progress of Iraq during the period 1920-1931 (continuation).

The CHAIRMAN stated that the Commission must decide upon the course to be pursued in its discussion of the special report on Iraq. He recalled that, in this particular case, the Commission need not embark upon a consideration of the report from the standpoint of the execution, by the British Government, of its mandatory obligations, but was rather called upon to form a general opinion on the degree of maturity attained by Iraq.

M. VAN REES emphasised that the Commission must express an opinion on the degree of political maturity attained in the territory. It need not concern itself with the question of the ultimate entry of Iraq into the League.

Count DE PENHA GARCIA considered that, in view of the special nature of the report submitted by the mandatory Power, the Commission should examine it solely from the point of view of the termination of the mandate. The Commission must consider whether the report contained sufficient particulars to enable it in due time to take a decision on the question of principle—namely, the degree of political maturity attained by Iraq. This was the moment to ask questions to this end, for the replies could be included in the report to be submitted in November.

M. CATASTINI thought it useful to draw attention to the two last paragraphs of the general observations on Iraq drawn up by the Commission at its nineteenth session (Minutes of the session, page 207). He considered that the Commission need not, at any rate at present, express any view upon the degree of political maturity attained by Iraq, but must simply consider whether the information at its disposal was sufficient to enable it later, when it was required to do so, to form an opinion on the degree of political maturity of the territory.

M. VAN REES could not agree. The question of Iraq's entry into the League of Nations had been pending for a long time. The mandatory Power had submitted it to the Council, thereupon the Mandates Commission had intervened, and it had been at the Commission's request that the mandatory Power had agreed to supply information making it possible to determine whether or no Iraq reached the necessary degree of political maturity. The Commission, with the special report before it, must take a decision on this point. It could not confine itself to stating that the report was perfect, or, if that were necessary, that it contained such-and-such omissions which called for additional information. The Council of the League, and above all, Mr. Henderson, would undoubtedly expect something more, if the Commission said it was satisfied with the information given. In that case, it would only be logical to draw from this declaration the conclusion which was indicated.

M. RAPPARD thought that the Commission might conclude, either that it was time that Iraq became independent, or that it was obvious from the report that Iraq was not capable of self-government, or else, more likely still, that supplementary information was required and must be asked of the accredited representative.

M. VAN REES thought it possible that the accredited representative being the High Commissioner himself, accompanied by the principal members of his staff, would be able verbally to remedy any defects. Thus the Commission would be called upon to take a decision on the main question without delay.

Lord LUGARD pointed out that one of the items on the agenda of the Commission's present session was the examination of the question of the general conditions required for the termination of the mandatory regime in a country placed under that regime. It was difficult to examine Iraq's case before discussing and determining those general conditions. The discussion of the general conditions which would justify the withdrawal of a mandate should precede the decision on the particular case of Iraq.

M. RAPPARD considered that the possibility envisaged by M. Van Rees was highly unlikely. It would be difficult for the accredited representative there and then to dispel all the fears entertained by the different members of the Commission. But even if the accredited representative's explanations met all the objections raised, the Commission should not now present its final conclusions. It could, however, report to the Council that it was ready to give an opinion on the matter whenever required. He considered this a wise procedure. In any event, Lord Lugard's very rational remark must be borne in mind. Before taking a decision in a special case, the general conditions required for the termination of a mandate must first be established by the Commission and afterwards approved by the Council.

The CHAIRMAN quoted the following passage from Mr. Henderson's statement made at the sixty-second session of the Council (fifth meeting):

"With regard to the Mandates Commission's request to be furnished with fuller information concerning the degree of political maturity attained by Iraq, he could have wished that the Commission had specified with somewhat greater precision the actual points upon which fuller information was required. The British Government would, however, at once take steps to prepare a comprehensive report containing a review of the progress made in Iraq under the mandatory regime, a general exposé of the existing situation, and all the information which it considered likely that the Commission would wish to possess. In order, however, to assist the Mandates Commission to submit definite views on the subject to the Council after its session in November, his Government suggested that the report in question should be a special one which could be submitted in time for consideration by the Commission at its June session. The special report would not, of course, replace the annual report on Iraq for the year 1930 which would be submitted as usual for the consideration of the Commission at its November session.

"The procedure he had suggested would have the advantage that any deficiencies in the special report to which the Commission might draw attention in June could be remedied at its November session, either by the presentation of a supplementary report or by the oral evidence of the accredited representative. As soon as it was informed that this procedure would

be agreeable to the Permanent Mandates Commission, the British Government would proceed to the preparation of the special report. ”

He believed that all the members of the Commission were agreed that an immediate decision was not required, but that they must consider whether the report supplied an adequate basis for a final decision at the November session.

M. MERLIN agreed. The Commission would not be required to estimate until November whether or no the mandatory Power could lay aside its responsibility.

COUNT DE PENHA GARCIA drew special attention to the close interdependence, in the case of Iraq, of the question of its admission to the League of Nations, for which provision was made in the Treaty, with the question of the termination of the mandate. The Council had quite logically asked for an opinion on the question whether Iraq fulfilled the necessary conditions for such termination. Only after receiving a reply to this first question could the Council consider the problem of Iraq's admission to the League, with which the Mandates Commission had nothing to do.

M. RAPPARD considered that, from the practical point of view, it would be well to examine the report, chapter by chapter, the Commission reserving the right, after hearing the accredited representative, to hold a private meeting during which it could decide on fresh questions to be submitted to him.

He agreed with Lord Lugard that it was essential to examine the general conditions required for the termination of a mandate in order to know the lines which the discussion on a particular case must follow. It would be much to be regretted if, after the accredited representative had left Geneva, the Commission were to discover that it had omitted to ask for information on certain important points:

COUNT DE PENHA GARCIA thought that this would in fact be the best procedure, a preliminary discussion between the members of the Commission not being necessary. Each member would ask questions which, from his personal point of view, would be calculated to throw light on the subject. The general observations would emerge from the usual discussion which would take place after the examination of the report.

LORD LUGARD maintained his view that it was better to consider the general question of the conditions required for the termination of a mandate before embarking on the question of Iraq. It was, however, impracticable to suppose that the Commission could conclude its discussion on the general question at a single meeting, and it would not be possible to ask the accredited representative and those accompanying him to remain at Geneva until the end of the discussion, which might last some time.

M. ORTS wished to draw the Commission's attention to what was, in his view, the principal task before it. The mandatory Power, in its introduction to the special report (pages 10 and 11), explained the aim which it had had in view and gave the results of its work in Iraq. Its aim had been to set up, "within fixed frontiers, a self-governing State, enjoying friendly relations with neighbouring States and equipped with stable legislative, judicial and administrative systems, and all the working machinery of a civilised Government". The report indicated that this result had been fully attained, which enabled the mandatory Power to say that Iraq could now dispense with the assistance and advice of the Mandatory and be admitted into the League.

Nevertheless, it might be asked whether the criterium accepted by the Mandatory was absolutely conclusive. Undoubtedly, Iraq now gave the appearance of a constitutional monarchy, with a Cabinet responsible to a Parliament composed of two Chambers. In its Constitution were embodied all the principles which were at the basis of the public law of the modern State. Was this sufficient to justify the conclusion that Iraq was ready to govern itself as a civilised country? The façade seemed to be good, but it was necessary to be sure that the foundations were solid and that the edifice was not kept standing solely by reason of the support given by the mandatory Power. Good institutions were not everything: in order that they might function, they must be animated by a public spirit.

It was already a surprising achievement to have created all the machinery of the political and administrative organisation of a modern State, none of which had existed barely ten years ago. Who would dare to claim that the political education of this people, who for centuries had remained completely separated from the general trend of ideas and who had been mostly nomads, had followed, even at a distance, the development of the organisation of this new State?

This question became of the utmost importance in connection with the future of the minorities. What would be the fate of these racial and religious minorities when the departure of the Mandatory would give the Government, composed of a Moslem majority, a free hand? Would the Government carry out that policy of liberty of conscience and religion which was inscribed in the Iraq Constitution, and also respect for minorities?

The Permanent Mandates Commission had received petitions from Kurds and previously that of the Bahais. The petition from Captain Rassam, for which M. Orts was Rapporteur, was accompanied by those from qualified representatives of the Assyrians, the Chaldeans and the Yezidis. All these documents expressed the same deep fear for the future felt by the minorities of various origins and religions, and the very fact that this fear was unanimous made it impossible to conclude that it was unfounded. These people were living in close touch with the Moslem majority and the representatives of the Iraq Government. They demanded guarantees for their existence from the moment when the British authority would be withdrawn. Would they expose

themselves to the risks which such an attitude of mistrust involved if they had not the very clear feeling that a grave danger threatened them ?

It was important that the Commission should be reassured as to the future of these minorities, that it should receive from the Mandatory, which alone could give it, the formal assurance that, in this country, which only a few years ago was not considered to be capable of governing itself, there had been such a change in spirit that one of the reasons for which it had been put under a guardian had ceased to exist.

If the Commission acquiesced in the discontinuance of the mandate system without having been completely reassured in this respect, it would be dividing with the mandatory Power the responsibility for the disappointments which Iraq might cause in the future.

M. VAN REES stated that, as a member of the Mandates Commission, he would personally never consent to accept the responsibility to which M. Orts had just referred.

The Commission, moreover, could not accept this responsibility. There was only one authority which could assume it, and that was the mandatory Power which was in a better position than anyone else to judge whether the territory was ready to be declared independent and to become a Member of the League of Nations. If Great Britain, as it had already done, formally declared that this was so, if it took the initiative before the Council, as it had done, for the emancipation of Iraq, it was Great Britain which took the moral responsibility for this action. The Mandates Commission did not share this responsibility, could not even do so, because it could not form an opinion with full knowledge of the facts, since it had at its disposal only the information supplied by the mandatory Power. What the Commission could say, as a result of its examination, was that it had not found sufficiently serious objections to justify an opinion to the effect that the proposal of the British Government should not be realised. If the information supplied to the Commission appeared to it to be conclusive, it could not go farther than that negative opinion, without tacitly assuming part of the responsibility for the unforeseen consequences, which were always possible, of the withdrawal of the mandatory authority in Iraq—a responsibility which did not belong to it.

M. RAPPARD pointed out that M. Orts, in drawing attention to the mandatory Power's definition of the work done, had brought the discussion back to the point at which it had started. This showed that Lord Lugard was right, and that the general conditions required for the termination of a mandate must first be examined. It was essential for the Commission, first, to set up its principles, and then to examine Iraq's particular case in the light of those principles.

M. ORTS proposed that the Commission, after considering the report as a whole with the accredited representative, should deal with the question of the conditions to be fulfilled by Iraq in order that it should be recognised as having full independence. The Commission might embark on this question with a study of the double definition appearing on page 10 of the special report.

On that occasion, the accredited representative might be asked whether, apart from the framework of the institutions, there existed that spirit which was essential for their normal working. If the accredited representative replied in the affirmative, the Commission could assume its share of the responsibility. It could inform the Council that it was satisfied upon all the points within its competence—namely, the Constitution, political and administrative organisation. In so doing, the Commission would, however, point out that, as regarded the public spirit of Iraq, and its moral progress, it could but rely on the mandatory Power's statement.

M. VAN REES saw no objection to this procedure.

Lord LUGARD thought that M. Orts' proposal was logical and that the accredited representative should be asked the questions he suggested, but the Commission's final decision on the question, whether Iraq should be liberated from the mandate regime should be deferred till the general question of the conditions of the withdrawal of a mandate had been decided.

M. RAPPARD emphasised the importance of the problem. The question, which was not only one of form, was most difficult. Unless the Commission had no misgivings about the complete emancipation of Iraq, it must avoid everything which might be construed as an approval of that policy.

M. ORTS pointed out that he had described what was in his view the division of the responsibility between the Commission and the mandatory Power. If the latter refused to shoulder its responsibility, especially as regarded the future of the minorities, and refused to guarantee their security, the Commission could take note of the fact that, as regards this question, the mandatory Power refused to assume responsibility.

M. MERLIN added that, even if the mandatory Power refused to give an undertaking, it would still have full responsibility, seeing that it had taken the initiative in declaring Iraq's independence. It played, so to speak, the role of godfather to Iraq vis-à-vis the League of Nations, and would therefore be entirely responsible from the moral standpoint, if the future should prove that the assurances it had given were invalid. This point must be clearly established.

M. RAPPARD pointed out that those who denied the Commission's responsibilities implicitly acknowledged that its work was vain. The Council of the League had a political responsibility but, if the Commission, after a profound study of the question, stated that the Council could proceed without demur, it assumed in so doing full and complete responsibility for its advice. It should not attempt to shirk this, but should make its opinion to the Council as authoritative

as possible. It was tantamount to suicide if it refused to give a decision on the question whether Iraq could be granted self-government without risk to the rest of the world.

After further discussion, the Commission decided that, between the meetings at which the accredited representatives would be present, the Commission would hold if necessary private meetings at which the representatives in question would not be present and during which it would consider the points upon which supplementary information should be requested.

SIXTEENTH MEETING

Held on Thursday, June 18th, 1931, at 4 p.m.

Iraq: Examination of the Special Report on the Progress of Iraq during the Period 1920-1931.

Sir Francis Humphrys, G.C.V.O., K.C.M.G., K.B.E., C.I.E., High Commissioner for Iraq, Major H.W. Young, C.M.G., D.S.O., Counsellor to the High Commissioner, and Mr. R.V. Vernon, C.B., and Mr. T.H. Hall, D.S.O., of the Colonial Office, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN was very happy to welcome in the name of the Commission Sir Francis Humphrys, Major Young, Mr. Vernon and Mr. Hall. In accrediting to the Commission its High Commissioner in Iraq the British Government no doubt desired to emphasise the importance it attached to the consideration by the Commission of the special report on the progress made by Iraq during the period 1920-1931. He was sure that he would be interpreting the feelings of his colleagues in thanking the mandatory Power for having thus delegated the British Government's distinguished representative in Baghdad to assist the Commission.

He added that his colleagues would no doubt share his satisfaction in meeting once more the Counsellor to the High Commissioner, Major Young, who had represented the mandatory Power six months previously at the nineteenth session of the Commission.

Before calling upon Sir Francis Humphrys for the general statement which he would no doubt wish to make, the Chairman would recall the circumstances in which the special report had originated.

At the meeting of the Council held on January 22nd, 1931, Mr. Henderson had made the following statement:

"With regard to the Mandates Commission's request to be furnished with fuller information concerning the degree of political maturity attained by Iraq, he could have wished that the Commission had specified with somewhat greater precision the actual points upon which fuller information was required. The British Government would, however, at once take steps to prepare a comprehensive report containing a review of the progress made in Iraq under the mandatory regime, a general exposé of the existing situation, and all the information which it considered likely that the Commission would wish to possess. In order, however, to assist the Mandates Commission to submit definite views on the subject to the Council after its session in November, his Government suggested that the report in question should be a special one which could be submitted in time for consideration by the Commission at its June session. The special report would not, of course, replace the annual report on Iraq for the year 1930, which would be submitted as usual for the consideration of the Commission at its November session.

"The procedure he had suggested would have the advantage that any deficiencies in the special report to which the Commission might draw attention in June could be remedied at its November session, either by the presentation of a supplementary report or by the oral evidence of the accredited representative. As soon as it was informed that this procedure would be agreeable to the Permanent Mandates Commission, the British Government would proceed to the preparation of the special report."

In fulfilment of this undertaking the British Government had sent to the Mandates Commission the voluminous Report in question, which it was now proposed to consider. It would be well, in so doing, to bear in mind that the Commission had to examine, not the details of the administration of the mandated territory, but the operation of the political and administrative machinery of Iraq, with a view to determining the degree of maturity which the territory had attained.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Sir Francis HUMPHRYS thanked the Chairman for the welcome extended to his colleagues and himself. He was glad to have the privilege of meeting personally the members of the Commission, with whose names he had so long been familiar. He assured the Commission of his readiness to answer to the best of his ability, and with all possible frankness, any questions which might be put to him.

Sir Francis Humphrys then made the following statement:

My Government wishes me to thank the Commission most cordially for agreeing to deal with this special report on the progress of Iraq at the present session. It fully realises that this can only have been arranged at the cost of some dislocation of the Commission's time-table and inconvenience to the members, and it is most grateful for the considerate and courteous manner in which its suggestion has been met.

In the special report, which is now under consideration by the Commission, an attempt has been made to present an impartial and a complete general picture of the progress made in Iraq since the mandate was accepted by His Majesty's Government in April 1920. It is for the Commission to judge whether that attempt has been successful; but, what I should like to do now, if I may, is to bring the special report up to date by telling the Commission what has happened since it was drafted.

In the first place, the policy of encouraging the Iraqi Government to assume a progressively increasing share of responsibility has been, and is still being, pursued. A further reduction of thirty-two in the number of British and Indian officials given on page 293 of the special report will have been made by November. Two Iraqi Administrative Inspectors have been appointed to the Ministry for the Interior, and special steps have been taken to improve the general quality of the public services where necessary.

In general, the High Commissioner is finding it possible to reduce his intervention to a minimum, and the Iraqi Government is rapidly assuming full responsibility for the management of its own affairs. In the sphere of foreign affairs great progress has been made in consolidating friendly relations between the Iraqi Government and the Government of the Hejaz and Nejd. The Iraqi Prime Minister paid a visit to Jedda in the month of April, where he signed a Bon Voisinage Agreement, an Arbitration Protocol and an Extradition Treaty, which passed the Iraqi Parliament on May 16th. In addition to this, he signed a Treaty of Friendship between Iraq and Transjordan and an Extradition Treaty with Egypt. This important mission was carried out by the Iraqi Prime Minister unaccompanied by any British official. I have copies of the instruments here and will communicate them to the Commission, if it so desires.

In the sphere of defence, the operations against Shaikh Mahmud were brought to a successful conclusion on May 14th, when the Shaikh surrendered to the Iraqi Government on the terms it had offered him—namely, that his life and the lives of those of his family who surrendered with him would be spared; that he and they would be required to live at whatever place in Iraq the Iraqi Government might direct, and would not be permitted to leave it; that he would not be imprisoned or separated from his family, and that a sufficient allowance would be given to him for his needs. This result was due to the co-operation of the Iraqi army and police with the Royal Air Force and with the forces of the Persian Government across the frontier. The actual conduct of the ground operations was entirely in the hands of the Iraqi army, and no Assyrian levies were employed.

In the spheres of Interior and Justice, there is no new development to report, but, in the sphere of Finance, the approval by the Iraqi Parliament of the Agreement between the Iraqi Government and the Iraq Petroleum Company, Ltd. has produced a distinct improvement in the financial position.

I will not burden the Commission now with particulars of this Agreement, the text of which is given on pages 316 to 326 of the special report, although I shall, of course, be happy to furnish the Commission later with any explanations it may desire. For the moment I will confine myself to the statement that I believe that in obtaining these terms from the Oil Company the Iraqi Government has done its fellow-countrymen an inestimable service. There can be no possible doubt that the new Agreement is more favourable to Iraq than the Convention of 1925. One result of the Agreement will be to ensure the early and full development of the oil resources of Iraq. Another has been to release large areas of potentially valuable oil-bearing lands for development by other oil interests. As regards these lands, the Iraqi Government, I understand, intends to publish in the *Official Gazette* a general invitation for tenders, and to allow an adequate period during which offers for concessions may be submitted and considered on their merits.

The first payment of £400,000 provided for in Article 8 of the Agreement was made on May 21st, and a similar minimum payment will be made annually on January 1st, 1932, and for the next nineteen years.

With regard to labour, the Commission will remember that on page 245 of the special report it was stated that a resolution had been adopted by the Chamber of Deputies in December 1930, and passed to the Government for consideration. It may be of interest to the Commission to know what decision has been taken by the Iraqi Government in this matter. On May 19th, the Council of Ministers passed the following resolution:

" The Council resolved that, in view of the obligations which will be laid upon the Iraqi Government by Article 23 (a) of the Covenant of the League of Nations upon the admission of Iraq to membership of the League, a committee should forthwith be appointed by the Prime Minister composed of representatives of the Ministries of Interior, Justice and Education, and of the Health Department, in order to consider and report to the Minister of the Interior upon the extent to which existing international labour conventions, more especially those relating to the employment of women and children in industrial and commercial undertakings,

can be adhered to, or generally followed by, the Iraqi Government. In order to assist the committee in arriving at its conclusions, it is authorised to depute one or more of its members to visit the International Labour Office at Geneva and to make such enquiries as the committee may consider desirable."

I anticipate that a representative, or representatives, of the Committee mentioned in the foregoing resolution will visit Geneva during the course of the summer.

In the Department of Antiquities a new Director has been appointed, Dr. Jordan, a distinguished German archæologist, who has for many years been engaged in scientific work in Iraq. A step has been taken in the direction of reducing the illicit digging, to which reference was made on page 248 of the special report by the appointment of three travelling inspectors, and a new form of licence has been approved, whereby permission to traffic is restricted to the town in which the dealer has his place of business. It is hoped by this means to prevent a dealer from Baghdad, for example, from going to the neighbourhood of excavations in other districts and purchasing objects there.

I now come to the question of the racial and religious minorities, and I hope the Commission will bear with me if I express my views on this subject at some length. The recommendations of the Permanent Mandates Commission, which were subsequently adopted by the Council of the League¹ and were quoted on page 264 of the special report, reached me on December 22nd, 1930, and I took immediate steps in anticipation of their adoption by the Council to prepare for the carrying out of the second recommendation which was:

"To request the mandatory Power to see that the legislative and administrative measures designed to secure for the Kurds the position to which they are entitled are promptly put into effect and properly enforced."

The most important of the measures referred to was undoubtedly the enactment of the Local Languages Law and the consequent introduction in certain areas of Kurdish as the official language. But here a practical difficulty was encountered, owing to the fact that there is no single Kurdish language in general use throughout the Kurdish districts of Iraq. If there had been only two distinct languages, one in the North and the other in the South, there would have been no serious objection, if the Kurds desired it, to making each applicable by law to its particular area. But the number of local dialects was not limited to two, and even in the Sulaimaniya liwa itself there were several dialects spoken, while in the Mosul, Kirkuk and Arbil liwas these linguistic variations were even more numerous. After discussion with the Iraqi Government and consultation with representative Kurds, the difficulty was eventually solved by the addition of a new article providing that in the qadhas of the liwas of Sulaimaniya, Kirkuk and Arbil, to which the law applies, the form of Kurdish to be employed should be that at present in use, and that within a period of one year the inhabitants of the six Kurdish qadhas of the Mosul district should choose the form of Kurdish they desired.

The law finally passed both Houses of Parliament on May 19th. I have copies of the law with me, which I will communicate to the Commission. It will be observed that there are certain variations from the draft communicated to the League² last year, but I am confident that the Commission will agree that in every case these are reasonable and unobjectionable.

Until the Languages Law was enforced and the Kurdish areas thereby defined, it was legally impracticable, even if it had been politically desirable, to anticipate its provisions to more than the extent that had already been done in practice during the past few years. What now remains to be done is to ascertain the wishes of the Kurds in the Kurdish qadhas of the Mosul liwa as to the form of Kurdish they prefer; to see that the provisions of the law with regard to the use of Kurdish in judicial, administrative and educational matters are fully implemented in any areas where they have not in practice been implemented in the past; and to conform to the policy outlined by the Acting Prime Minister in his letter of August 1930, with regard to the employment of officials in the Kurdish areas. I have with me statistics of these officials, showing the exact position as it stood on December 31st, 1930, which may be briefly summarised as follows:

Of the total number of 152 officials employed in the Kurdish areas of the Mosul liwa, there were 52 Kurds and 100 non-Kurds. Of the latter, there were only 25 who had not a good knowledge of Kurdish. In the Arbil liwa, of the 199 officials employed, 115 were Kurds and 84 non-Kurds, of whom only 25 had not a good knowledge of Kurdish. In the Kirkuk liwa, of the 232 officials employed, 42 were Kurds and 190 non-Kurds, of whom 39 had not a good knowledge of Kurdish. It should be noted that, of these 190, 106 are Turcomans, who are employed in accordance with the promise of a former Iraqi Prime Minister in the year 1923, which is mentioned on page 257 of the special report. In the Sulaimaniya liwa, of the 173 officials employed, 125 were Kurds and 48 non-Kurds, of whom 11 only had not a good knowledge of Kurdish. There still remained, therefore, at the end of 1930 a total of 100 officials out of 756 in the Kurdish areas who were not Kurds and did not know Kurdish, but 48 of these were Christians and 1 was a Turcoman. The purely Arab officials in these areas who did not know Kurdish numbered 51, or just 6½ per cent

¹ See Minutes of the sixty-second session of the Council, pages 179 and following.

² See Minutes of the nineteenth session, Permanent Mandates Commission, pages 189 to 191.

of the total, some of them of course being in technical departments. Steps are being taken to see either that they are replaced or that they will have to satisfy the Iraqi Government within a reasonable period that they have acquired a satisfactory knowledge of Kurdish. The special measures which are being taken to improve the general quality of the public services will result in a certain number of vacancies, some of which it is hoped may be filled by the transfer to the Kurdish areas of Kurds or Kurdish-speaking Arabs in replacement of those now serving who know no Kurdish.

Before I go on to the question of the other minorities, I should like to tell the Commission that during the months of April and May I paid five separate visits to a large number of towns and villages in the Kurdish districts, and interviewed in private nearly all the leading Kurds. My purpose was both to listen sympathetically to anything they had to say about their present circumstances and their ideas for the future, and to disabuse their minds of certain misapprehensions which had been brought to my notice, and to advise them generally on their future conduct. I found everywhere a feeling of anxiety regarding the future of the Kurds when mandatory control would be withdrawn from Iraq, and a desire that their claim to just and equal treatment with the other racial elements of the country should be safeguarded. I endeavoured to allay these misgivings by assuring them of the goodwill of the Iraqi Government. At the same time I warned them that they must abandon the extravagant demands, such as that for separation from Iraq, which had recently been put forward in a number of petitions. After a close study of the whole position during a number of years, His Majesty's Government had, I explained, come to the final conclusion that the only possible way in which the Kurds in Iraq could safeguard their present and future interests was by union with the Arabs and other races within the Kingdom of Iraq. The claims for Kurdish independence which had been formulated in the early days after the war had later of necessity been abandoned, and I advised them to face the facts and make the best of things as they were. His Majesty's Government desired to see them living happily in Iraq and enjoying the same opportunities for development and progress as all other Iraqis.

I also spoke about the Local Languages Law, and said that its enactment was clear evidence of the intention of the Iraqi Government to carry out its undertakings regarding the Kurds. Most of those whose opinion I asked regarding the Law appeared satisfied with its general provisions, provided that they were sympathetically and promptly carried out. I found that there was a unanimous desire among all responsible Kurds for improved educational facilities. They are clearly awakening to the fact that the Arabs are moving far ahead of them in education and learning and they fear that, unless they can speed up their own educational developments, they will in a few years, in spite of any statutory safeguards which may be devised for them, drop into the position of a backward and ignorant minority.

Again, a natural desire was expressed that the great majority of the officials serving in the northern districts should belong to the Kurdish race. I pointed out that there were two principal objections to the exclusion of officials of other communities from service in the Kurdish areas. First, such exclusion would logically debar Kurds from obtaining appointments in Iraq outside their own districts, and, secondly, it might well happen that an unbiassed Arab official who held the scales equally between the various tribal divisions would make a better Governor than a local Kurd who would be apt to be prejudiced in favour of his own particular section. The Iraqi Government, however, had undertaken that all officials serving in the Kurdish areas should be acquainted with the Kurdish language. I felt that the most important test was efficiency and honesty rather than race.

Everywhere I found a feeling of relief that the rebellion of Shaikh Mahmud had been put down with a complete absence of friction between the Arabs who mainly composed the Iraqi army and the local Kurdish population. In fact, it was the best augury for future harmony between Arab and Kurd that I received not a single complaint of any excesses or misconduct on the part of the Iraqi army or police during the six months' operations against Shaikh Mahmud, and observed everywhere a genuine desire for peace.

A serious complaint of oppression came to me from the nomadic Kurds, who for centuries have pastured their flocks for seven months of the year in Iraq and the five summer months in Persia, where they own lands. These nomads complained that orders had been received from the Persian Government refusing permission for them to occupy their lands in Persian territory unless they came unarmed. They argued that the observance of this order would place them at the mercy of the Persian mountain tribes who had not been disarmed by their own Government, while, if they were forced to remain in Iraq during the summer months, their flocks would die, and the majority of them would starve. On my return to Baghdad, the Iraqi Government agreed, at my suggestion, to make urgent representations to the Persian Government on this subject. Unless the order is rescinded by the Persian Government, there is the certainty of serious economic dislocation and great suffering, possibly leading to grave disorders in the frontier regions.

The relations between the Arabs and the Kurds in Iraq are complicated, not only by racial, but also by geographical factors. The Arabs live in the plains and the Kurds in the mountains, and I need not remind the Commission that in countries where the seat of government is in the

plains, the plainsman is apt to argue that his fellow-subject in the hills, who does not contribute so much to the national revenue, should be content with a smaller proportion of expenditure on public services than that which is allotted to himself. He claims that the majority of the revenue of the country comes from the plains and it is unfair to spend it upon the unproductive hills. The hillman, on the other hand, is traditionally proud and independent and apt to resent dictation from the plains.

As the result of my tour, I was convinced that the Kurds had few specific grievances to urge against the Iraqi Government, but that the atmosphere was wrong, and that what was required was a better understanding of each other, more confidence on the part of the Kurds and more sympathy on the part of the Arabs in the Central Government.

The foundation for such an understanding can best be laid by Ministerial tours and a frank exchange of views with the tribal representatives. An auspicious start has been made by King Faisal's recent tour in the northern districts, and the visit of the Minister of the Interior to Mosul and Sulaimaniya. The Prime Minister also proposes to tour in Kurdistan during the summer.

Circumstances, which I need not detail here, but which have been fully explained in the section on the Kurds in the special report, have led to an artificial emphasis being laid upon the difference between the Arabs and Kurds in Iraq. The result has been that the efforts of His Majesty's Government to remove these differences have hitherto been open to suspicion. The Arabs have not been able to rid themselves of the feeling that it was the policy of the Allied Powers and of His Majesty's Government to encourage separatism in the predominantly Kurdish areas. The tour of the Acting Prime Minister and the Acting High Commissioner last year, and the statements which they made, of which copies are printed as Appendices to the special report on pages 327 to 329, went far to dispel these suspicions, but they did not entirely allay them, and the subsequent activities of certain individuals, to which I shall refer later, undoubtedly revived them. That the Iraqi Government is now quite satisfied that no such policy is being pursued is clear from the following statements which were made by the Iraqi Minister of the Interior on May 17th, in the course of a speech which he delivered at Sulaimaniya:

"I am now glad to announce to you that the policy of my Government may be summarised in the following words:

"A policy of sympathy and sincerity to the utmost extent possible, aiming at the revival of the spirit of co-operation between the two races with the object of uplifting the Iraqi nation, realising its complete independence and, God willing, guiding its ship into the haven of safety.

"As you will realise, our policy is one of brotherhood and not one of lord and servant. How much I was pained in the past when I heard certain Kurds make a minority of the Kurdish race. Gentlemen, I consider such a thing an insult to your noble race, of whom we had always wished in the past, and still wish, to make a partner with his Arab brother in our youthful State. If we go through the history of some of the more prominent Iraqi families and personalities, we will find that a considerable proportion of them are descended from the honourable Kurdish nation.

"Thus the policy of co-operation within a united Iraq made us in the past, and makes of us at present, partners in the exercise of government and in all the spheres of life, whether governmental or social. I think you will agree with me if I tell you that in the unity and independence of Iraq is the only guarantee for the advancement and progress of the Kurds.

"You may feel confident that you have in my person a friend and supporter who is very anxious to bring happiness into your hearts and to realise your legitimate aspirations under the benevolent ægis of the Iraqi unity—aspirations which at no time should be opposed to the interests and complete independence of the State of Iraq.

"British policy towards Iraq has now been explained and stated in a manner which admits of no misconstruction. Responsible British Ministers have already declared it in all political quarters. The said policy may be summarised thus: the abolition of all special relations with Britain and the realisation of the complete independence of Iraq by facilitating its admission into the League of Nations.

"I believe that the time has come for us all to forget the past, its suffering and mistakes, and the misunderstandings and estrangement which it brought about between us and to welcome a new era brought about by the policy of His Majesty the King—an era full of hopes and aspirations for the prosperity of the country.

"I have the honour of visiting your liwa in order to make you confident as to the goodwill and sympathetic policy of the Government towards you. In proof of this, in the name of His Majesty and with the authorisation from His Excellency the Prime Minister, I have pardoned those accused of participation in the recent movements in the Sulaimaniya liwa, and I have actually (caused to be) released those in custody, and made over to them the live-stock and other property which the Government had seized from them. I have only excepted a few persons who, it has been proved, have committed unpardonable offences, and whose names the local authorities will shortly publish for your information."

This statesmanlike utterance by the responsible Minister, coupled with the good behaviour of the Iraqi forces, to which I have already referred, and the generous treatment accorded by the Iraqi Government to Sheikh Mahmud and to his brother Shaikh Qadir, who has been allowed to return to Sulaimaniya, are factors which appear to me to augur well for the future relations between the Arabs and the Kurds in Iraq.

It will, however, be some time before the impression that some entirely separate treatment, other than that embodied in the letter of the Acting Prime Minister dated August 19th, 1930, has been, or will be, prescribed for the Kurds finally disappears from the minds either of the Kurds themselves, or of those Arab elements which have hitherto been most suspicious of possible separatism. I do not wish to give the impression that representative Kurdish opinion in Iraq is at present fully satisfied with the programme which has been adopted by the Iraqi Government, but I do feel most strongly that, if this programme is wisely and generously carried out, and if the policy which has once more been affirmed by the present Minister of the Interior is entrusted to the hands of sympathetic officials, either of Kurdish race or with a thorough knowledge of the Kurdish language, the Kurdish problem in Iraq will be greatly simplified.

To turn now to the linked question of the other minorities. His Majesty's Government has communicated its observations on the petition of a certain Captain Rassam and I do not propose now to make any reference to the specific allegations made in that petition. During my visit to the northern areas, I went very closely into this question and have arrived at the following conclusions.

In the first place, there is no doubt that concurrently with the activities of the petitioner and his associate Mr. Cope during the year 1930, a mischievous propaganda was started in Iraq with the object of setting the Kurds and Assyrians, who have lived together quite happily in the past, against each other. The combined effect of the efforts which were made to unite the minorities against the Iraqi Government and of the misguided propaganda to which I have referred above has been to produce an entirely artificial state of affairs.

It will be seen from the section on the Assyrians in the special report that I was not satisfied, at the time the report was drafted, regarding the question of the remission of taxation to Assyrian settlers. I am glad to be able to inform the Commission that this point has been settled, and that the remission that was promised has now been granted.

Reference is made in the same section to the completion of settlement operations.

The attitude of the Iraqi Government towards the difficult question of Assyrian settlement is governed by the following principles. In the first place the Government recognises that, to the extent that it is physically possible, without dispossessing existing owners of land or antagonising the Kurdish tribes, it is desirable to find homes in suitable hill-country both for the Assyrians who are natives of Iraq and for Assyrian refugees from Turkey. At the same time it is anxious to avoid encouraging Assyrian settlement in areas which are not under full administrative control, and in which there might therefore be danger of raids or isolated cases of attacks upon individuals.

The whole question demands the most delicate handling. If, for example, the Kurds were to gain the impression that any measures which the Iraqi Government might find it necessary to take for the extension of its influence in the difficult hill-country were dictated largely or primarily by the consideration of finding homes for the Assyrians, it is clear that the effect would be unfortunate and might stultify all efforts to achieve this object. Similarly, any settlement operations in the immediate neighbourhood of the Turkish frontier might give rise to apprehension that the peace of the frontier regions would be disturbed. The Iraqi Government is at all times ready to consider the possibility of settling the Assyrians in the plains, but, as the Commission knows, this solution is not welcome to the Assyrians themselves.

With regard to other Assyrian refugees, who come down from Russia and Persia, the Iraqi Government cannot accept the same degree of responsibility. In the case of Persia, especially, it feels that it would not be unreasonable to expect the Persian Government to settle their own Assyrians, and that the Iraqi Government is itself justified in deprecating any further aggravation of the Assyrian settlement difficulty in Iraq by the influx of Assyrians from or through Persia.

During his approaching tour of Kurdistan the Prime Minister proposes to pay personal attention to this problem.

I do not think the Assyrians have now any real cause for complaint. I have discussed the whole question fully with the Patriarch, who apparently still hopes that it will be found possible to introduce some special autonomous regime for his community. I may perhaps mention that the Patriarch or Mar Shimun, in spite of his venerable title, is an impressionable youth of some 22 years of age. He has been encouraged in his hopes by the statements made by Mr. Cope, and so long as he persists in working for this object, so long will it be difficult for his community to settle down, in what I am convinced is the only satisfactory position—namely, as contented subjects of the Kingdom of Iraq. I do not believe, from my conversations with other representative Assyrians, that the Patriarch's views are shared by any but a very small section of his community, and I trust that it will be found possible to give the same answer to the suggestion for an autonomous minorities enclave as has already been given by the Council of the League to the suggestion for an autonomous Kurdistan. Until this proposal has been definitely rejected by the League, there is a very real danger that a Christian minorities problem may be created in a country

where Moslem, Christian and Jew have lived happily side by side for centuries. I have with me a map and full particulars of the distribution of the Assyrian settlements from which it can be seen at a glance how impracticable any such scheme would be, even if it were not politically undesirable.

Here again, I do not wish to give the impression that the Christian and Yezidi minorities are at present completely satisfied with the policy of the Iraqi Government, although this is certainly the case where the Jewish community is concerned, as has been pointed out in His Majesty's Government's observations on the Rassam petition. It will be remembered that, on page 30 of the special report, it has been frankly stated that cases have occurred where individual Iraqi officials have proved themselves unworthy of their responsibility. There is no doubt that, during the period between September 1929 and the date when the special report was drafted, there were instances of unwise action on the part of certain Iraqi officials, but, as I have said above, and as has been pointed out in the special report, these actions have to a certain extent been due to the apprehensions raised by what I can only describe as the unfortunate activities of certain outside elements.

The Yezidis, for example, have put forward certain grievances, of which I have full particulars with me and about which I shall be happy to answer any questions. But isolated grievances of this kind do not create a minorities question, nor should they, in my opinion, be allowed to create one.

As an example of definite and deliberate attempts to create a minorities question, I would instance the propaganda of Captain Rassam and his associate Mr. Cope, who was deported from Iraq with my full approval on April 18th. These two individuals came out to Mosul early in 1930 with the object of starting an export business. When this failed, they launched, on behalf of the non-Moslem minorities, a campaign of vilification against the Iraqi Government. This campaign, which was based for the most part on gross misstatements of facts, was calculated to do immense harm to the interests of the minorities themselves by exciting religious animosities where none before existed. The harm done by the activities of these two individuals is, I believe, not irreparable, but their propaganda caused a state of affairs in Mosul and the neighbourhood which gave rise to legitimate apprehension on the part of the Iraqi Government that there would be a disturbance of the public peace.

In this connection I feel it is necessary to inform you of the recent action which the Iraq Government has been constrained to take against a certain Tawfiq Beg Wahbi (who has addressed a petition to the League) and some of his associates. Early in May, as the result of the routine opening in the Post Office of correspondence insufficiently addressed and from other information received, the Iraqi Government formed the view that a dangerous movement, apparently directed by Tawfiq Wahbi, was on foot to unite the religious and racial minorities in Iraq in a hostile combination against the existing regime. The Iraqi Government acquainted me with these circumstances and asked for my concurrence in the issue of warrants for the arrest of Tawfiq Wahbi and certain other persons who appeared to be implicated in this intrigue, in order that a thorough search might be made of their homes, with a view to ascertaining whether there were in fact adequate grounds to justify the Government's apprehension that there existed a widespread conspiracy directed against the safety and unity of the State. To this I agreed, and action was taken by the police accordingly. In all, fifteen persons were arrested in Mosul and Baghdad, including Tawfiq Wahbi. Two of these were released on the day of arrest, eleven were released on bail within ten days from the date of their respective arrests, and the remaining two—namely, Tawfiq Wahbi and Sa'id Namuk ibn Altun were detained until May 30th, when all were released unconditionally. During the period of detention of these persons the police, on the authority of the investigating officers, carried out a search of their houses, and a quantity of correspondence was seized. This correspondence was sifted by the police who in due course made their report to the Prosecutor-General. The law officers of the Iraqi Government considered the evidence collected by the police, and decided that, while there were documents and other evidence that showed that the persons who had been arrested had been undoubtedly endeavouring to discredit the Iraqi Government in the eyes of certain of the minority communities of the country, and to stimulate, by a campaign of vilification and misrepresentation, a demand for separation from Iraq, there was not evidence sufficient to sustain a prosecution based on any charge under the Baghdad Penal Code. The Iraqi Government, having considered this opinion, decided that it would not be justified in proceeding further against the persons arrested.

In conclusion, I should like to say a few words on the crucial question of Iraq's fitness for emancipation from mandatory control. I approach this subject with the greatest diffidence, because I know that it has for some time been engaging the close and serious consideration of the Commission, and I do not wish to seem to be in any way exceeding my proper sphere. But the matter is of such vital importance that I cannot forbear to pass on to the Commission some of the considerations which appear to me as having an important bearing on the question.

On approaching this problem, the question at once presents itself of what is the test to be applied to Iraq. What is to be the touchstone of independence in this case? Is it to be some absolute standard evolved from abstract principles, or a relative or comparative standard? In either case what is to be that standard? The whole question is, as I am sure the Commission itself is only too well aware, fraught with the greatest difficulties. But I venture to think that the wording of the Covenant and consideration of what appears to have been in the minds of those who drew up that instrument, might afford some measure of guidance. This is at least an obvious approach to the problem.

Article 22 of the Covenant speaks of States " which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world ". Later, referring, *inter alia*, to Iraq, it speaks of communities " which have reached a stage of development where their existence as independent nations can be provisionally recognised ". From Article 1 of the Covenant it seems that the principal qualification for membership of the League is that a State should be " fully self-governing " and should give " effective guarantees of its sincere intention to observe its international obligations ". It seems, therefore, that the framers of the Covenant did not intend that membership should be restricted to those States only which had attained to a specially high level of cultural and political development. To the framers of the Covenant, at any rate, the criteria would seem to have been that a State should be fully self-governing, should be able to stand alone and should be such as could be relied upon to observe its international engagements. Their ideal, I suggest, was to make the League of Nations as all-embracing an organisation as possible, rather than to make it exclusive. Possibly, their confident hope was that the influence of association in that great comity of nations and the effect of precept and example would do more to foster the advancement of backward States and to give strength to those that were weak than would the application of the principle of exclusion, however discriminating.

Again, the primary consideration which governed the application of the mandatory system would appear to have been not perfection, or imperfection, but ability or inability to stand alone. The framers of the Covenant do not seem to have asked themselves whether the system of public administration or the political methods of this or that State were of a satisfactory standard. No, the test applied seems to have been whether the State in question could stand alone and could govern itself without external assistance.

Now Iraq is admittedly not free from imperfections. There are doubtless features in the administration, in the cultural development and in the conditions of life in Iraq which are open to criticism. It is not suggested that Iraq can challenge comparison with the more highly developed and civilised nations of the modern world. It might never do so, even were mandatory control continued for many years. But is such a comparison either fair or necessary? A gardener does not exclude a rose-tree from his garden merely because it will never grow as big or as strong as a magnolia tree. Both trees serve a useful function within the limits imposed by their own natures; both trees improve in strength and development in the rich soil of a garden and with careful tending. To take another analogy: nobody would think of excluding a Moth aeroplane from an international exhibition merely because it is not so powerful or so swift as (say) a three-engined Fokker. Both machines serve a useful function in their own spheres and it would be absurd to suggest that the " Moth " should not be allowed to leave the ground merely because it cannot travel so fast or carry so many passengers as a more powerful aeroplane.

Similarly I submit that it would not be right to attempt to argue that Iraq is not fit to function independently merely because the machinery of government there may not run quite so smoothly or so efficiently as in some more advanced or more highly developed State. As my Government has attempted to show in the special report, the Iraqi State, given the support and inspiration of membership of the League, is now fit to stand alone; it is now capable of self-government, indeed for all practical purposes it is already governing itself; it has shown itself jealous of the sanctity of international engagements. I submit that, in those circumstances, there is no longer justification for continuance of mandatory control, and that to grant Iraq independence and the opportunity for progress and development offered by admission to the League would be in full accord with the spirit of the Covenant and the high ideals with which the founders of the League were inspired.

PETITION OF TAWFIQ BEG WAHBI.

M. CATASTINI, referring to Sir Francis Humphrys' allusion in his statement to the petition of a certain Tawfiq Beg Wahbi, said that that petition, which concerned the position of the Kurds in Iraq, had just been forwarded to the Secretary-General by the British Government, with the latter's observations, for communication to the Mandates Commission. The British Government had announced that its observations would be supplemented by a memorandum, to be forwarded later. The Secretariat had immediately taken steps to ensure the prompt distribution of that document, which would be submitted, in proof, to members of the Commission on the following Saturday.

JUDICIAL ORGANISATION.

M. RUPPEL noted a passage in the statement to the effect that in the sphere of Justice there was no new development to report. He referred in this connection to a passage on page 82 (paragraph 10) of the special report, which stated that steps were being taken to bring into force the Judicial Agreement of 1930, and to a further statement, on page 78, that Parliament was considering an amending law to the Criminal Procedure Regulations. He enquired whether the provisions in question were now in force.

Sir Francis HUMPHRYS replied in the affirmative and handed M. Ruppel the text of the amending law.

DEMOGRAPHIC STATISTICS.

COUNT DE PENHA GARCIA had not found in the special report any reference to the demographic position from the point of view of the distribution of the races, the movement and distribution of the population according to sex, age, profession, etc. He would like the next report to contain figures of the ethnical distribution of the population and all demographic information. During the past ten years two censuses should normally have been taken.

Sir Francis HUMPHRYS undertook that Count de Penha Garcia's request should be met if possible.

ATTITUDE OF THE PERSIAN GOVERNMENT REGARDING NOMADIC KURDISH TRIBES.

M. VAN REES desired information on two points.

He understood, as regards the nomadic Kurds mentioned in the statement, that, should the Persian Government persist in its attitude and refuse to allow them to cross the frontier, the majority of those nomads would starve. Would there not be some way of avoiding this and of finding a satisfactory solution?

Sir Francis HUMPHRYS replied that he had interviewed the nomads himself and had asked them if there was no summer pasture for their flocks in Iraq. They had replied in the negative and that fact had afterwards been verified by the local Governor, who had already made strong representations in the matter. They would either have to acquiesce in starvation or would force their way through to Persia. There was no other alternative, unless the Persian Government followed the policy of *laissez faire*, should they actually cross the frontier.

The CHAIRMAN enquired how it was that they came to be under the authority of Iraq, while having lands in Persia.

Sir Francis HUMPHRYS pointed out that they also owned land in Iraq, and spent the greater part of the year there.

M. ORTS enquired whether there was any reason for the sudden change in the Persian Government's attitude towards a situation which had existed for a considerable time, seeing that the frontier between Iraq and Persia had not been modified in recent years.

Sir Francis HUMPHRYS explained that, although the Persians wished to disarm all their own frontier tribes, they had not yet done so. As soon as that was done, he thought that the Iraqi nomads would also be ready to disarm.

SHAIKH MAHMUD.

M. VAN REES, referring to a passage in the statement concerning Shaikh Mahmud and the future relations between the Arabs and Kurds in Iraq, wondered whether the view expressed by the accredited representative was not somewhat optimistic, seeing that Shaikh Mahmud had twice broken his promises.

Sir Francis HUMPHRYS pointed out that one of the terms of his surrender had been that he would be required to remain in a specified place, so that he would not be able to escape. The generous treatment accorded to which Sir Francis had referred in his opening statement consisted in the fact that Shaikh Mahmud had been allowed to surrender in a manner suited to his position, and had been conveyed in an aeroplane, instead of being publicly escorted to Baghdad. The members of his family had been permitted to accompany him. He had, in fact, been treated as a brave enemy, though a mistaken one.

POSITION OF THE CHRISTIAN AND OTHER NON-MOSLEM MINORITIES AND POSITION OF THE KURDS.

COUNT DE PENHA GARCIA had formed the impression, from certain passages in the statement, that the mandatory Power had had to show great tact in dealing with the minorities. He enquired whether, when the mandatory Power was no longer there, the same tact would always be shown.

Sir Francis HUMPHRYS replied that, in the case of Tawfiq Beg Wahbi, all the action taken had been taken with his full approval, and he regarded the treatment accorded as both fair and suitable. As regards the passage in the statement to the effect that cases had occurred where individual Iraqi officials had proved themselves unworthy of their responsibility, he had had in mind a case

among the Yezidis: there had been an unjust judge and an incompetent police official, both of whom had been removed by the Iraqi Government itself.

Count DE PENHA GARCIA said that he was thinking particularly of the reference to the apprehension on the part of the Iraqi Government that there might be trouble. He wondered what might happen in the future.

Sir Francis HUMPHRYS replied that, on one of his visits to Mosul, he had learnt that both the Christians and the Moslems were apprehensive of a massacre; people had come to the local officials to ask if there was any truth in either of those reports. He felt perfectly sure that there had been no truth in them; they were quite unfounded, and arose directly from the propaganda of Rassam and Cope. These apprehensions were not shared by the Iraqi Government, but it was naturally anxious that the state of tension should not lead to any disturbance.

M. ORTS, referring to the Rassam and Cope petitions, observed that accusations must always carry more or less weight according to the authority of the person by whom they were made. The accredited representative had spoken severely of the petitioners, and had brought a serious charge against them—namely, that they had attempted to stir up religious unrest, and that from interested motives. The accredited representative would not, he felt sure, have expressed his opinion so categorically without due cause. He observed that the document containing the British Government's observations on the Rassam petition also contained communications from apparently very reliable persons. He would be glad to know what reliance could be placed on the statements of certain of those persons. He would give their names in writing.

He could not help being struck by the fact that Rassam and Cope had apparently found it a very easy matter to stir up agitation. He had the impression that those people, hitherto living at peace with one another, were morally prepared to welcome such a movement. He enquired whether there were other reasons to account for the fact that the population had been so apprehensive of massacres.

Lord LUGARD asked whether it would not have been possible to adopt the same procedure for Cope and Rassam as in the case of Tawfiq Beg Wahbi—that was to say, to hold a judicial enquiry.

Sir Francis HUMPHRYS pointed out that Captain Rassam had left the country some months before, and explained that, as Mr. Cope was a foreigner, the procedure adopted in the case of Tawfiq Beg Wahbi and other Iraqis would not have been appropriate in his case.

Replying to M. Orts' question as to the feeling among the population, he stated that the people had been living in harmony up to the time of the publishing of the new Treaty, when they were led by Captain Rassam and Mr. Cope to believe that the absence in the Treaty of safeguards for minorities meant that no safeguards were contemplated. They had not realised that the necessary safeguards would be furnished by the guarantees which Iraq would be required to give before being admitted to membership of the League. Letters which had been intercepted showed that the assistant agitators had regarded Mr. Cope as the backbone of the movement, and recognised that, if he were removed, it would subside. He had himself paid two visits to the district in question since Mr. Cope's deportation, and had heard expressions of satisfaction that all danger of massacre was now over.

Replying to an observation of M. Orts, he explained that, where he had said in his opening statement, that the harm done was, he hoped, not irreparable, he should have said that the harm done was *certainly* not irreparable.

M. RAPPARD, referring to a certain passage in the statement, enquired whether the feeling of relief experienced everywhere in the Kurdish districts had been due to the fact that the rebellion of Shaikh Mahmud had been put down, or to the fact that it had been put down with a complete absence of friction between the Iraqi army and the local Kurdish population.

Sir Francis HUMPHRYS replied that it was due to both. The people had been very much relieved that the rebellion was at an end: they had been paying double taxes, having had to pay first the Shaikh and then the Iraqi tax-collector. They had always been told by the Pan-Kurdish extremists that, if the Iraqi army ever operated in Kurdistan, it would certainly pillage, rape, and commit every kind of atrocity, that the villages would be destroyed, and that there would be no more peace. They had accordingly been very much relieved to find that the Iraqi army could operate for six months without any such results.

Replying to a question whether Shaikh Mahmud was a national hero, Sir Francis said that he had been popular on religious and family grounds, but unpopular owing to the fact that the people had twice experienced his rule.

The CHAIRMAN enquired what proportion of British officers were present with the troops in Kurdistan.

Sir Francis HUMPHRYS replied that the proportion was one member of the British advisory military mission per column, a column varying from three to six companies.

M. RAPPARD compared the accredited representative's reference to the minorities question with his quotation from the speech of the Iraqi Minister of the Interior: "How much I was pained in the past when I heard certain Kurds make a minority of the Kurdish race". He thought that, if ever there had been a minority, it was the Kurdish minority. There seemed

to be no great hope for the future if the majority in Iraq denied the very existence of that minority.

Sir Francis HUMPHRYS thought that the Minister of the Interior had had in mind the particular society of Kurds who were demanding separation for the Kurdish race. He agreed that the sentence in question was liable to be misunderstood, but it was probably a reference to the exclusive attitude of certain parties as regards, for example, the employment of Kurdish officials. There was also the feeling that a minority implied subordination, and the speech was intended to emphasise the idea of Iraqi unity and equality for all.

Replying to M. Rappard, the accredited representative said that, if the Iraqi Government were asked whether it recognised the Kurds and Assyrians as being minorities, it would certainly reply in the affirmative, but would probably say that the existence of minorities did not necessarily constitute a minority question.

M. RAPPARD observed that this point was important in view of the Commission's present task. It had to consider what hope there was of getting loyal co-operation as regards guarantees for the minorities.

He noted one passage in the last part of the statement: "The Iraqi State", he read, "has shown itself jealous of the sanctity of international engagements". He thought that the Bahai question and the question of the Kurds were not very significant of such an attitude.

Sir Francis HUMPHRYS observed that the international engagements to which he had referred were chiefly with Great Britain, Turkey, the Nejd and Persia—that was to say, with Iraq's neighbours, with whom the Iraqi State had a good reputation for keeping faith. There was also the list of international Conventions given on page 37 of the report. He must join issue with M. Rappard on the suggestion that the Bahai case could be classed in the category of international engagements.

He agreed that the decision in this case had been unfortunate; the question now was how to deal with a *res judicata* in a manner that was strictly legal. The idea of taking it before the Permanent Court of International Justice had been abandoned, but he hoped to be able to show the Commission that the matter was being dealt with satisfactorily.

PROPORTION OF NON-KURDISH-SPEAKING OFFICIALS.

Lord LUGARD, referring to the passage in the accredited representative's statement to the effect that there still remained at the end of 1930 a total of 100 officials out of 756 in the Kurdish areas "who were not Kurds, and did not know Kurdish", enquired how many approximately of those officials were in the Administration and how many in technical posts.

Sir Francis HUMPHRYS said he would make a statement on the subject.

Sir Francis Humphrys subsequently submitted the following reply to Lord Lugard's question:

Of the 100 officials mentioned, 21 are gazetted and 79 non-gazetted, distributed as follows:

<i>Gazetted Officials.</i>			
	Arab	Turcoman	Christian and Jew
General Administration	3	—	—
Police	5	—	—
Justice	1	—	—
Land registration	1	—	—
Customs	3	—	1
Finance	2	1	—
Jails	—	—	1
Health	—	—	2
Agriculture	—	—	1
Total	15	1	5

<i>Non-Gazetted Officials.</i>			
	Arab	Turcoman	Christian and Jew
General Administration	4	—	1
Police	11	—	4
Justice	—	—	—
Land registration	2	—	1
Customs	3	—	4
Finance	2	1	1
Education	9	—	15
Posts and Telegraph	2	—	7
Health	1	—	4
Health	—	—	1
Agriculture	—	—	1
Public Work Department	1	—	4
Jails	1	—	—
Total	36	1	42

There are three points which ought not to be forgotten in considering these figures. In the first place, they are not quite up to date—the returns which have been called for are sent in every six months and the next is due on July 1st. Moreover, a number of these officials have already been replaced by Kurds or by non-Kurds with a knowledge of Kurdish. Secondly, the Language Law provides for correspondence between liwas and Baghdad, and between qadhas and liwa headquarters at Mosul, being conducted in Arabic. This naturally involves the retention of a certain number of Arab clerical officials in these areas. Lastly, the Mosul qadhas cannot be brought under the Language Law until the local Kurds have chosen what form of Kurdish they wish to use. There is every reason to hope that the proportion of non-Kurdish-speaking officials will be considerably reduced in the near future.

SEVENTEENTH MEETING

Held on Friday, June 19th, 1931, at 10.30 a.m.

Iraq: Examination of the Special Report on the Progress of Iraq during the Period 1920-1931 (continuation).

Sir Francis Humphrys, Major H. W. Young, Mr. R. V. Vernon and Mr. T. H. Hall came to the table of the Commission.

THE BAHAI CASE.

M. ORTS recalled the severe criticisms made both by the Mandates Commission and the British Government itself of the supreme judicial authority of Iraq and the highest authorities in the country for their partiality and weakness in connection with the Bahai affair in Baghdad. This affair was an example, which was not yet forgotten, of the annoyance to which the minority was exposed at a time when the British authorities were still in a position to make their influence felt.

It was said that a Special Committee which had been instructed to examine the case in question had come to a decision which appeared to have been satisfactory to both parties. The decision was to expropriate the land on which were situated the buildings of which the Bahais had been unjustly deprived, and to convert the buildings into public dispensaries.

It must be recognised that, if the Bahais were satisfied with the decision reached, they were not difficult to satisfy. The expropriation had led to indemnities and the latter would be paid, not to the victims of the miscarriage of justice, but to those who benefited from judicial decisions which were notoriously biased.

At the last session the accredited representative had stated that similar occurrences could not now arise. It seemed, however, that the desire to conform with the recommendations of the Council, which should at the moment influence the actions of the Iraq Government, had not been sufficient to cause it to resist the tendencies of one section of public opinion.

Sir Francis HUMPHRYS replied that the house in question had never been formally registered in the name of the Bahais. In the case before the Court there had been some false swearing on both sides. The Court consisted of a British President with two other members, one of whom was a Jew and the other a Sunni Moslem. The British President had thought the decision constituted a miscarriage of justice, and the British Government agreed with that view. The case had created much feeling, not only in Baghdad and elsewhere in Iraq, but also among the Shiah of Persia. The highest Court in the country had pronounced in favour of the Shiah by two votes to one. Sir Francis Humphrys asked the Mandates Commission how this decision could be legally reversed, as there was no higher Court in the country. If the Government had ordered the Shiah to evacuate the property and had returned it to the Bahais, this would have been an illegal act.

Sir Francis Humphrys admitted there had been considerable delay in arriving at a settlement. In the first place, enquiries had been made as to whether this case could be brought before the Permanent Court of International Justice. On this solution proving impracticable, it had subsequently been decided to appoint a Special Committee, with a British judge as Chairman, to suggest a practical solution which would be in accordance with the law. This Committee suggested expropriating for purposes of public benefit, not only this house, but others in the district in connection with a town-planning scheme. It was not the intention that the structure of the house should be interfered with, but only that the necessary internal alterations should be made in order to convert the house into a dispensary. This had satisfied the Bahais as they were willing that the house should be put to some useful purpose.

Sir Francis again pointed out that, as there was no higher Court in the country, any other solution of the question would have been illegal.

M. ORTS fully realised the legal difficulties. In his opinion this did not alter the fact that the case was indicative. He would like to know, however, whether the Bahais who had not obtained material satisfaction had at least obtained moral satisfaction.

Sir Francis HUMPHRYS replied that he thought the decision must have given the Bahais some moral satisfaction, since they would have access to the house when it was situated in a public garden. Moreover, they were satisfied with the use of the house as a dispensary, as it would be used for the alleviation of misery to which the Bahai religion attached great importance.

M. ORTS asked whether it could not be decided that no change should be made in the arrangement of the buildings which were of sentimental value to the Bahais. Such an assurance would, no doubt, give them moral satisfaction.

Sir Francis HUMPHRYS repeated that the intention was that the building should remain, only internal changes being made for the purpose of its conversion into a dispensary.

M. RAPPARD supposed, with regard to the question of moral satisfaction that it could not be expected that the Bahais would be satisfied before the solution prepared by the Government was finally adopted. But it was too soon for them to feel this satisfaction, as the funds had not yet been voted by Parliament.

The Bahai case was, however, not only a regrettable incident. Had it not a more general significance? An injustice had been committed which would doubtless have been avoided if the mandatory Power had maintained greater control. If the mandatory Power had previously withdrawn from Iraq, as it now proposed to do, the injustice would not even have come to the notice of the League. The Commission was now asked to approve the withdrawal of the mandatory Power. Was this not a very serious responsibility?

Sir Francis HUMPHRYS did not understand how the Mandatory Power could have intervened in a judicial matter, or why there should be less likelihood of such cases being brought to notice in future.

M. RAPPARD replied that there would be no possibility of appeal to the League.

Sir Francis HUMPHRYS supposed that a case might occasionally happen in other countries that the ownership of property in dispute might be awarded to the wrong person.

This was the only case in eleven years in which the justice of a decision by the Iraqi Courts had been questioned by His Majesty's Government.

M. VAN REES asked whether there was a sentiment of hostility towards the Bahais in Iraq which might lead them to feel that they were in constant danger. He asked whether the judgment of the High Court reflected this sentiment of hostility or was merely a miscarriage of justice.

Sir Francis HUMPHRYS replied that he knew of no cases where Bahais were apprehensive for their safety. In the present case he thought the action was taken merely to obtain possession of the property and was not particularly directed against the Bahais.

M. VAN REES explained that he had asked this question, as he had heard that the Bahais felt themselves to be menaced.

Sir Francis HUMPHRYS replied that he had no knowledge of it.

ANGLO-IRAQI RELATIONS AFTER THE CESSATION OF THE MANDATE: MAINTENANCE OF PUBLIC ORDER.

Lord LUGARD said he found himself in difficulty regarding certain phrases in the report. On page 16 it was stated that the most important point in the Council Resolution of September 1924 "was the definite acceptance of the fact that the admission of Iraq to membership of the League would terminate the mandatory obligations of His Majesty's Government". It was stated on page 287 that "there was every reason to believe that the Iraqi Government would be prepared in 1932 to give similar guarantees to those given by certain other States admitted to membership of the League, within the last few years". The accredited representative had referred in his statement to page 30 of the special report, on which it was frankly stated that cases had occurred where individual Iraqi officials had proved themselves unworthy of their responsibility.

Lord Lugard pointed out that the Commission was not concerned with the conditions under which Iraq might enter the League of Nations, but only whether she could stand alone and fulfil the conditions required of a civilised State, including Article 5 of the Treaty, in respect of the maintenance of internal order. Iraq had undertaken this responsibility in the Military Agreement from August 1928, but in fact it had been shared by the mandatory Power. The Mandatory undertook to retain troops in the country for five years.

Lord Lugard asked the accredited representative's opinion upon the position thus created which, to his mind, presented real difficulties. By retaining troops in the country, His Majesty's Government could not avoid responsibility for the use to which they were put. Hitherto the High Commissioner had received information from British officers in frontier districts, who were in a position fully to explain the causes of the demand for military action. The majority of these officers were now, he understood, to be withdrawn. The Commission had heard from the High Commissioner yesterday that the number of British and Indian officials had again been reduced by thirty-two. In future, the British Ambassador would have no such sources of information and a

serious danger might arise that he would have insufficient information as to the purpose for which troops were demanded. Would this not place him in a very difficult situation, for if he were doubtful whether the demand arose from local misgovernment or racial feeling on the part of provincial officials—not of the Central Government—and he refused to comply, he would be accused of responsibility if serious trouble resulted. It had been suggested by the Teleki-Laidoner Commission that this difficulty might be avoided if Iraq consented to the appointment of a League Commissioner to see that the Government carried out its guarantees for the proper treatment of minorities. But even if such a Commissioner were appointed, would he possess effective means of obtaining information and would not the appointment of a League Commissioner be an admission that Iraq could not stand alone? He would not be in a position to obtain full information, unless he had officials on the frontiers.

If, on the other hand, the British Government accepted full responsibility in respect of guarantees for minorities, he enquired how this could be done in practice without independent and reliable sources of information, and how Iraq could be said to stand alone if the responsibility rested on a foreign Government. In a letter from the Foreign Office regarding a Kurdish petition it was stated on the withdrawal of the mandate, if he recollected aright, that the Mandatory would be no more responsible than any other foreign Power.

Lord Lugard asked whether the Iraq Government had undertaken to retain in the frontier districts the British officials who had hitherto supplied the information. This might meet the case, if such officials were given opportunities of acquiring information.

Sir Francis HUMPHRYS said he was somewhat surprised that it could be thought that His Majesty's Government would contemplate negotiating a treaty which would place its Ambassador in the humiliating position described by Lord Lugard. Steps would be taken to ensure that the British authorities would never authorise action without being in full possession of the facts. Before negotiating the treaty the British Government had considered the circumstances to which Lord Lugard had referred. The new Treaty contained no obligation to assist the Iraq Government to suppress internal disorder; and in the unlikely event of such assistance being invited, the British Government would be under no obligation to supply it. It would never agree to give assistance by means of the Royal Air Force until it was satisfied that such assistance was justified, having regard to all the circumstances. It was clear to him that a League Commissioner was not the proper authority to decide whether British forces should be employed or not.

Sir Francis Humphrys said he had not quite understood Lord Lugard's remark regarding the responsibility for internal order continuing for five years.

Lord LUGARD said he had referred to the maintenance of troops for five years.

Sir Francis HUMPHRYS said the British Air Force would be maintained in Iraq for twenty-five years, but this did not affect the fact that the responsibility of His Majesty's Government in regard to the maintenance of internal order would cease on the entry into force of the Treaty. The true function of the Royal Air Force in Iraq was described in Article 5 of the Treaty.

Lord LUGARD thanked Sir Francis Humphrys for his information. He was glad of the assurance given by the High Commissioner that the British Government would rely upon its own judgment.

M. MERLIN said that, as he understood the position, certain troops were to remain in Iraq until the cessation of the mandate but were not to be at the disposal of the Iraq Government for the maintenance of internal order. They were to constitute in some sort a garrison against external aggression. Supposing, in the event of such external aggression, they were to be called upon to take action, by whose order (he asked) would they take action? At the order of the Iraqi Government, or of the British authorities?

Sir Francis HUMPHRYS explained that the British Air Force would be there for the reason that Iraq had asked for and obtained an alliance with Great Britain. It would be there at the charge of Great Britain, and would be under the orders of its own commanding officer.

But he must repeat with regard to the question of internal disturbances that under the Treaty the obligation for the maintenance of internal order in the country rested entirely with the Kingdom of Iraq.

COUNT DE PENHA GARCIA asked whether, if the British troops left in Iraq after the cessation of the mandate were only to guarantee external defence and not to maintain internal order, the High Commissioner was satisfied that the Iraqi Administration was capable of maintaining order. Was there no danger of excesses against the minorities, for example?

Sir Francis HUMPHRYS said they certainly all hoped that the Iraq Government would be able to quell any internal disorder that might arise, whether by negotiation or force of arms, or by a combination of both.

He could not, of course, guarantee that, if a minority were to rebel, Iraq would not use all the forces at its command to suppress the rebellion, but perhaps he had not rightly understood Count de Penha Garcia's question.

COUNT DE PENHA GARCIA said that his question related only to the general ability of the Iraq Government to maintain internal order without violence or bias. He noted certain criticisms in the report itself as to the police. There was, for example, a reference on page 60 to the possibility of political interference with the police force. It was this aspect of the problem he wished to clear up.

SIR FRANCIS HUMPHRYS replied that the Iraq police were a very fine force of which all Iraqis were justly proud. If he had made mention of the possibility of political interference with the police, it was merely in order to give a perfectly frank picture of the position. He might, however, refer Count de Penha Garcia to the last sentence of the section in question (page 61) in which the position was summed up in the following words: "Apart from these criticisms, the state of the police may be regarded as highly satisfactory, and the great progress made in the past 10 years is a hopeful augury of the future". The British advisers concerned were optimistic with regard to the future of the police. It was, he thought, well up to the standard of the best police force he had seen in any oriental country.

As regards the army, the troops had not been subjected to any serious test in the field until the recent rebellion of Shaikh Mahmud, when they did extremely well, as was stated in the report.

Unless some unforeseen and exceptional situation arose, he could see no reason why the Iraqi forces should not be able to maintain internal order unaided.

M. RAPPARD said that the story of Anglo-Iraqi relations in the last ten years was an extremely interesting record of the gradual withdrawal by the mandatory Power in successive stages (in 1922, 1926, 1927, and again in 1929) in deference to Iraqi aspirations. It was a very remarkable episode in the history of liberty; and, as the citizen of a small State, he welcomed this unusual instance of voluntary concessions by the stronger to the weaker party.

But if, in a dependent Iraq with British troops on the spot, the British authorities had felt compelled to give way, rather more rapidly and completely, it would seem, than they had themselves desired, what would be the position of the British authorities in an independent Iraq? How would they be able to maintain their position in negotiations?

SIR FRANCIS HUMPHRYS asked in what negotiations?

M. RAPPARD replied that he referred, for example, to negotiations concerning the appointment of British advisers between the commanding officer of the British troops and the Iraq Government in the case of internal disorders, and the like.

SIR FRANCIS HUMPHRYS referred M. Rappard to the second paragraph on page 10 of the report, in which the aim and policy of His Majesty's Government were succinctly summarised.

If the British Government had taken any other line than it had, how would the Iraqi officials have been able to learn to govern? If it had kept a tight hand up to the very moment of recommending the cessation of the mandate, the transference of authority to the Iraqis would have been impossibly abrupt.

He assured the Commission that the line taken had not been actuated by any spirit of *laissez faire* or inertia. There had been the very closest touch throughout between the High Commissioner on the one hand and the King and His Ministers on the other.

He assured M. Rappard that neither King Feisal nor his Ministers would ever describe the history of the past ten years as a period of concessions on the part of the British.

M. RAPPARD said he had rather the impression of a rearguard action fought by the British authorities. As he understood him, Sir Francis's view was that negotiations between the two countries would be easier when once they were on an equal footing.

SIR FRANCIS HUMPHRYS assented.

M. RAPPARD drew attention to the remark on page 11 of the report that "on the part of all responsible Iraqis there had been from the first a marked impatience of mandatory control and a fervent desire for independence".

What was meant by "responsible Iraqis"? Was freedom demanded only by a small intelligentsia or a deep-seated popular movement?

SIR FRANCIS HUMPHRYS said there was a growing intelligentsia who were acutely conscious of the distinction between mandatory control and treaty relations.

The difficulty of Iraqi Ministers was the attitude of the Parliament in regard to the mandatory regime. The Government fully recognised the position, but the same could not be said generally speaking of the Parliament, where the word "mandate" was never uttered.

The uneducated classes of the population had no conception of what a mandate was, or how it differed from a treaty.

BRITISH ADVICE AND ASSISTANCE IN ADMINISTRATIVE AND LEGISLATIVE MATTERS.

COUNT DE PENHA GARCIA asked for information on the statement on page 28 of the report that "of the 439 resolutions passed by the Iraqi Cabinet since that date (January 1930), on only 38 or less than 9 per cent has the High Commissioner found it necessary to comment".

Sir Francis HUMPHRYS explained that these "resolutions" included administrative decisions of the Cabinet.

It might be of interest if he explained the process of legislation.

In the first place, there would be a resolution by the Cabinet, which would be sent to him for comments. The subject of the resolution might, or might not, have been discussed with him previously; and he might or might not have amendments to suggest. After passing through Parliament, the Bill would require the assent of the King which was not given until the High Commissioner had had an opportunity of commenting upon any amendments made during its passage through Parliament.

He mentioned that 137 Bills were passed in the last session of Parliament alone. He thought the Commission would agree that for him to have commented upon only 38 resolutions out of the 439 which had been passed in the course of a year, including administrative decisions, showed in how small a percentage of cases advice had been offered.

STANDARD OF QUALIFICATIONS OF IRAQI OFFICIALS.

Count DE PENHA GARCIA asked if it had often been necessary, in order to secure the satisfactory working of the new regime, to adopt disciplinary measures against Iraqi officials during the period from 1929 to the present time.

Sir Francis HUMPHRYS replied that such cases had not been frequent; but there was a State Officials' Discipline Law in existence and the Iraqi Government had recently amended it with the object of weeding out inefficient unsatisfactory officials, some of them a legacy from the pre-war regime.

The Iraqi Government was fully aware that, as its responsibilities increased with the withdrawal of British officials, it was increasingly important for it to have only the best officials in the districts.

RELATIONS BETWEEN THE IRAQ GOVERNMENT AND THE HEJAZ-NEJD GOVERNMENT.

M. RAPPARD asked whether the differences with the Hejaz and Nejd Government in regard to the desert posts had been settled (page 36 of the report).

Sir Francis HUMPHRYS replied that, during the Conference on board H. M. S. *Lupin* between King Feisal and King Abdul Aziz al Sa'ud, the two monarchs had agreed to exchange identical notes providing for: (a) the maintenance of the *status quo*; (b) an agreement on the part of both Governments to attempt a settlement of the question during the next six months; (c) in the event of no settlement being reached, the appointment of two arbitrators by each party with a fifth arbitrator to be appointed by the British Government.

As the result of the Iraqi Prime Minister's visit to Mecca in April the period of six months had been extended, and it appeared unlikely that this matter would give rise to further difficulties.

M. RAPPARD thanked Sir Francis Humphrys for the information. He thought the episode was a gratifying testimony to the value of British influence. If the two Kings were only with difficulty able to reach an agreement in the presence of the British High Commissioner and on the deck of a British warship, what would happen when they were face to face, standing alone in the desert?

Sir Francis HUMPHRYS replied that the question of the desert posts had really been solved on board the *Lupin* by the acceptance of a fifth neutral arbitrator, and he saw no reason why a similar solution should not be reached in the event of future disputes of the same nature between the two countries.

He reminded the Commission that, as stated in the report, all outstanding questions between Iraq and Hejaz-Nejd had now been settled.

DELIMITATION OF THE FRONTIER BETWEEN IRAQ AND SYRIA.

Lord LUGARD called attention to the statement in the first paragraph of section 4, on page 36 of the special report, to the effect that the divergence of opinion between the French Government, on the one hand, and His Majesty's Government and the Iraqi Government, on the other, on various points connected with the definition of the frontier was still unsettled.

Sir Francis HUMPHRYS replied that a proposal had been made that the League of Nations should be asked to take steps to define and delimit this frontier.

EIGHTEENTH MEETING

Held on Friday, June 19th, 1931, at 4 p.m.

Iraq: Examination of the Special Report on the Progress of Iraq during the Period 1920-1931 (continuation).

Sir Francis Humphrys, Major H. W. Young, Mr. R. V. Vernon and Mr. T. H. Hall came to the table of the Commission.

FUTURE RELATIONS BETWEEN THE IRAQ GOVERNMENT AND THE REPRESENTATIVE OF THE BRITISH GOVERNMENT AT BAGHDAD.

The CHAIRMAN understood that Sir Francis Humphrys wished to make a statement.

Sir Francis HUMPHRYS wished to make clear one point to which he had referred at the last meeting. He hoped that nothing he had said would convey the impression that it would only be the prestige and influence of the British representative at Baghdad that would save Iraq from mistakes and misfortunes in the future. That was certainly not the impression which His Majesty's Government wished to convey in its report.

The CHAIRMAN wished to emphasise that, in his view, the maintenance of good relations with the British representative would most undoubtedly tend to increase the strength and authority of the Iraqi Government. It was clear that it would always be to the interest of Iraq to remain on good terms with the representative of the ex-mandatory Power.

Sir Francis HUMPHRYS was very grateful to the Chairman for his explanation.

RECOGNITION OF THE IRAQ GOVERNMENT BY OTHER STATES.

The CHAIRMAN, referring to paragraph 5 on page 37 of the special report: "Relations with Other Foreign States", noted that the Iraqi Government had been formally recognised by the Governments of certain countries. He enquired whether the recognition was *de facto* or *de jure*, and whether it had taken place before or after the Treaty of 1930.

Sir Francis HUMPHRYS replied that foreign States had been informed that the request for King Feisal's *exequatur* would imply *de jure* recognition. His impression was that the recognition of the Iraqi Government by the States in question had taken place before the 1930 Treaty, and that it had been entirely spontaneous.

COMMERCIAL RELATIONS OF IRAQ WITH OTHER STATES.

M. RUPPEL said that he would be glad to have information concerning the commercial relations of Iraq with her neighbours. The special report spoke only of a provisional Treaty with Persia which would terminate this year.

Sir Francis HUMPHRYS replied that the arrangement with Persia had been extended for a further period of six months, and, as an Iraqi had now been posted to Teheran as Minister, he would presumably conclude the negotiations for a final arrangement. A Treaty had been signed with Trans-Jordan and ratified about two months previously: it was, however, a treaty of friendship and not a commercial treaty. A commercial treaty with Turkey was being negotiated.

The accredited representative stated, in reply to a further question by M. Ruppel concerning the treatment at present accorded to Turkey, that there was no discrimination, Turkey being treated in commercial matters on the same basis as States Members of the League. It would be for every country to negotiate its own commercial arrangements to take effect when Iraq became a Member of the League.

QUESTION OF THE POLITICAL MATURITY OF IRAQ AND THE SITUATION OF THE MINORITIES.

M. ORTS said that he would be glad to have the British Government's views on one very important aspect of the question now before the Commission. On page 10 of the special report it was said that His Majesty's Government had never regarded the attainment of an ideal standard of organisation and stability as a necessary condition of the termination of the mandatory regime. The report went on to say that the aim of the British Government had been to set up, within fixed frontiers, a self-governing State enjoying friendly relations with neighbouring States and equipped

with stable legislative, judicial and administrative systems and all the working machinery of a civilised Government. This conception of the mission of the Mandatory and the conditions necessary for terminating the mandate could be accepted without reservation.

The British Government had shown with legitimate pride that Iraq now possessed all the machinery of a civilised Government and deduced from that that the country was henceforth capable of self-government, without waiting to be in a position to challenge comparison with the most highly developed and most civilised countries. Was it sufficient, however, for a country to present externally the appearance of an organised State to conclude from that that it had attained political maturity?

That Iraq possessed all the political and administrative machinery of a State and that in its Constitution were embodied the principles on which the majority of modern Constitutions were based were facts which the Mandates Commission could affirm, seeing that they were within its field of observation. It still remained to know whether there existed in the country that spirit which animated these institutions and was the essential condition for their working. This was a point on which the Commission could not itself form an opinion, since it lay outside its field of observation.

So far as this question was concerned, it must rely entirely on the mandatory Power which had been intimately associated with the political, moral and social evolution of Iraq. If the mandatory Power attested that Iraq could stand alone, it guaranteed that (the public spirit, the political morality had progressed at the same rate as the organisation. Was it clearly understood that in the case of Iraq Great Britain took that responsibility?

The accredited representative knew how anxious the Commission was about the future of the minorities, and M. Orts desired to lay stress on the fact that it was, above all, this anxiety which had led him to ask the question. Twelve years ago Iraq had been included among the countries whose existence as an independent nation had only been provisionally recognised on condition that they were guided by a Mandatory. One of the reasons why Iraq was refused complete independence was that it was not yet considered to possess that spirit of tolerance which made it possible to place in its charge, without any apprehension, the fate of the racial and religious minorities established in the territories accorded to the country.

Sir Francis HUMPHRYS thought that he could best reply to M. Orts' observations concerning the spirit which should prevail in Iraq by asking the Commission to glance at paragraph I : "Anglo-Iraqi Relations" on pages 11-12 of the special report.

As regards tolerance, he might say, realising the heavy responsibility which lay on him, that he could assure the Commission that, in his thirty years' experience of Mohammedan countries, he had never found such tolerance of other races and religions as in Iraq. He attributed this partly to the fact that Moslems, Jews and Christians had been used to living amicably together in the same villages for centuries. The present rulers of Iraq had, until the last twelve years, formed a minority themselves, and had every reason now to feel sympathy for fellow minorities. One of the chief difficulties in regard to the Assyrians was the constant influx of refugees from Turkey, Russia and Persia. If these immigrants had really felt that the Moslems in Iraq were intolerant, it was hardly conceivable that they should come into the country as they did.

His Majesty's Government, he declared, fully realised its responsibility in recommending that Iraq should be admitted to the League, which was, in its view, the only legal way of terminating the mandate. Should Iraq prove herself unworthy of the confidence which had been placed in her, the moral responsibility must rest with His Majesty's Government, which would not attempt to transfer it to the Mandates Commission.

M. ORTS expressed himself as completely satisfied with this declaration on the part of the accredited representative which was perhaps the most important that had been made during this present examination of the situation in Iraq.

Sir Francis HUMPHRYS, in reply to the request submitted by M. Orts at a previous meeting, proceeded to give the Commission information concerning certain persons whose signatures appeared in connection with the Rassam petition:

He explained that one of the petitioners, living as he did in the neighbourhood of the frontier, had every reason to be apprehensive of raids from Turkey, as the Turkish posts on the frontier had now been abandoned. Representations were being made with a view to inducing the Turkish Government to re-establish those posts in view of the danger to which Iraqi subjects were exposed. The situation, he thought, did not reflect on the Iraqi Government: in the case of the recent murder of seven Christians by Turkish bandits, the Iraqi Minister of Defence had, on his own initiative, immediately sent two companies of Iraqi infantry to reinforce the frontier troops.

With regard to certain Yezidi complaints, he explained that this community was torn by dissension as to who should be its spiritual head. It was an entirely domestic affair of the Yezidis. The accredited representative had told the Yezidi chiefs that the only solution was for them to elect a Spiritual Council, and to let them decide the question.

The accredited representative stated, in reply to the Chairman, that the Yezidis numbered about 36,000.

M. RAPPARD observed that, as regards the intangible element of public spirit, of which M. Orts had spoken, the Commission, as M. Orts had said, could but rely on the reply of the accredited representative. The latter's statement itself had been most impressive, both on account of its strong wording and of its obvious sincerity. The reasons quoted by the accredited

representative, however, as an explanation of his optimism were perhaps less convincing. He believed that tolerance would prevail because the various elements of the population had long been living happily together. Might not the circumstances of modern life and the rise of Arab nationalism alter that situation? Again, the fact of the present Government being composed of a former minority under Turkish rule did not necessarily seem to imply a guarantee for other minorities. The lessons of the Balkans were hardly reassuring in this respect. On a third point also—the conclusions drawn from the fact that the Assyrians were flocking into Iraq—M. Rappard had two doubts: had they not been attracted by the hope of British protection? Furthermore, they had come from countries such as Turkey and Russia, so that their choice might be merely a choice of evils. Even if Iraq under British protection was a better home for victims of intolerance than Turkey and Russia, it did not seem to follow that Iraq without British protection was a good home for such victims.

M. Rappard felt that the reasons given by the accredited representative in support of his statement might not appear entirely convincing to other people. He wished to repeat, however, that he personally had been much impressed by the statement itself.

The CHAIRMAN expressed his appreciation of M. Orts' observations and of M. Rappard's comments on Sir Francis Humphrys' speech. In view of the very clear statement made by the mandatory Power, he felt that there remained very little for the Mandates Commission to ask, the more so as, under the terms of Article 22 of the Covenant, the Mandatory was the Commission's only medium for obtaining information.

The Chairman proposed that each member of the Commission should decide what further particulars, if any, were required to supplement the information given in the special report and in the accredited representative's statement.

M. RAPPARD said that he attached the greatest importance to the accredited representative's statement. He felt, however, that the fact of having heard that statement did not absolve the Commission from the duty of asking questions, in deference both to the mandatory Power and to the League.

M. MERLIN agreed with the Chairman that there was no need to go into very minute details. He thought that it would be well to follow the subject order at the beginning of the special report, but without delaying unnecessarily, always bearing in mind that the real object of the present study was to determine whether Iraq was ready to stand alone. The accredited representative's declaration, bearing all the weight of his authority, had followed logically from the special report. It was clear that the British Government realised to the full its legal and moral responsibility in the matter.

MILITARY ORGANISATION.

The CHAIRMAN wished to ask one question, concerning the Assyrians who constituted the greater part of the army in Iraq. Had they become Iraqi nationals, or did they still possess the status of refugees?

Sir Francis HUMPHRYS replied that many of them had registered as Iraqi subjects, while many on the other hand had not done so. There was a growing tendency to register. Those who were former Ottoman subjects and fulfilled the conditions had of course automatically become Iraqis under the Treaty of Lausanne.

M. SAKENOBE, referring to a very important statement made by Sir Francis Humphrys at the morning session, relating to the military clauses of the new Treaty, said that he wished to ask a question concerning the army.

One of the national aspirations of the Iraqi had been to possess a national army capable of maintaining internal order and peace and of defending the frontiers. It had been decided in March 1921 that steps should be taken to raise an army of 15,000 and that the British forces should be progressively reduced as the Iraqi army grew in strength and efficiency. That programme had been steadily pursued, and by the end of 1924 there had been three regiments of cavalry, six battalions of infantry, two mountain batteries and one field battery. From 1924 to 1930 efforts had been directed mainly towards the consolidation of the army rather than towards its expansion. The organisation programme had been partially carried out up to 1930, but it was still far short of the original programme of 1921. He enquired whether, with the conclusion of the Military Agreement, there had been any change in the military programme.

Sir Francis HUMPHRYS said that he could not give the exact figures. The present strength of the army was in the neighbourhood of 10,000 men. Of recent years its mobility had been greatly increased through some of the units having been mechanised. The Cabinet had just approved the formation of a new battalion.

No doubt the failure to fulfil the programme of an army of 15,000 had been due to a reluctance to spend. The majority in Parliament had always been in favour of productive outlay on roads and similar works rather than of expenditure on the army. The exigencies of finance had thus prevented the completion of the original programme. It was only after the signing of the Oil Convention, which would bring in an additional £400,000 income per annum

that the new battalion had been sanctioned. He thought it probable that with the next few years further additions would be made.

M. SAKENOBE raised the question of the efficiency of the army. He referred to a passage in the report describing the operations against Shaikh Mahmud and the part played by Iraqi troops. Again, there was a passage relating to the value of the Iraqi army in the field, which read:

“ The general opinion of impartial observers during the campaign was that there had been a remarkable advance in efficiency in the last few years; that the officers, though still somewhat lacking in energy and resource, were improving.”

He trusted that the lack of energy and resource referred to was due to want of experience and self-confidence—both of which could be remedied—but not to any natural defect.

M. Sakenobe did not wish to press the point, if the Chairman thought that it could more properly be taken when examining the annual report in November. His purpose was to ascertain whether the army was fit to defend the country. Was the accredited representative of that opinion ?

The CHAIRMAN recognised the importance of the question asked by M. Sakenobe but, seeing that the latter did not mind whether he received a reply immediately or at the next session, he asked M. Sakenobe to be good enough to wait till November.

M. RAPPARD said he would be glad to know what measure of confidence could be placed in the army.

He referred to a decision mentioned in the special report, concerning the organisation of the army: “ The English system of organisation and training was, however, to be adopted, and all Iraqi officers had therefore to be passed through a military school under British instructors ”. Had that been decided by the Iraqis themselves, or was it the result of advice given with some insistence by the Mandatory ?

Again, with reference to the further activities of Shaikh Mahmud, it was stated on page 43 of the special report that the column sent to reoccupy Sulaimaniya, after the town had been abandoned by the rebels, “ consisted of Iraqi troops and police and armoured cars ”. He suggested that the fact of having reoccupied the town after it had been abandoned was not a very heroic exploit.

Sir Francis HUMPHRYS observed that the first point concerning which he was asked to reply related to a state of affairs existing in 1921. Since then there had been a British Military Mission. Under the new Treaty, the Iraqi had expressed their intention of continuing that state of affairs; they probably preferred something they knew to something they did not know.

The passage on page 43 had not been drafted with the intention of depicting a heroic exploit, but merely with the idea of showing the disposition of the forces. Sulaimaniya had formerly been occupied by the British. It was the key to the situation, and the fact of making it over to the Iraqi forces in 1924 had been a proof of confidence in their ability to defend a place of great tactical importance.

Lord LUGARD asked whether the Assyrians and Kurds were willing to serve under Iraqi officers.

Sir Francis HUMPHRYS replied that many Kurds and Assyrians were actually serving willingly under Arab officers in the Iraqi army and police.

ADMINISTRATIVE AND MUNICIPAL ORGANISATION.

M. RAPPARD referred to page 54 of the special report. He presumed that the municipal organisation was on the old Turkish system and based on the French model. He asked whether the co-operation between the Central Government and the local representatives was satisfactory and whether the system promised to work well without British advisers.

Sir Francis HUMPHRYS replied that the old Turkish system was still in use, and had always worked smoothly. At the present time there were British municipal advisers.

The CHAIRMAN remarked that, under the old Turkish system, the Minister of Public Works had to sanction and approve the public works of the municipalities. He asked if that was the case in Iraq.

Sir Francis HUMPHRYS replied that that had originally been so, but in practice the municipalities were gradually being released from this control and being allowed to place contracts themselves.

The CHAIRMAN asked if that was not rather dangerous and if it would not be better for an English adviser from the Ministry of Public Works to participate in these contracts rather than to leave them to the mayors of small towns.

Sir Francis HUMPHRYS said that the advice of the experts of the Ministry of Public Works was always available. The municipalities were becoming independent but had the benefit of advice from the Ministry.

The CHAIRMAN wondered whether the danger to which he had referred would not be still greater when the mandatory Power withdrew.

Sir Francis HUMPHRYS said that the municipalities were at present only independent in respect of minor works. For large works, such as bridge construction, when the municipalities required Government financial assistance, the contracts were placed by the Government. He saw no danger in the encouragement of some measure of local self-government but, on the contrary, felt that it was a healthy development.

COUNT DE PENHA GARCIA understood that the administrative system was based on the old Turkish model, that was to say, that it was a regime of centralisation of which the corner-stone was the Minister of the Interior. The officials who directed affairs were chosen by the Minister of the Interior and had wide powers. Further, there was an Administrative Council in each liwa with a certain number of elected members. There were also elected municipal councils of which the mayors were appointed by the Mutasarrif. This was, he thought, an acceptable system, in so far as it prepared the way for further development. He understood that the Mutasarrifs were appointed by the Minister of the Interior and that they appointed the mayors subject to the approval of the Minister. He asked whether these officials were changed when there was a change in the Ministry and whether good relations existed between the elected members of the Councils and those who were appointed by the Minister of the Interior or by the Mutasarrifs.

Sir Francis HUMPHRYS said the Mutasarrifs could only be removed by the King on the advice of his Ministers. He thought the mayors could be removed by the Ministry of the Interior, but they did not change automatically with a change of Government.

COMPOSITION AND ACTIVITIES OF THE POLICE FORCE.

M. RUPPEL noted the statements on page 58 of the report regarding the relative state of security as compared with ten years previously. He asked why nothing was said about the large number of murders. The annual report for 1929 gave the figure as 1,025 as against 700 in the previous year. This did not indicate that the relative increase in security mentioned in the report had really taken place. In 1929 there had been only 10 death sentences in respect of over 1,000 murders. He thought the police should take more active steps and the courts should give stricter sentences.

Sir Francis HUMPHRYS did not think the police could fairly be criticised for the number of cases of homicide. In point of fact the number of murders in 1930 had declined by 56.

M. RAPPARD noted that there was a disproportionately large number of Kurds in the police force. He asked if that was due to spontaneous enlistment or to encouragement by the authorities.

Sir Francis HUMPHRYS said the Kurds made good policemen, especially in the mountainous districts, and there was a tendency to favour their employment in those regions.

Lord LUGARD asked whether they were used for defensive purposes.

Sir Francis HUMPHRYS said that this was not, of course, their primary function, but in the mountains and on the desert frontier they were sometimes called upon to co-operate with the Iraqi army against raiders.

Lord LUGARD referred to the statement on page 60 of the report that the Mutasarrifs had powers which were in general too liberally interpreted so far as the Police Department was concerned so that certain types of Commandant of Police were prone to lose initiative and tended to become dependent on the head of the liwa even where matters of interior economy were concerned. He asked if there was no danger of the Mutasarrifs acquiring too much power over the police, and if it made no difference whether a local magistrate or the local Commandant of Police was in control.

Sir Francis HUMPHRYS said that this was always a delicate question. The possible danger referred to in the report related not so much to the efficiency of the police as to the balance of departmental responsibility.

PUBLIC HEALTH.

M. RAPPARD asked if the High Commissioner anticipated that the progress made in the development of the Health Service would be maintained after the termination of the mandate.

Sir Francis HUMPHRYS thought the progress would be maintained if from no higher motive than self-interest. The medical service was so much appreciated that any Government would add to its popularity by building new hospitals or dispensaries. The programme recently drawn up for expending the funds received from the Petroleum Company included considerable sums for public health. For example, it had been decided, on the Government's own initiative, to build hospitals at Mosul and Sulaimaniya.

M. RAPPARD enquired whether these remarks also applied to preventive medicine.

Sir Francis HUMPHRYS replied in the affirmative.

The CHAIRMAN enquired as to the nationality of the staff of the Health Service.

Sir Francis HUMPHRYS pointed out that particulars were given on page 67 of the report.

JUDICIAL ORGANISATION.

M. RUPPEL asked how the British influence over the law courts was secured. Under the new Judicial Agreement there were only nine British judges of whom seven were Presidents of Courts of First Instance, while there were thirty-nine Courts of First Instance, forty-seven Peace Courts and numerous magistrates and Courts of Session. He did not understand what supervision and influence the British judges could exercise outside the seven Courts of First Instance.

Sir Francis HUMPHRYS replied that in future there would be six districts instead of three, with a British President in each district. He read the following passage from a note on the new Judicial Agreement (document C.496.1930.VI):

“ The new judicial agreement will ensure that any case beyond a mere contravention arising in the three vilayets of Basrah, Baghdad and Mosul, in which a foreigner is involved, is certain to be brought to the cognisance of a British judge. It is equally certain that in every grave case involving a foreigner, the British judge would arrange to be on the bench at the trial. With regard to other areas, it is the intention of the Iraq Government to appoint a British judge in any area where circumstances seem to call for his presence. ”

M. RUPPEL said he had in mind justice for the Iraqis themselves and not for foreigners. According to the Iraqi Judicial Agreement, the British judges were to secure good jurisdiction also for the native population. He did not see how this could be done in forty courts in which there were only seven British Presidents.

Sir Francis HUMPHRYS explained that he had understood M. Ruppel's question to be influenced by anxiety as to the position of foreigners. He had therefore quoted from a document which was primarily concerned with that question. The intention was that the Iraqis should benefit equally with foreigners from the strengthening of the Judiciary.

The CHAIRMAN asked whether the British judge would not always be in a minority, since there were three judges in each Court. This had happened in the Bahai case.

Sir Francis HUMPHRYS said that this had been the position throughout the period under review, and pointed out that the Bahai case was the only case of a serious miscarriage of justice which had come to light during these eleven years. It was to be hoped that such a case would not occur again.

M. RUPPEL read the following sentence from page 82 of the report:

“ It is proposed that the number of judges of First Instance be increased to six or seven, the country being divided into a corresponding number of judicial districts, each one under the supervision of a British judge who will sit permanently at the headquarters of the district and elsewhere, as occasion may require. ”

He asked whether this meant that a new organisation of the judicial system had taken place since last year.

Sir Francis HUMPHRYS replied that it was proposed that the number of districts should be increased, and that in each district there should be a British President. The whole of Iraq was at present divided into three districts, in each of which there was a British judge. It had been found that this number was insufficient, so that it was now to be increased to six, with a British judge in each district.

There was one place which would in future contain a large European population—namely, Kirkuk, on account of the development of the oilfields in that district. In the past there had been practically no Europeans, but there might be a thousand Europeans in Kirkuk within three or four years. A British judge would doubtless be appointed to this district.

M. MERLIN said M. Ruppel's remarks had confirmed his previous views. The Government had a very fine organisation in theory, but it was to be wondered whether it would work well in practice.

The accredited representative had informed the Commission that it was working well and would work still better in future, when the friction resulting from the control of the mandatory Power had been removed.

He was very sorry he could not share that conviction of the accredited representative. He had apprehensions on the subject, which had been strengthened by the Bahai case and other cases connected with Kurds. He noted from page 78 of the report that certain changes in the judicial system were proposed. Again, on page 83, it was said that the advocates were far from competent. He was glad to see that British judges would remain for ten years, as he considered they supplied the surest guarantee of justice. He, like M. Ruppel, considered that, far from being restricted, as was proposed in the 1930 treaty, the number should be increased.

He hoped the High Commissioner was justified in his optimism.

Sir Francis HUMPHRYS reminded the Commission that this new Judicial Agreement, with regard to which he was accused of being an optimist, had been approved by the Council of the League of Nations¹ as appropriate for the mandatory regime. Under the Agreement the High Commissioner had no powers to intervene in the courts of justice. He asked, therefore, how the new judicial regime, which he assumed would still be in force after Iraq had been admitted to the League, would be affected by the termination of mandatory control.

M. MERLIN said he was not referring particularly to the Judicial Agreement. He felt that, in view of the small number of British judges, there was no guarantee that the Courts would give that impartial justice to which the inhabitants of a civilised country were entitled.

The main point of his question was whether these Courts would give impartial justice, not only to Europeans, who were in any case well provided for, but also to the other inhabitants, including the minorities.

Sir Francis HUMPHRYS said that all the circumstances had been fully taken into account when he had negotiated the new Judicial Agreement in the previous year on behalf of his Government. It seemed to offer all the necessary guarantees for the proper administration of justice. After having been approved by the Mandates Commission, it had been referred to the Council of the League which had also approved it. He would not have been a party to negotiating that Agreement if he had not considered it adequate. He did not believe that the Mandates Commission and the Council would have approved it unless they also had considered it satisfactory. He had every hope that the Courts of Iraq would perform their duties in a satisfactory manner.

M. RAPPARD said the question would doubtless be asked in Geneva why the Commission approved of the emancipation of Iraq. The official answer was because Iraq was able to stand alone. If it were asked whether justice would be meted out, the reply would be: "Yes, because the number of foreign judges is to be increased".

If Iraq were able to stand alone, why would the number of British judges be increased? He would like to know what was the proper answer to this question.

Sir Francis HUMPHRYS did not think this was a fair question, unless the previous existence of special privileges belonging to foreigners were taken into consideration. Those special privileges could not be given up without some transitional period. This gave the reason and excuse for instituting a special judicial regime, the object of which was to secure equal and impartial justice for all.

Lord LUGARD asked whether the tribal Majlis would be maintained for the Bedouin tribes and no attempt made to bring them under the Baghdad law courts.

Sir Francis HUMPHRYS replied that he knew of no proposal to alter the system, which was a very useful one for those particular communities.

M. RUPPEL pointed out that the accredited representative had said that the Judicial Agreement would continue after Iraq had been admitted to the League. He thought this was a mistake. The Judicial Agreement would come to an end at the same time as the mandate. When this question had been discussed in November 1930, the accredited representative had declared, however, that the Iraq Government was prepared to guarantee that British judges would remain and to contract undertakings to this effect with the League.

Sir Francis HUMPHRYS replied that the new Judicial Agreement would terminate at the same time as the existing Treaty, which would come to an end when Iraq was admitted to the League. It had, however, always been thought possible, as had been indicated by the accredited representative at the nineteenth session (see page 101 of the Minutes) that the League, on admitting Iraq, might see fit to impose a condition that the regime described in the new Judicial Agreement should be continued for "X" number of years. It would be for the League to determine the value of "X".

PUBLIC FINANCE.

The CHAIRMAN, on behalf of M. Rappard, who was not present, asked whether the ten years of advice and training given to the people of Iraq justified the High Commissioner in his assurance

¹ See Minutes of the sixty-second session of the Council, pages 179 and following.

that they administered in a normal way the resources of the country, without giving cause for attributing to them the reputation of the Oriental peoples for spending money freely.

Sir Francis HUMPHRYS said he could not inform the Commission whether British financial advisers would be maintained by the Iraq Government after it had achieved independence. Up to the present, however, the record of the Iraqi Government gave cause for optimism in the sphere of finance. It had shown no tendency to squander money. In fact, it had gone further than some people thought wise in cutting down expenditure in order to pay off amounts due under the Ottoman Debt. He had seen no indication that the Government was likely to rush into expenditure beyond its means.

The CHAIRMAN noted this statement with satisfaction.

SUGGESTED APPOINTMENT OF A RESIDENT REPRESENTATIVE OF THE LEAGUE OF NATIONS IN IRAQ FOR THE PURPOSE OF SUPERVISING THE GUARANTEES AFFORDED TO THE MINORITIES.

Sir Francis HUMPHRYS made the following statement:

The suggestion has been made in certain quarters that a representative of the League of Nations should reside in Iraq who would be charged with the duty of supervising the guarantees afforded to the minorities. In case there is any prospect of this proposal being seriously considered, I should be glad of an opportunity of giving the Commission the views of my Government upon it.

In the first place, there is little doubt that such action would be regarded by the Iraqi Government as a derogation of sovereignty, and as an indication that it was not trusted to implement whatever guarantees it might have given. The Iraqi Government would, I think, ask—and in my own opinion it would be perfectly justified in asking—for what reason a predominantly Arab Government was suspected of religious intolerance or of international bad faith. Moslem, Christian and Jew have lived peaceably together in Iraq for centuries, and the appointment of a representative of the League of Nations, as an additional measure, beyond the signing of a minorities declaration would appear to the Iraqi Government as an unnecessary and even a provocative measure. It would serve to perpetuate and emphasise the artificial division which has sprung up during the past year between certain of the minorities in Iraq and their compatriots. It would tend to preserve existing suspicions and might even promote new animosities. His Majesty's Government feels too that the proposal would defeat its own object by keeping alive a separatist spirit, and that the Iraqi Government might regard it as a move towards eventual separation from Iraq of certain minority elements, and oppose it on that account. The presence of a representative of the League, would encourage the minorities to go to him with every real or imaginary grievance instead of applying to the Iraqi authorities, a practice which is open to the objections which have been pointed out in the special report. The representative of the League would be dependent upon local interpreters for his information, which would necessarily be unreliable and incomplete: his movements, if he moved, would give rise to continual speculation and apprehension among the ignorant, while, if he remained in one place, his presence could not possibly serve any useful purpose.

These are the reasons which lead His Majesty's Government to deprecate this proposal being put forward, and I earnestly trust that they will be taken into careful consideration if the proposal is revived. Nothing would be more unfortunate than to take any step which might have a tendency to prevent the minorities concerned from regarding themselves, or being themselves regarded like the Copts in Egypt, as true citizens of their native State, in which lies the only certain hope of their future welfare.

CLOSE OF THE HEARING.

The CHAIRMAN expressed his admiration for the clear and courageous replies given by the accredited representative, and wished him every success in his work. He assured Sir Francis that the Mandates Commission would do everything in its power to assist him.

Sir Francis HUMPHRYS expressed his gratitude for the unfailing courtesy with which his replies had been received. His sole object had been to reply in the fullest and frankest manner and thus to place at the Commission's disposal such experience as he and his colleagues possessed.

He hoped the Commission would share his belief regarding the fitness of Iraq for full independence, and that the information which had been supplied would be found to justify the proposal of His Majesty's Government that Iraq should be admitted to membership of the League in 1932.

NINETEENTH MEETING

Held on Saturday, June 20th, 1931, at 10.30 a.m.

Petitions rejected as not deserving the Commission's Attention: Report by the Chairman
(document C.P.M.1160) (Annex 7).

After discussion, the Commission took note of the Chairman's report.

Palestine: Memorandum from the Arab Executive Committee on the British Government's Statement of October 1930, transmitted by the Mandatory Power with its Observations on May 11th, 1931: Report by M. Palacios (document C.P.M.1190) (Annex 11).

Lord LUGARD suggested that the Commission in its report to the Council should be satisfied with a reference to the Minutes.

The Commission agreed.

Iraq: Letter from Mr. A. H. Rassam, Chairman of the Iraq Minorities (Non-Moslem) Rescue Committee: Note by the Vice-Chairman.

M. Van Rees' note was read ¹:

"The Secretariat has handed me a letter dated May 21st, 1931, from Mr. A. H. Rassam, Chairman of the Iraq Minorities (non-Moslem) Rescue Committee, regarding the recent arrest by the Iraq authorities of certain Christian inhabitants of Baghdad and Mosul.

"Mr. Rassam assumes that these arrests are the commencement of a period of reprisals against the spokesmen of the minorities for having championed the cause of their co-religionists. He thinks that the mandatory Power will not feel called upon to intervene in the matter for fear of creating among Arab Nationalists anti-British unrest which might lead the League of Nations to decide that Iraq was not sufficiently advanced to attain to complete independence.

"The purpose of Mr. Rassam's letter, therefore, is not to protest against an alleged improper application of the mandate but against police measures which may have been due to political considerations. Consequently, the letter does not seem to me to constitute a petition.

"Before deciding the point, however, I should like to have my colleagues' views."

After discussion, it was agreed, on the proposal of M. Rappard, that Mr. A. H. Rassam's letter should be communicated to the members of the Commission.

Sessions of the Permanent Mandates Commission in 1932.

M. CATASTINI drew the attention of the Commission to the fact that the General Disarmament Conference had been summoned to meet at Geneva on February 2nd, 1932. Although it was impossible to forecast its duration, the Secretary-General had been compelled to make arrangements for a session of several months. It was accordingly proposed to postpone all meetings or conferences, which it was not absolutely essential to hold in 1932. The Secretariat also proposed to try to postpone or advance such meetings as had to be held in 1932, in order as far as possible to prevent their overlapping with the Disarmament Conference.

It was certain that the Conference would sit for several months: but it was not yet known whether its work would be continuous or whether it would be adjourned for one or more intervals.

The Permanent Mandates Commission was clearly entitled to ask that no change should be made in its usual programme, and that the necessary steps should be taken to enable it to hold its sessions in June and November 1932. If these sessions were to be held, steps would, of course, be taken to ensure that the work of the Commission would be carried on: but the central services of the Secretariat, which would have also to deal with the work for the Disarmament Conference, would no doubt only be able to give reduced help. The members of the Commission were aware how much the progress of the work of a session depended on these services.

Further, the comfort of the Commission was also likely to be affected to some extent, and it was not impossible that the members of the Commission might find some difficulty in obtaining accommodation. The Commission might therefore prefer to hold only one session in 1932.

¹ Document C.P.M.1170.

M. Catastini hoped that before the November session it would be possible to obtain more accurate information, and that the Commission would then be able to take a decision. He was anxious, however, to suggest at once to the members that they should reserve their rooms in the hotels for the months of June and November 1932.

M. MERLIN suggested that, as the Commission would be unable to sit at Geneva during 1932, owing to the Disarmament Conference, another solution would be to meet elsewhere, for example, in Paris. He did not imagine that the services of the Secretariat could object to that solution, since it was precisely those services which raised the material difficulties to which M. Catastini had referred. M. Merlin added that he would decline altogether to accept a proposal that the Commission should sit in some other Swiss canton.

It would not be sufficient for the members of the Commission to reserve at once the rooms they required for next year, since the rooms in question might easily be requisitioned in the interval for delegations.

M. VAN REES thought it premature to discuss the points raised by M. Catastini. It would be preferable to reserve a decision until the November session. Perhaps more exact information would be available at that time.

M. CATASTINI thought it was out of the question for the Commission to meet outside Geneva. The central services would be almost entirely absorbed by the work for the Conference and could not be divided.

Moreover, the motives of economy by which the Governments of all countries were at present governed must also govern the actions of the League. A session in Paris would involve additional expenditure. Any such solution, therefore, could only be contemplated if some Government were to invite the Commission to meet in its country, at the same time assuming the cost of the additional expenditure which this change of meeting-place would involve.

The CHAIRMAN did not think that it was for the Commission to provide for the material arrangements necessary for its meetings. The Commission might accept M. Van Rees' suggestion to postpone its decision until the November session.

The Commission decided to adjourn the discussion to the November session.

**Iraq: Examination of the Special Report on the Progress of Iraq during the Period 1920-1931
(continuation): Form of the Commission's Report to the Council.**

The CHAIRMAN did not think that, for the moment, any additional information on the special report concerning Iraq was necessary. The question for the Commission now to consider was how to draft its report to the Council.

He reminded the Commission that it had received a full assurance from the Council, through the mouth of Mr. Henderson, that it would be given all the requisite information with regard to Iraq. The Commission, therefore, was now either in a position to reply, or it still required information on certain points. He thought it was sufficient for the present to say that the Commission had all the information necessary to enable it to form an opinion. There was no question of substance involved in that.

M. MERLIN reminded the Commission that the special report was submitted by the mandatory Power with the intention of asking the Commission whether it was sufficiently complete, or whether additional information was required. In this way the Commission would be fully equipped, when considering the annual report in November 1931, to give its opinion to the Council and to say whether Iraq was politically mature. The report to be made on the present occasion was therefore what might be called an interim report, and did not call for any final decision on the part of the Commission. He did not himself think the Commission was in possession of complete information, but that it should wait for the annual report for 1930. If the Commission said at once that Iraq was politically mature, of what use would the annual report for 1930 be?

The CHAIRMAN said that the question before the Commission was whether it thought that there were still any omissions to which it should draw attention.

M. MERLIN suggested that the Commission should say that the accredited representative had given it a good deal of supplementary information and that it would be in a position to examine the annual report in November 1931.

The CHAIRMAN desired to call attention once more to the passages in Mr. Henderson's speech at the fifth meeting of the sixty-second session of the Council.

M. VAN REES felt that, in view of those words, the Commission could certainly say that an examination of the special report had not pointed to the necessity of asking for additional information. On the other hand, as he had already remarked, he did not think the matter could rest there. If the Commission considered that it need not ask for additional information, there was nothing to prevent it from expressing an opinion on the substance of the question, but in such a way that there would be no risk of its thereby sharing a responsibility which did not belong to it.

In his view there was only one authority which could formally declare that Iraq had attained the degree of development which would enable it, in virtue of the fourth paragraph of Article 22 of the Covenant, to claim full independence. That authority was the mandatory Power. It was the mandatory Power alone which could take a decision with full knowledge of the facts. Doubtless, the Mandates Commission would have to consider, in the light of the information put at its disposal, whether this declaration was well founded. But even if it could

affirm that the information given to it contained all the elements for forming an opinion, and convinced it that, in fact, Iraq had attained the ultimate aim of the mandate system, the most that the Commission could say was that, in view of the formal declaration of the mandatory Power and after having carefully examined all the elements submitted to it, it had found no grounds for advising that the mandate for Iraq should not be withdrawn. He saw no reason why the Commission should decide to adjourn until November an announcement in this sense.

Moreover, no matter what information on certain details might be provided in the annual report which the Commission would examine in November, the Commission could never express an opinion which only the mandatory Power was in a position to express, seeing that the former could only base its judgment on written statements and on the declarations made orally by the accredited representative of the mandatory Power. It was for that reason that the mandatory Power must retain full moral responsibility for its declaration.

M. Van Rees added that the Commission had adopted the same procedure in the previous year when it had expressed its opinion on the new Iraqi Judicial Agreement; the Commission had not stated that this Agreement contained all that could be desired, but had merely said that it had found no objection to it and that, in consequence, it would not advise against the approval of the Agreement. To adopt an analogous procedure in the present case would only be the logical consequence of the examination made by the Commission.

The CHAIRMAN pointed out to M. Van Rees that there was no question of expressing an opinion on the question of maturity before the Council had asked the Commission to do so. To adopt any other procedure would be to take the initiative and not to adjourn the question.

M. VAN REES agreed that the Council had not formally invited the Commission to give an opinion on the political maturity of Iraq, but such an invitation was exactly what he desired to anticipate; since the Commission would then have to give a positive reply; in that way the Commission would be saddled with a responsibility which the means of investigation open to it did not permit it to assume. On the other hand, if the Commission refrained from stating categorically that Iraq was mature and confined itself to declaring that its examination of the question had not disclosed to it reasons which would justify a refusal to recognise that maturity, M. Van Rees did not think the Council could consider this declaration premature.

COUNT DE PENHA GARCIA reminded the Commission that it had spent four meetings discussing with the accredited representative the special report and the situation of Iraq. He himself had pointed out that one essential item of information was lacking—namely, demographical data concerning the changes in the population during the past ten years: that information was very important, as it would assist the Commission in forming its conclusions. Many questions had been left unanswered.

The Commission had of course been given a general reply when the accredited representative had said that the mandatory Power would take full responsibility in regard to the declaration he had made, but Count de Penha Garcia did not think that that was an adequate reply as regards certain of the questions that had been raised. The accredited representative had taken notes, probably in order to think over what had been said in the Commission and to give the necessary replies in the report which would be examined in November. It would therefore be sufficient to explain to the Council what had happened, but, for the time being, the Commission was not required to give a definite reply, in the first place, because it had not been asked to do so, and, secondly, because the elements on which that reply should be based could not be found in the special report.

In conclusion, Count de Penha Garcia did not think that there was any danger in giving a reply at the time when the Commission would be expressly asked to do so. The Commission could postpone its observations on the special report until November, when it would be in a position to benefit from the supplementary information received regarding questions raised during the examination of the special report.

M. RAPPARD pointed out that the Commission had been invited by the Council to give its opinion on the question of the general conditions for the termination of the mandate. After it had obtained that opinion, the Council would formulate its own. How could the Commission express an opinion in regard to Iraq, before the Council had itself decided upon its attitude towards the more general question?

He suggested that the Commission should adopt a decision as follows:

“ The Commission had occasion during the present session to examine the report of the mandatory Power on the progress of Iraq during the period 1920 to 1931. That examination was particularly important, as the Commission had the benefit of the assistance of Sir Francis Humphrys, the High Commissioner, and of Major H. W. Young, Counsellor to the High Commissioner, who were good enough to supplement the information given in the report.

“ The Commission would thus be prepared—so far as it is able in the light of the information at present available under the terms of its rules of procedure—to formulate its attitude at once on the proposal of the mandatory Power with a view to the termination of the mandate over Iraq.

“ As soon as the Council had taken a decision on the general conditions to be fulfilled before a mandate could be terminated, the Commission would be prepared to submit to the Council its opinion on the British proposal relating to Iraq, after having examined it in the light of the Council's resolution.”

M. VAN REES could see no connection between the two questions—the expediency of terminating the mandate over Iraq and the general conditions for the termination of a mandate.

It could not be said that it would be impossible for the Mandates Commission to express an opinion on the first question, always in the sense already indicated, without adding the conditions to which Iraq must submit in order to achieve its independence and to be admitted into the League of Nations. Moreover, it must not be forgotten that the Commission would include in the same report to the Council its opinion on the question of the general conditions for the termination of a mandate, so that the Council would have at its disposal all the elements to enable it to take a decision in regard to Iraq.

M. MERLIN expressed the view that, while M. Van Rees' suggestion was inspired by legal considerations, that of M. Rappard was more political in character. M. Van Rees had been right in thinking that the two questions arose independently of one another, but in actual fact they were linked up with one another and the advantage of M. Rappard's suggestion precisely was, that, without formally linking them, it provided the possibility of showing that there existed one point in common. When the Commission was in possession of full information, it might very well introduce in the report on Iraq the words "subject to the general conclusions laid down for the termination of a mandate".

If the Commission decided that Iraq was now politically mature, that decision might perhaps be adduced in order to give Iraq an independent government, and the obligations which, in M. Merlin's view, should be imposed on any State which had got beyond the stage of the special mandatory regime might be overlooked. The position of such a State was different from that of an independent State applying for admission to the League of Nations. The accredited representative had been very optimistic, but, despite the authority attaching to his opinion, it was only an opinion, and M. Merlin wondered whether the Commission could share his conviction. The members of the Commission were not only jurists but also political administrators; they should reserve their final decision until the November session. When the Commission had concluded its examination of the general conditions for the termination of a mandate and the Council had itself defined its views, the Commission would be better able to give a pertinent opinion without linking the two questions, though showing at the same time that they were co-ordinated.

The CHAIRMAN proposed that M. Rappard's proposal should be distributed to members of the Commission. He requested M. Van Rees also to prepare a text setting forth his views. The discussion would be resumed at the next meeting, on the basis of those two texts.

The Chairman's proposals were adopted.

Nauru: Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding Nauru (Annex 16).*

New Guinea: Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning New Guinea (Annex 16).*

TWENTIETH MEETING

Held on Monday, June 22nd, 1931, at 10.30 a.m.

Palestine: Convention regulating the Transit of Mineral Oils of the Iraq Petroleum Company, Limited, through Palestine (continuation).

M. ORTS referred to the conflict, to which he had already drawn attention, between Articles IV, V and XVII of the Convention of January 5th, 1931, between the High Commissioner for Palestine and the Iraq Petroleum Company, and Article 18 of the mandate for Palestine.

Article 18 prohibited any discrimination, in matters concerning taxation or in the exercise of industries or professions, in favour of the nationals of any State Member of the League (including companies incorporated under its laws). But these were precisely the advantages which had been granted to the Iraq Petroleum Company.

The latter, it would be said, was a concession-holder, and its case should be judged in the light of the principles applicable to concessions. No doubt the mandate left the mandatory Administration the utmost liberty in regard to concessions; but the whole point was whether the advantages conceded to this company were not precisely those which could not be granted under the terms of the mandate. The second paragraph of Article 18 of the mandate dealt with concessions, and it would be seen that it limited the freedom of the Power granting the concessions. The paragraph was in the following terms:

"Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and Customs duties

as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It 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.”

Did it not follow from this text that no concession could involve derogation from the general principle laid down in the first paragraph of Article 18? If that were admitted, the above-mentioned articles of the Convention of January 5th, 1931, conflicted with Article 18 of the mandate. It would then have been open to the mandatory Administration to give the concession-holder any imaginable advantages—for example, a monopoly—but not exemptions from direct or indirect taxation, which the two paragraphs of Article 18 taken together prohibited.

M. VAN REES regretted that he could not agree with M. Orts.

The first paragraph of Article 18 of the mandate for Palestine prohibited the mandatory Power from making any kind of discrimination between its own nationals and those of any foreign State in matters concerning, amongst other things, taxation, commerce or navigation and also Customs duties, both on imports and exports, as well as the exercise of industries or professions. This paragraph did not refer, as did the corresponding provisions of the B mandate and the mandate for Syria and the Lebanon, to *concessions* which were deliberately excluded from the above-mentioned prohibition. This fact had already been pointed out by M. Van Rees at a previous meeting (see page 99).

It followed, therefore, that, as regards *concessions*, the mandatory Power was not required to refrain from any discrimination on the grounds of nationality. It did not follow that it was free to grant concessions of *all kinds* without taking into account the equality of treatment for which provision was made in regard to taxation, trade, Customs duties, etc.

The second paragraph of the same Article 18 required that, “subject as aforesaid and to the other provisions of this mandate”, the Palestine Administration could, amongst other things, “take such steps as it may think best to promote the *development of the natural resources of the country*”. If, therefore, these steps consisted in granting *for this purpose* concessions to physical or moral personalities, the conditions under which those concessions were granted must not discriminate as regards fiscal and other matters to which the first paragraph related.

Did this mean that the concession granted to the Iraq Petroleum Co., Ltd., was contrary to the mandate, as M. Orts considered it to be? M. Van Rees would reply in the negative and for two reasons.

In the first place, the purpose for which this concession had been requested and granted was not the exploitation of some *natural resource* of the country. The oil wells, for the development of which a concession had been granted to the Iraq Petroleum Company, were in Iraq and not in Palestine. The second paragraph of Article 18 of the mandate was not therefore applicable to the concession in question.

Again, this concession had a special character, which also exempted it from the application of the first paragraph of Article 18 of the mandate. This second point called for some explanations.

The character of the enterprise contemplated by the Iraq Petroleum Company in Palestine was clearly indicated, not only in the body of the concession itself, but, above all and in detail, in the fourth paragraph of the preamble, which read as follows:

“Whereas the company, in connection with the exploitation of the Iraq concession, is desirous of laying a pipe-line or pipe-lines from Iraq to a terminal port on the Mediterranean coast, the said pipe-line traversing the territory of Palestine, and for the purposes of this Convention of erecting and maintaining within that territory offices, pumping stations, workshops, stores, storage tanks for oil and water, bridges, residences for employees, rail and tram lines, aerial ropeways or telferage, roads, rolling-stock, overhead or underground cable lines, ferries, road, water and aerial transport, aerodromes, electric cables (whether overhead or underground), telegraph and telephone lines, wireless installations, refineries, tank farms, hospitals power schemes, oil, gas and water lines, either exposed, buried or submerged, and other works (whether of the kind aforesaid or not) appertaining or auxiliary thereto (all of which works are hereinafter collectively included in the expression ‘the undertaking’).”

This detailed description of the object of the concession left no doubt that it covered the execution of a vast programme of works which it seemed difficult not to recognise as being of public utility. These works, no doubt, would benefit the company, but it was not conceivable that such a considerable programme should not at the same time benefit the whole country. If the Palestine Administration had decided to carry out itself this programme of works and had accorded to the holder of the concession only the right to utilise them on the payment of certain charges, no one would have dreamt of denying that they were works of public utility. Was the *nature* of these works changed by the fact that a private company bore the expense of carrying them out, with the approval and under the direct supervision—as the concession clearly stated—of the local authorities? It seemed difficult to support such a theory.

The question whether, within the limits of the mandates system, the application of the provisions embodying the principle of economic equality extended to works of public utility had already been discussed several times by the Commission. It had recently discussed the matter at its sixteenth session on the basis of a report carefully prepared by M. Orts. In that report, after a

close argumentation, the logic of which could not be open to doubt, the Rapporteur developed, amongst others, the theory,¹ on which he laid stress during the discussion,² that in organising public works, whether they were important or not, the Administration was not engaging in commerce but was dealing with Governmental affairs, and that, in this domain the principle of economic or commercial equality did not apply either as regards territories under B mandate, in connection with which this exception was specifically made, or as regards territories under A mandate, where this exception was not stated, or at any rate less explicitly.

This theory did not at the time give rise to any objection of principle on the part of the Commission. M. Van Rees himself had definitely accepted it. Moreover, he had on several occasions expressed the same view.

Was it necessary, in order that M. Orts' interpretation might hold good, that the works should be carried out by the Administration itself? M. Van Rees did not see why that interpretation should become inadmissible if an individual undertook, with the assent of the Administration, the execution of such works, unless the works in question were of benefit only to the individual and unless the territory derived no profit therefrom, which was not so in the present case; this fact was confirmed by the High Commissioner for Palestine in the last preamble of the Convention concluded with the Iraq Petroleum Company.

In view of these arguments, M. Van Rees concluded that this Convention did not in any way infringe the terms of the mandate.

M. MERLIN agreed with M. Van Rees. This was undoubtedly a concession for works of public utility. If, instead of a pipe-line, the Iraq Petroleum Company had built a railway for the circulation of tank-cars, there would be no doubt in the mind of anyone on the matter.

He drew the Commission's attention to two points. In the first place, all the material was to be returned to the State on the expiry of the concession, which was a considerable advantage for the State. Secondly, it must not be forgotten that, if the goods to which Article IV related were placed on the local market for consumption in Palestine, or if they were used for purposes other than the purposes of the company, they would become subject retrospectively to the collection of duty. Thirdly, goods imported or exported by the employees of the company for their personal use were not admitted free. There were thus prudent reservations in the concession, and there was no derogation from the principle of economic equality.

The advantages accorded to the concession-holder were legitimate ones, and they would, moreover, be accorded to other concession-holders if the latter were to carry out works of the same kind of equal advantage for the country. There was therefore no prejudice to any other party.

M. ORTS replied to M. Van Rees that he entirely agreed that the principle of economic equality did not apply in the case of essential public works. He had developed that argument in a report which was on the agenda of the present session for consideration. But he drew a limited conclusion from that argument, whereas M. Van Rees drew a wide conclusion when he maintained that the mandatory Administration retained complete freedom of action in any case of concessions for essential public works. In his own view, the Mandatory's freedom of action only applied in so far as it was not explicitly restricted in some degree by the terms of the mandate. That appeared to be the case in Palestine, since the introduction of the words, "Subject as aforesaid . . ." at the beginning of the second paragraph of Article 18 was seemingly not unintentional.

If the Committee did not pay heed to these considerations, a precedent would be created. The same privileges might be granted—in many cases, it might be, with more justification than in the present instance—to any other undertaking for public works. There would thus come into being a class of privileged concessionnaires exempt from the ordinary law; and, with the recurrence of such cases, the disregard of the provisions of the mandate would become patent. The contention that the concession in the present instance was exceptional in character should not be admitted.

M. RUPPEL agreed with M. Orts. The privileges granted to the holder of the concession were not compatible with the terms of the mandate.

He wished to make three observations concerning the theory put forward by M. Van Rees to the effect that the principle of economic equality would not be infringed in the present case because it did not refer to public works or services and because the general programme contemplated in the concession (pipe-line, railways, roads and ports, should be considered as having the character of public works. In the first place, the exception made in other mandates in respect of public works and essential services did not exist in the mandate for Palestine. Secondly, every reservation must be made as regards the interpretation of this exception. Even if it were admitted that the main principle did not apply to public works, M. Van Rees' argument that the construction of the pipe-line could be considered as a public work did not seem to him to be admissible. The pipe-line would serve to convey from Iraq to the Mediterranean coast the oil produced by the company holding the concession, and the use of the pipe-line would be reserved to the company. As regards the right of the company to construct railways, ports and roads, it was expressly stated in the concession (Articles VII, IX and X) that the accessory works would be exclusively private in character and were not intended for public use.

¹ See Minutes of the sixteenth session; in particular, page 196.

² See Minutes of same session, page 149.

M. RAPPARD was in entire agreement with M. Ruppel. Here was a British company exploiting for its own advantage the natural resources of Iraq. The company had found it advantageous to bring its pipe-line through Palestine. But, in the concession given it by the mandatory Power, the latter granted it exemption from all the rules of common law, particularly as regards fiscal matters. From outward appearances, therefore, it seemed that it had subordinated the interests of the country under its mandate to the interests of a company of its own nationality. Public opinion could not fail to be impressed by that.

The only possible argument in favour of this exception to the general principles was the argument of the indirect advantages obtainable by the country. It might be contended that, to secure these advantages for Palestine, it had been indispensable to give the privileges in question in return. This was a point of fact on which it was very difficult for the Commission to express an opinion. Nevertheless, it was a question of forming an estimate of the extent of the advantages accruing to Palestine, and of ascertaining whether these advantages could not have been gained under better terms.

Without wishing to take up a definite position in the matter, M. Rappard drew the attention of his colleagues to the necessity for scrupulous care in drafting the observations of the Commission on this point. It would be difficult to approve the attitude of a mandatory Power which overlooked the institutions of the mandated territory in favour of a company of the same nationality as itself, unless such action were dictated primarily in the interest of the mandated territory.

M. ORTS added that the benefits of the concession did not go solely to the concession-holder, who incidentally appeared to have made a good bargain; the concession was also in the direct interest of the mandatory Power. A glance at the map showed that the mandatory Power had marked out a course necessitating an extension of the pipe-line which would appear to be illogical if it were not explained by the anxiety to keep the latter throughout its course within territory subject to the Mandatory's influence. The mandatory Power had wished to connect the oilfields with a point on the Mediterranean coast which was under its own influence.

Undoubtedly, the country itself would derive advantages from these works; but these advantages, however interesting they might be, did not alter the fact that the mandatory Power also derived advantages which, though of a different kind, were of great importance. It was, however, the mandated territory which was paying the whole cost of the scheme, in the form of exemptions from taxation and Customs duties, over a period of seventy years; and this was the unpleasant feature of the scheme.

M. VAN REES pointed out to M. Ruppel that, when the Commission had discussed the question of public works and services, it had raised no objection to the substance of the thesis put forward by M. Orts—namely, that, in principle, public works were the affair of the Government and that, in consequence, the reservation appearing in Article 6 of the B mandate, and which related to these works, should be considered, as M. Orts had explained, as being applicable to the territories under A mandate, although this reservation did not appear again in the A mandate.

M. Van Rees then replied to M. Orts. The latter had recognised that the principle of economic equality did not apply in the case of essential public works, but did not agree that, when it was a question of granting a concession for works of that nature, the mandatory Power retained full liberty. In this connection, M. Van Rees would merely observe that there was nothing to prevent the mandatory Power from arranging for the execution of works of public utility by any organisation subject to its control. If the mandatory Power preserved full liberty when itself carrying out such works precisely because they were works of public utility, it was difficult to see why it lost this liberty when it caused these works to be carried out by a third party, unless the works in question only benefited that party, which was not so in the present case. To contest this conclusion would be equivalent to saying that it was prohibited, for example, when granting a concession to construct a railway line, to grant the holder of the concession the privilege of importing duty free the material necessary for the work.

M. Van Rees wondered also whether it was correct to say that for works to be public works everyone should be able to profit therefrom. He did not think that this could be a determining criterion, seeing that it could not even apply to all public works organised by the Government itself. He recognised that, in the present case, the concession was an exceptional one. It was clear that the use of the pipe-line would be reserved for the Iraq Petroleum Company, but it was nevertheless true that the general programme of work, of which the details were given elsewhere, could not be considered as not being of considerable interest to the territory, apart from the fact that, in the last resort, all these works would eventually belong to the country and serve to complete its economic equipment.

M. RAPPARD, emphasising the exceptional situation accorded to the concessionnaire, directed the Commission's attention to the provisions of Article XXIV under which disputes arising between the concessionnaire and the State would not come within the jurisdiction of the ordinary courts. It was provided that such disputes should be settled by arbitration.

M. MERLIN observed that the Convention constituted the law of the parties, and that practically every Convention nowadays contained an arbitration clause.

The CHAIRMAN believed that the Commission had not reached a unanimous opinion on the question of the non-application of the principle of economic equality to essential public works and services. He said, however, that the Commission would discuss that question again later.

M. MERLIN pointed out to M. Orts that, in the case now under discussion, the Commission was dealing with undertakings and acts *sui generis*. A statement of contract conditions was all very well, but it was so vast that it became impossible to apply ordinary criteria. The undertaking in question concerned, not only the mandatory Power, but the world as a whole; and the question of oil was a matter that went beyond ordinary considerations.

M. Merlin emphasised the point that the agreement concluded in respect of the pipe-line was the natural corollary to the agreement concluded in Iraq for the development of the oil-fields. It was desired to separate these two questions, and to say that Palestine, while deriving no direct advantage, bore the expenses of the operation, in that it obtained no revenue, for example, from Customs duties. It must be realised, however, that Palestine would derive very considerable direct benefit from those works; those benefits had already been mentioned during the discussion. The competition which had arisen in regard to the course to be followed by the pipe-line and the actual division of the latter into two branches were proof that the territories concerned had fully realised the importance of those works from their own standpoint. They had certainly weighed the advantages that they might hope to derive from them and the sacrifices that they must be prepared to make.

The point to be determined, however, was whether the sacrifices agreed to might not be prejudicial to other interests which might invoke the principle of economic equality.

M. Merlin thought that that principle was adequately safeguarded by the levying of duties retrospectively in the event of exempted products being put on the market and by the granting of Customs exemption to local commerce, when the latter supplied the concessionaire with goods.

He thought, therefore, that there would be no injury to the interests of third parties, and that the territory would derive the utmost benefit from the execution of the works in question.

COUNT DE PENHA GARCIA did not attach any great importance to the nationality of the concessionaire company. He felt, indeed, that petrol was in the hands of international trusts. On the other hand, he thought that a servitude was being temporarily imposed on Palestine. A company established in a foreign territory and developing the resources of this territory required a pipe-line to convey its products through the territory of Palestine. That pipe-line was not to be used by Palestine, but was reserved exclusively for the Iraq Petroleum Company. As a general rule, when one asked for a servitude one was prepared to pay for it. In the particular case under consideration, he did not think that the price paid was adequate. In point of fact, the only benefit accruing to Palestine was that, on the expiry of the Convention—that was to say, seventy years hence—the works effected would revert to the Palestine State. That provision, moreover, was accompanied by a reservation, since it was laid down that, on the expiry of the concession, the High Commissioner should, if the company so wished, give favourable consideration to the extension or renewal of the concession.

There was another possible benefit for the country—namely, the future price of oil. If the price were very low, it would be of real advantage to the inhabitants of the country, but it must not be forgotten that oil prices were fixed by trusts, and that, as regards that particular product, ordinary economic conditions did not apply. The difference in price would result simply from the difference in the cost of transport by tank steamer and transport by the pipe-line. It would amount to very little.

Lastly, there were various indirect advantages. These, however, it was difficult to estimate and, in the Count de Penha Garcia's view, the greater part would accrue to the concessionaire company. To sum up, he very much doubted whether the servitude imposed on Palestine was really set off by equitable compensation, and he had the impression that the concessionaire company had done a good stroke of business.

LORD LUGARD thought it necessary to distinguish between two main questions. The Commission had to determine, on the one hand, whether the concession was prejudicial to the interests of Palestine and, on the other, whether it would injure the interests of nationals of other countries.

As regards the interests of Palestine, he pointed out that the accredited representative had expressly stated that the concession would be of considerable benefit to the country. Lord Lugard personally shared that view, and found ample justification for his opinion in the keen competition between Syria and Palestine, with a view to ensuring that the pipe-line should pass through their respective territories.

As regards the interests of third parties, reference had been made to the principle of economic equality, but none of the members of the Commission who had spoken had given any clear explanation as to how any other persons would be injured by the concession.

M. RAPPARD pointed out to Lord Lugard that it was not necessary for private interests to be injured; it was enough for the Commission if the principle of economic equality had been violated. He added, moreover, that the other oil producers suffered injury from the co-operation of a mandatory Power with a company of the same nationality, that company being granted advantages which enabled it to reduce the cost price of its products.

In M. Rappard's view, however the most important point was the following: he was not convinced that, in establishing the concession, whereby the concessionaire was accorded very considerable advantages, the High Commissioner had been guided solely by the interests of the territory and not by other considerations. Lord Lugard had referred to the competition between Syria and Palestine with a view to ensuring that the pipe-line should pass through their territory, but M. Rappard wondered whether it was not as much a question of competition between France and Great Britain, who saw the advantage of the pipe-line terminating at a port which was under their influence.

M. RUPPEL directed the attention of M. Van Rees to the fact that he personally had never accepted the extension to A mandate of the reservation made in Article 6 of the B mandate or the interpretation placed by M. Van Rees on that reservation. He would refer again to that point when the Commission discussed M. Orts' report.

M. SAKENOBE said that he had been keenly interested in the discussion that had just taken place. He noted that the question was one which concerned, not only Palestine, but other territories

under mandate. Before giving an opinion, he would like to know the attitude adopted in the other territory concerned.

The CHAIRMAN also expressed the view that, before forming a definite opinion on the subject, the Commission should have some information on the question from the standpoint of Syria. M. de Caix would be in Geneva on the following day. He proposed that the Commission should inform him that the report on Palestine for 1930 contained the text of the Convention concluded on January 5th, 1931; he would ask M. de Caix to be good enough to communicate to the Commission the text of the corresponding convention with Syria.

M. ORTS supported the Chairman's suggestion.

M. CATASTINI observed that the attention of M. de Caix had already been directed to the point in question and that he had promised to communicate the relevant texts.

The Chairman's suggestion was adopted.

TWENTY-FIRST MEETING

Held on Monday, June 22nd, 1931, at 4 p.m.

General Conditions which must be fulfilled before the Mandate Regime can be brought to an End in respect of a Country placed under that Regime (*continuation*): Notes by M. Van Rees (Annex 3 a) and Lord Lugard (Annex 3 b), and Report by Count de Penha Garcia (Annex 3 c).

The CHAIRMAN suggested that it would be well to take as a basis of discussion M. Van Rees' note, which was the only one of the three documents before the Commission containing conclusions which could be examined by the Commission in connection with the question of the termination of a mandate. This report could be examined in the light of the other two notes.

The Commission had to submit to the Council, not a report, but conclusions as to the conditions which the former regarded as necessary, referring the Council to the Minutes of the session for the various considerations which had led the Commission to form those conclusions. He asked whether Count de Penha Garcia, who had been appointed Rapporteur for the question, agreed that the Commission should discuss M. Van Rees' conclusions, subject, of course, to any possible modifications or additions.

Count DE PENHA GARCIA had thought that the question might be discussed under the following three heads and that the Commission might proceed to establish: (1) The essential conditions to be required for the termination of a mandate; (2) The precautions to be taken at that moment; (3) The procedure to be followed.

After having thus established the order of discussion, he had arrived at the following conclusion on the last page of his report (See Annex 3c), page 210).

" I do not know whether it is necessary to draw up suggestions for the Council in a summarised and precise form according to its request of January 13th, 1930, or whether it would be better to draw its attention to the documents, reports and discussions of the Mandates Commission during its nineteenth and twentieth sessions. "

He foresaw a long discussion and thought that the Commission, not reaching unanimous conclusions, would be obliged to submit to the Council the various points of view represented in the Commission, referring the Council to the Minutes for further information.

Count de Penha Garcia had then added in his report:

" I rely chiefly on my colleagues' wisdom, not only to solve this important problem of the termination of mandates, but to give a reply to this question. "

This was equivalent to saying that his report was intended to give rise to a discussion on a subject which had never yet been examined in detail by the Commission, and which would therefore probably give rise to a lengthy exchange of views.

M. RAPPARD thought that it would be inadmissible, when the Council had asked the Commission for an opinion, for the Commission to reply that the Council would find that opinion in this or that document. It would be even more regrettable than if it were to say categorically: " The Commission was unable to formulate an opinion " .

Count DE PENHA GARCIA explained that he had had to consider the possibility that the Commission might not be able to formulate conclusions. More than once the Commission had ended a discussion by referring the Council to its Minutes, without being able to give a definite answer. He hoped, however, that the Commission would reach conclusions in the particular case under consideration.

The CHAIRMAN urged that the Commission should definitely adopt one or other of the texts as a basis for discussion, if it wished the proceedings to be perfectly clear.

M. VAN REES wished first to refer to an observation appearing on the first page of Lord Lugard's note. This observation was to the effect that it had been unnecessary for M. Van Rees to discuss the two points: (a) Are the mandates temporary? and (b) What authority is competent to terminate a mandate? M. Van Rees' note, however, was not intended for the Council. He had examined the question of the temporary nature of the mandate because that question had been discussed both outside the League and in it, and also because the Council itself had never dealt with it expressly. As regards the second question, that too should be examined, since, like the first, it could not be separated from the third question—namely, the general conditions required for the termination of a mandate.

M. Van Rees emphasised the fact that he had not intended his note to be submitted to the Council. He had drawn it up on his own personal responsibility. It now remained to determine the opinion which the Commission itself was to submit to the Council.

In reply to the Chairman's question, he thought that the choice of this or that document as a basis for discussion was quite a secondary matter. The real point was to formulate the conditions which the Commission considered indispensable. The various reports now before the Commission could be annexed to the Minutes.

Lord LUGARD disclaimed any intention of undervaluing M. Van Rees' note. He had endeavoured to be as brief as possible, and this perhaps had given a wrong impression.

Count DE PENHA GARCIA said that he had no objection to taking as a basis for discussion M. Van Rees' note, which obviously contained most of the material found in Lord Lugard's note and in his own report. He had been very glad to read the notes of his two colleagues, which showed the difficulties of the subject and the importance which the authors of the notes attached to it.

The CHAIRMAN pointed out that, whichever text was chosen, there was nothing to prevent any member of the Commission from asking for amendments to the conclusions which were about to be examined. As regards the order of discussion, he agreed with Count de Penha Garcia's suggestion.

Lord LUGARD pointed out that in his note he had stressed the importance of defining beforehand the meaning to be attached to the terms "stand alone" and "the inhabitants" used in Article 22 of the Covenant.

Count DE PENHA GARCIA said that that question was dealt with in his report, more particularly in the chapter entitled, "Capacity for Self-Government".

M. VAN REES suggested that the report to the Council might be framed on the following lines.

There would first be a reference to the request addressed by the Council to the Commission. The Commission would then state that in its opinion a country which was deemed capable of standing alone should, in accordance with Article 22 of the Covenant, be declared independent and acquire the status of a new State.

Before expressing an opinion on that point, however, it would be necessary to make such a declaration conditional on certain guarantees to be given and certain obligations to be assumed by the new State. The report would conclude with an enumeration of those guarantees and obligations.

M. RAPPARD suggested that it might be well to adopt the idea embodied in Lord Lugard's note. M. Van Rees seemed to think there would be no difficulty in determining whether a country was politically mature, whereas Lord Lugard's note contained a very full analysis of the conditions determining the maturity of a territory, with very judicious suggestions, particularly as regards the distinction to be established between the various elements in the population.

The CHAIRMAN pointed out that this was a statement of fact and not a condition to be imposed.

M. RAPPARD observed that the reply to be given by the Commission dealt with the question of knowing at what moment a country was capable of standing alone.

M. VAN REES explained that the question of the means by which, that was to say, the elements on the basis of which, it was possible to arrive at the conclusion that a certain country was able to stand alone, was a question of fact. This was not the question in which the Council was most interested. It was important for the latter to be enlightened by the Commission as to the obligations to be imposed on the new State at the moment when it should be declared to be independent.

M. RAPPARD thought that it amounted to the same thing.

M. ORTS said that the first condition was that the territory in question should be able to stand alone. What was meant by that expression? This point had been examined in Lord Lugard's note. Secondly, what were the conditions to be laid down? That problem was dealt with in the last part of M. Van Rees' note.

Lord LUGARD emphasised the point that the first question to be examined was whether the term "inhabitants" meant the whole population of a mandated territory. In Syria, for example, there were four or five different communities which had arrived at different stages of development. If one of the States was able to stand alone, could it be emancipated from the mandate, while other parts of the mandated territory remained under the mandate? A similar question arose where a minority claimed self-government.

M. MERLIN thought that there was no more difference between the Druses and Syrians than between the Iraqi and Bedouins, for instance.

M. RAPPARD observed that it was necessary to take into account the proportion between the different elements of the population. In South West Africa, for example, there were some tens of thousands of whites capable of self-government, whereas there were hundreds of thousands of blacks in need of tutelage.

Lord LUGARD added that in Tanganyika there was a non-native community who might before long demand self-government, but the four millions of natives would not be fit to stand alone.

M. MERLIN said that that situation was found in every country where there were considerable differences between the intellectual *Elite*, for example, and certain populations living in the mountains. It could not be said, however, that one class was fit for self-government while the other was not. Mandated territories had been created and henceforth those territories constituted an entity. They might include more or less civilised elements, but they could not be divided up: independence could not be granted to one part of the population and refused in the case of the remainder.

Lord LUGARD thought that, if the Commission adopted M. Merlin's opinion, that would in itself be a most important declaration of principle.

M. MERLIN repeated that, when the territories in question had been placed under the mandatory regime, they had come under that regime in their entirety. It would be impossible now to establish different categories of populations and to say that some were fit for independence and others not. The partial release of a mandated territory would make the position of the mandatory Power impossible. A patchwork system would result, even in the towns, and anarchy would be the outcome.

Lord LUGARD explained that his object in suggesting three formulæ was in order that, if application were made by any Mandatory for the withdrawal of its mandate, the Council would know what were the general principles which the Permanent Mandates Commission advised should be adopted in regard to it.

M. RAPPARD pointed out to M. Merlin that it was not enough to ignore a difficulty in order to do away with it. The Council expected a reply from the Commission. It should not be possible to say that the latter had ignored one aspect of the problem. The mere fact that the question was complicated by a matter of detail was no reason for not attempting to solve it. In South West Africa and Tanganyika there was a white minority which was clearly capable of standing alone. To state that it would be sufficient to have in a territory a skeleton framework consisting of a minority capable of governing the country, in order that the country should be able to stand alone would be to subordinate the population as a whole to that minority. Sooner or later, the Commission would have to examine Lord Lugard's suggestion or else it would not have done what it had been asked to do.

M. MERLIN repeated that, in his view, it was necessary to consider, not a minority, but the territory as a whole.

Count DE PENHA GARCIA pointed out that in his report he had endeavoured to determine the conditions required before the termination of a mandate. Among the points calling for exhaustive examination, he had mentioned in particular "the social and moral state of the population". The various elements of the population of a territory might exhibit such differences from that standpoint that the territory could not be regarded as ready for independence, if only a minority were sufficiently developed, since that moral unity which was essential for a State would be lacking.

M. VAN REES suggested that the Commission might confine itself to giving the Council an opinion on the following points: (1) At what moment can a territory under mandate be declared independent? (2) Under what conditions? He did not think it would be wise to go into details concerning the first point, to provide for every possible case, to mention South West Africa, Tanganyika, etc., to say that in this or that part of the territory there was one element of the population capable of governing itself and that that part must be separated from the territory and declared a new State. It might perhaps be better simply to refer to the terms of paragraph 4 of Article 22 of the Covenant relating to A mandate and to add that the conception which was embodied in this paragraph applied to all the territories, without for the moment going into details which would only complicate the question.

He reminded the Commission that at the sixth session there had been a discussion with the accredited representative of the Union of South Africa, who had appeared to accept the view that South West Africa might soon become a province of the Union of South Africa after the withdrawal of the mandate, seeing that the territory would shortly be capable of governing itself, thanks to the large number of white colonists who had settled there. Several members of the Commission had contested that view. They had declared that Article 22 of the Covenant referred to peoples not capable of standing alone and that it was obvious that native populations were meant: if a number of Europeans had been made to immigrate into the territory in question, it did not necessarily follow that the territory could stand alone. Either it was necessary to try to find a formula covering all possible cases or the Commission must confine itself to a formula strictly in conformity with Article 22, and say that the mandate had been granted for a certain territory, that the latter could not be divided up, and that the mandate must be maintained or abolished for the territory as a whole. M. Van Rees still felt some hesitation in choosing between those two formulæ, but thought that it would be difficult to find any detailed text which would not uselessly complicate the question. He repeated that the power to stand alone was a question of fact which differed for each territory.

COUNT DE PENHA GARCIA thought there were two ways of putting the question before the Council:

1. The Commission might attempt to define fairly clearly the conditions which would meet the requirements of Article 22 of the Covenant. It was evidently very difficult to draw such conclusions without becoming vague or commonplace.

2. A very much simpler solution would be to say that a mandate should cease when the Council had been placed in a position to ascertain the ability of a mandated territory to dispense with a Mandatory. Apart from its simplicity, this solution would have the advantage of taking into account the condition which he had set out in his report under the heading "The Maintenance of Peace", a condition which, in his opinion, must be regarded as indispensable.

M. RAPPARD drew attention to the exact wording of the Council's resolution of January 13th, 1930, which was in the following terms: "To determine what general conditions must be fulfilled before the mandate regime can be brought to an end". The Commission was not, therefore, called upon to determine the conditions in regard to independence to be laid down by the Council *at the moment* of granting the independence, but the conditions to be laid down by the Council *before* the independence could be recognised. By adopting M. Van Rees' formula, the Commission would merely be referring the matter back to the Council.

M. ORTS said that in that case Lord Lugard's note was the only one which met the Council's expectations.

M. VAN REES thought that, on the basis of M. Rappard's argument, the Commission might confine itself to stating that a territory could be declared free as soon as its administrative and political organisation, etc., complied with the requirements of a civilised country.

M. RAPPARD agreed that it was difficult to draft an answer to the Council's question. He asked the Secretariat whether he was right in his interpretation of the Council's discussions.

M. CATASTINI recalled that the question had been discussed by the Council at its session in January 1931. There had been some doubt as to whether the particular or the general case should be considered. The outcome of the discussion was that the Commission was not called upon to consider the special circumstances of any particular territory.

Lord LUGARD said that, in the event of a mandatory Power addressing a request to the Council for the cessation of a mandate, the Council, having regard to the advice of the Permanent Mandates Commission, would wish to know whether the request corresponded to the wishes of the majority or a minority of the population concerned, and would no doubt be guided in its decision by the conclusions reached by the Permanent Mandates Commission. The first thing to do, however, was to decide as to the general principle. What was meant by a people being capable of independence? Could a territory which still required the financial or military aid of another Power be regarded as standing alone if that phrase were strictly interpreted? Was it necessary so to interpret it? Would it be regarded as sufficient if the demand for the withdrawal of the mandate were prompted by a minority, or must it come from a majority? Could a part of the territory be emancipated from the mandate and the rest still remain under it?

M. VAN REES observed that the Council would not consider a request put forward by a *majority* or a *minority* of the territory. Such a request would have to be made by the mandatory Power, and the latter would have to state that the territory as a whole was capable of self-government. It was this point he had brought out in his note when he said: (See Annex 3a) page 200).

"In conclusion, it may be said that an international mandate cannot cease before the *territory* to which it applies has given conclusive proof that its political, administrative, economic and social development is such as to enable it to manage its own affairs as an independent State, *it being understood that it is not for the inhabitants of the territory, but for League Council* to decide whether those inhabitants are capable of standing by themselves."

M. RAPPARD said that that formula did not get over the difficulty.

M. VAN REES, basing his remarks on his personal recollection of the Council meeting wished to explain what the Council required of the Commission. It transpired clearly from that meeting that the Council desired the Commission to examine the general conditions which the territories under mandate must satisfy in order to claim their independence, in accordance with the temporary character of the mandate; the Commission was not required to consider a particular case or the question of the admission to the League of Nations of a territory which had been emancipated. The two questions for consideration therefore were: (1) Is the territory capable of self-government? (2) What conditions should be imposed on it at the time of the declaration of its independence?

An answer to the first question would certainly not be regarded as sufficient by the Council, which would feel that it could not merely terminate its connection with the territory; it would first need to obtain guarantees from the new State and formal assurances that it would respect its obligations. In any case, there seemed to be no doubt that the Council expected to receive from the Commission an enumeration of the different general guarantees which a territory must give before it could be liberated from the mandate.

M. ORTS remarked that that amounted to distinguishing between the *de facto* conditions and the contractual obligations.

M. VAN REES agreed. The capacity for self-government was a *de facto* condition. The remainder consisted in the principles expressed in certain obligations to be assumed by the new State.

Lord LUGARD put the case of a request by the inhabitants of a mandated territory, for example, South West Africa for "self-government", with a concomitant proposal addressed by the mandatory Power to the Council for the cessation of the mandate. What would the Council do in such a case? Would it not have to enquire whether the request was presented in conformity with the demand of the majority or of the minority of the population concerned?

M. ORTS thought that by combining the three reports of Count de Penha Garcia, Lord Lugard and M. Van Rees, completed by the opinions expressed orally by the other members, it was possible to find the necessary data for a reply to the first request of the Council with regard to the conditions of fact, and to the second request with regard to the contractual obligations. As regards the conditions of fact as laid down by Lord Lugard, it might be said of any particular territory that it was not necessary for it to assume the responsibility of its own defence, or to be in a position to govern itself in the most perfect manner, or to be able to do without experts from other countries. In M. Merlin's view the aspirations of a mere minority, exercising pressure on the mandatory Power, would not be sufficient to end a mandate. All those conditions were reconcilable. As regards the obligations to be accepted by the territory, they would be found in M. Van Rees' note which insisted on the necessity for safeguarding various interests.

It might be maintained that, with a system of this kind explained *ex cathedra*, it was possible that circumstances peculiar to a particular territory might constitute an obstacle in the way of the recognition of its independence, although the territory might be in a position to govern itself. To that argument he would reply: "Let us each mind our own business". The Commission was asked to state what, in principle, were the conditions to be laid down. When concrete cases arose, such as the case of Syria, Palestine or the like, they would not concern the Commission. The Commission would have laid down the rules and it would be for the political body, that was to say, the Council, to take action within the limits suggested by the Commission.

M. RAPPARD remarked that the general rules laid down by the Commission ought to be such as to admit of different applications in particular cases. The Commission could only deduce general rules from a previous study of the Covenant and of the individual mandates.

M. ORTS remarked that the authors of the three notes, which had been submitted to the Commission, had had in mind all the particular cases. The conclusions at which the Commission would arrive would constitute a general theme on which the Council might make variations.

M. MERLIN did not think that the conclusions which the Commission would have to reach were yet quite clear. It would seem from what M. Orts had said, that too much difficulty should not be made in regard to the guarantees of independence, in relation to foreign countries, to be offered by new States, or again, in regard to the authority of such States within their own frontiers. He personally thought that the conditions to be laid down should be made more exact. Above all, he was anxious to avoid the introduction of any reference to minorities or majorities. Any such reference would open the door to insoluble difficulties. In his view, the essentials entitling a State to be regarded as capable of self-government were as follows:

1. It should be in a position to maintain its independence in relation to foreign countries, whether by its own military strength, or by alliances, or by such support as it might receive from the former mandatory Power;
2. It should be capable of maintaining law and order throughout its own territory;
3. It should be provided with an organised administration capable of maintaining the regular operation of all the public services;
4. It should have at its disposal direct or indirect financial resources organised in such a way as to be able to provide in the regular course for all the requirements of the State;
5. It should have a corpus of laws and a judicial organisation enabling it to render to all elements of the population and to each individual equal justice regularly executed.

COUNT DE PENHA GARCIA agreed with M. Merlin. Indeed, the conditions he had just postulated would all be found in Count de Penha Garcia's own report. He had, however, added one other factor—namely, "The social and moral state of the population", which it was desirable to add to M. Merlin's list and to consider carefully, because it covered some of the points very properly put forward by Lord Lugard.

The CHAIRMAN said that, before entrusting to any member of the Commission the task of preparing a draft of the Commission's conclusions, it was essential to make certain if the Commission considered that the list of conditions enumerated by Count de Penha Garcia and other members was complete.

M. RAPPARD said he agreed with all M. Merlin's remarks though, he did not consider that his list should be considered as comprehensive.

COUNT DE PENHA GARCIA remarked that his own list of conditions was also not comprehensive, as was shown by the fact that he had written: "Other points will also require examination, particularly . . ."

It was agreed, after further discussion, that M. Orts should prepare a draft of the Commission's conclusions.

The CHAIRMAN said he was anxious, on behalf of all the members of the Commission, to thank Count de Penha Garcia for his report and, on his own behalf, to apologise for having pressed him

so much in the production of it. The Commission had now to draft its conclusions, taking into account all the opinions expressed. This was the moment, when M. Orts was undertaking that task, to express to Count de Penha Garcia the thanks of the Commission for his remarkable study of the subject which had made it possible to deduce the views of the Commission in the matter.

He asked M. Orts to give a brief account of the manner in which he proposed to draft the Commission's conclusions, in order to remove all misunderstanding and to avoid the necessity for reconsideration of the substance of the conclusions in question.

M. ORTS replied that he proposed to follow the arrangement of Count de Penha Garcia's report. He would first refer to the discussions of the Council at the sessions of January 1930¹ and January 1931.² He would then discuss the interpretation of the Council's decisions, as to: (1) the conditions of fact which, in the opinion of the Commission, should be realised in a territory to enable the latter to be considered as ripe for independence, and (2) the engagements for the future to be assumed by the country in question vis-à-vis the Council.

As regards the *de facto* situation which should exist in the territory, he proposed to base his statement on the observations of Count de Penha Garcia, Lord Lugard and M. Merlin. As regards the obligations to be incurred by the new State, he proposed to base his conclusions on the text of the final paragraphs of M. Van Rees' note, that was to say, to base the obligations to be assumed by the new State on those imposed by the peace treaties on the new countries which arose from the war.

Count DE PENHA GARCIA pointed out that he had arrived at almost the same conclusions as M. Van Rees except for certain differences which would be found in his report.³

The CHAIRMAN asked M. Ruppel if he had any other suggestions.

M. RUPPEL considered that the obligations to be assumed by the new State should include the confirmation of general conventions in force. The note by M. Van Rees contained no suggestion on this point. He also thought it necessary to provide for the maintenance of a certain number of bilateral conventions, such as those fixing the frontiers of the territory. It might also be provided that all obligations to be undertaken by the territory should be placed under the guarantee of the League of Nations, as had been done in respect of obligations relating to minorities.

Lastly, in addition to the *de facto* conditions and the treaty obligations mentioned by M. Orts, there was the question of the Governments which should give their consent to the termination of the mandate. According to the notes submitted to the Commission, the consent of the United States of America would be necessary. Perhaps other Governments were in the same position. Without wishing to enter into details, M. Ruppel referred to the special position of Germany in respect of her former colonies and to the passage relating to Germany in Lord Lugard's note.

M. RAPPARD pointed out that Germany was represented on the Council and would therefore be consulted.

M. RUPPEL did not know his Government's point of view, but he was certain that many people in Germany considered that Articles 22 and 119 of the Treaty of Versailles were to be taken together, and that Germany was specially entitled to see that Article 22 was enforced. He thought it might be stated in a third chapter that in certain cases certain Governments might have to be consulted if they claimed certain rights.

M. VAN REES, referring to M. Ruppel's first suggestion, did not think it possible to speak in a general way of all international conventions. The reference, moreover, should be confined to those mentioned by Lord Lugard, that was to say, conventions on slavery and traffic in drugs, and naturally also the 1925 Convention on Traffic in Arms. In his opinion a territory declared independent and sovereign could not be bound never to denounce any existing general international conventions.

M. Ruppel had also mentioned bilateral conventions, especially those referring to the frontiers of the territory. M. Van Rees thought it unnecessary to mention them, as these conventions had fixed the frontiers of the territory once for all, and it was the territory thus delimited which would have to be declared independent and not a territory with other frontiers.

M. RUPPEL pointed out that there were special clauses in the frontier conventions—for instance in respect of transit questions.

M. VAN REES thought this question concerned the new State, whose hands could not be tied indefinitely in this respect. These conventions should not be fixed permanently; the new State should be entitled to contract freely with its neighbours in this matter.

Lastly, it was also unnecessary to state that Powers other than the United States of America should be consulted. As the other States were Members of the League of Nations or even represented on the Council, they would be able to oppose the declaration of independence, while the United States would not be in that position.

M. RUPPEL replied that, without contemplating such a hypothesis, the case might arise of a State being no longer a Member of the League of Nations.

¹ See Minutes of the Council, fifty-eighth session, pages 70 to 77.

² See Minutes of the Council, sixty-second session, pages 179 to 186.

³ See Annex 3 c, pages 207-208.

M. VAN REES replied that in that case a reservation should be made for this possibility. If the Commission stated in its report that the consent should be obtained, not only of the United States of America, but of other States, the Council would ask to what other States the Commission referred.

M. RAPPARD pointed out that there was also Turkey.

M. VAN REES replied that Turkey would have nothing to do with the declaration of Iraq independence. He added that M. Ruppel's apprehensions seemed somewhat premature, as the time had not yet come when the mandated territories which were formerly German colonies would be declared independent.

M. RUPPEL referred to South West Africa.

LORD LUGARD wished to make clear the passage of his note to which M. Ruppel had referred. He had not meant that Germany or any other State Member of the League should be specially consulted, but that the Council, in terminating a mandate, should see that Germany's rights under the Treaty were not infringed.

M. RUPPEL thanked Lord Lugard for the observation made in his note.

COUNT DE PENHA GARCIA said that he had gone much further in his report than M. Van Rees in respect of general international conventions. He considered that the mandate being under the supervision of the League of Nations, and terminated by it, it would be strange if the ward itself did not fall within the limits of the provisions laid down by the League for the maintenance of peace—that was to say, the provisions of general international conventions. Before the Council declared the territory to be independent, the League would be entitled to request the territory to enter into the perfect framework of the League, that was to say, the general international conventions which were an important element in the organisation of peace.

As regards the countries to be notified of the independence of the new State, Count de Penha Garcia thought that only the United States of America should be mentioned, the other States non members of the League of Nations, whose previous situation was not comparable with that of the United States, would be faced with an independent State subject to a normal regime.

M. VAN REES did not think the Commission could go so far as Count de Penha Garcia suggested. It would be different if the territory requested admission to the League. In such a case it would appear that, under the terms of the Covenant, the new State would have to sign all the general conventions concluded under the auspices of the League, but, so long as the new State did not request admission, the Council could not compel it to sign all the existing international conventions. This was precisely one of the reasons for the distinction made between the termination of the mandate and admission to the League.

COUNT DE PENHA GARCIA replied that in his report he had only dealt with the question of the cessation of the mandate, in accordance with the request of the Council. He had even contemplated a procedure independently of the entry of the new State into the League of Nations. The two questions were not necessarily connected. In any case the latter was not within the competence of the Commission.

He wished to insist on one principle which he regarded as essential—namely, the maintenance of peace, whether the new States entered the League of Nations or not. The acceptance of general international conventions by the new State would give a further proof that it had reached a sufficiently advanced stage of civilisation. Lastly, what harm would that acceptance cause to the territories in question? He did not know of any legal arguments which could prevent the Council from asking the new State to accede to the general international conventions to which it should subscribe.

M. RAPPARD referred to M. Ruppel's argument that Germany, in giving up her colonies under Article 119 of the Treaty of Versailles, had done so under the conditions laid down in Article 22. Personally, M. Rappard did not think this argument was well founded, but, if it were admitted, it would apply also to all the signatories of the Treaty of Versailles other than Germany. Those signatories would have declared that they renounced the right to share in the division of the territories in question, provided there was a mandate; they included States not represented on the Council, so that their position in this respect was worse than that of Germany. He repeated that in his opinion the argument was incorrect and that the cession had taken place unconditionally; but if the States in question adopted the point of view to which he had referred, they could maintain that they had not protested against the manner in which the former German colonies had been disposed of, because they knew that the territories would be placed under mandate and that they would enjoy equal economic rights in those territories. If the territories were now emancipated and provision were not made for the maintenance of this equality, was there not a danger that a mandatory Power might claim the emancipation of a territory precisely in order to evade this condition of economic equality? If there were no special provisions regarding economic equality, there was nothing to prevent the said Power, immediately after the establishment of independence, from securing from its former ward exclusive advantages which it could not previously have obtained. In such circumstances, the States in question which were signatories of the Treaty of Versailles might require that their consent should be obtained to the declaration of independence. The question therefore arose whether it was desirable to propose that there should be included among the conditions to be imposed on the territory the maintenance of economic equality.

The CHAIRMAN stated that this view was in accordance with that which he had always held, above all at the sixteenth session.

M. VAN REES thought that M. Rappard's argument was indefensible.

M. ORTS said that he personally had at first thought of including as a condition the maintenance of economic equality, but it seemed impossible permanently to impose on any independent State a particular economic regime.

The CHAIRMAN said that it was merely a case of preventing the ex-mandatory Power from securing exclusive advantages. The principle of equality had, up to the present, played a negative part against the mandatory Power in the exercise of the mandate system, in the sense that it assured to the nationals of the States Members of the League of Nations conditions which were neither better nor worse than those enjoyed by the nationals of the mandatory Power. The Chairman thought that in some form or other this basic situation should be safeguarded. He considered the existence of this principle as an acquisition on the part of the League of Nations in that its application could not but contribute as the Vice-Chairman had explained in his work, to the maintenance of world peace. He thought that the Mandates Commission in its capacity as an organ of the League could only do its best to ensure that this principle would be maintained within those reasonable limits which could be accepted from the point of view of international life.

M. RAPPARD noted that M. Orts had not replied to his objection. If it were desired to prevent the other States signatories of the Treaty of Versailles to whom he had referred from demanding that their consent be previously obtained, should not provision be made for the maintenance of economic equality?

Lord LUGARD pointed out that he had referred to this question in the last paragraph of his note.

M. VAN REES said that, if the Council declared Iraq independent and imposed certain guarantees, there was nothing to hinder the other Members of the League from giving their views.

M. ORTS added that, as the agenda of the Council was published in advance, any State Member of the League might submit its objections and even ask to appear before the Council when a question of particular interest to it was being discussed.

COUNT DE PENHA GARCIA said he had studied the question of economic equality and he did not find a single argument to convince him that, when a State was declared independent, it could be subject to such a principle as that of economic equality. The reason was very simple; when this principle had been introduced, the mandatory Power had been in mind and, with the disappearance of the latter, it was no longer necessary to maintain the principle. It would remain as long as the mandate.

M. MERLIN supported Count de Penha Garcia's observations and did not think that M. Rappard's apprehensions were well founded. If a mandatory Power took advantage of its position to obtain certain advantages, it would do this either before the emancipation of the territory, in which case the abuse would be apparent to all and would call forth protests from the parties concerned, or after such emancipation, in which case nothing could be said.

M. RAPPARD replied that it was precisely this second eventuality which might be contemplated; before the emancipation of the territory, the mandatory Power might negotiate with the representatives of the territory under mandate and set this price on its emancipation. England's action had not been essentially different when she retained the monopoly of officials in Iraq; a further monopoly such as that of military supplies might also be imagined; this would not actually constitute an abuse of powers, but it would be prejudicial to the other States signatories of the Treaty of Versailles of whom he had spoken. The real argument against the thesis which he had examined was that Article 22 provided for a temporary regime and that the States in question consequently could not make it a pretext for claiming a permanent right.

The CHAIRMAN again urged that his colleagues should immediately offer any suggestions which they had to make so that the discussion on the substance of the question need not be re-opened later. He understood that M. Rappard and himself were in agreement on the question of economic equality.

M. RAPPARD could not express a categorical opinion on this subject as, on reflection, the best argument against the principle of maintaining economic equality seemed to him to be that which he had last mentioned.

M. RUPPEL agreed with the opinion of the majority of the Commission; he did not think it was equitable to impose a unilateral obligation indefinitely on a country.

M. ORTS asked whether, in the text which he would submit to the Commission, he should confine himself to stating the conclusions without developing the arguments in support of them.

The CHAIRMAN replied in the affirmative. The arguments would be contained in the Minutes and in the reports annexed to them.

TWENTY-SECOND MEETING

Held on Tuesday, June 23rd, 1931, at 10.30 a.m.

Iraq: Examination of the Special Report on the Progress of Iraq during the period 1920-1931 (continuation): Form of the Commission's Report to the Council (continuation).

The CHAIRMAN submitted to the Commission three drafts of observations on the special report on Iraq, the authors of those drafts being respectively M. Van Rees, M. Rappard and the Chairman himself. They were as follows:

Text proposed by M. Van Rees.

"The Permanent Mandates Commission:

"Having examined the special report submitted by the mandatory Power on the progress made by Iraq during the period 1920-1931 and having heard the additional explanations given by the accredited representative of that Power;

"Is of opinion that it has received from the mandatory Power all the information it could require as to the present position of Iraq and the progress that country has made under the mandate regime.

"Having considered the document submitted to it by the mandatory Power and having regard to the formal declarations made by that Power and by its accredited representative to the effect that Iraq is capable of governing itself in complete independence, the Permanent Mandates Commission concludes that, in examining this material, it has found no objection that could be legitimately raised against the mandatory Power's assertion that Iraq is fit for self-government, and that consequently, in virtue of Article 22, paragraph 4, of the Covenant, the mandate under which that territory has been placed may be brought to an end."

Text proposed by M. Rappard.

"In the course of the present session the Commission had occasion to examine the mandatory Power's report on the progress made by Iraq between 1920 and the present day. This examination was of particular interest, inasmuch as the Commission enjoyed the help of Sir Francis Humphrys, the High Commissioner, and his chief assistant, Major H. W. Young, who gave very valuable particulars supplementary to those contained in the report.

"So far as its normal sources of information under its rules of procedure permit, the Commission is thus now in a position to express its views on the mandatory Power's proposal for the termination of the Iraq mandate. As soon as the Council has reached a decision as to the general conditions which must be fulfilled before a mandate can be brought to an end, the Commission will be ready to submit to the Council its opinion on the British proposal regarding Iraq, after examining that proposal in the light of the Council's resolution."

Text proposed by the Chairman.

"At the meeting of the Council held on January 22nd, 1931, the representative of the British Empire made the following declaration:

"With regard to the Mandates Commission's request to be furnished with fuller information concerning the degree of political maturity attained by Iraq, he could have wished that the Commission had specified with somewhat greater precision the actual points upon which fuller information was required. The British Government would, however, at once take steps to prepare a comprehensive report containing a review of the progress made in Iraq under the mandatory regime, a general exposé of the existing situation, and all the information which it considered likely that the Commission would wish to possess. In order, however, to assist the Mandates Commission to submit definite views on the subject to the Council after its session in November, his Government suggested that the report in question should be a special one which could be submitted in time for consideration by the Commission at its June session. The special report would not, of course, replace the annual report on Iraq for the year 1930, which would be submitted as usual for the consideration of the Commission at its November session.

"The procedure he had suggested would have the advantage that any deficiencies in the special report to which the Commission might draw attention in June could be remedied at its November session, either by the presentation of a supplementary report or by the oral evidence of the accredited representative. As soon as it was informed

that this procedure would be agreeable to the Permanent Mandates Commission, the British Government would proceed to the preparation of the special report.

"Some time before the opening of its twentieth session the Mandates Commission received a report entitled 'Special Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the progress of Iraq during the period 1920-1931'.

"The British Government accredited to the Commission for the examination of this report Sir Francis Humphrys, High Commissioner, and his chief colleague, Major H. W. Young, who, in reply to the questions asked by the Commission, have very kindly furnished the supplementary information desired.

"The Mandates Commission greatly appreciated the trouble which the British Government had taken to comply with the recommendation made by it at the close of its nineteenth session. It had found in the special report submitted to it most of the information which had been lacking hitherto, and which would enable it to prepare its opinion on the progress made in Iraq after eight years of the mandatory regime.

"During the session the accredited representatives gave information supplementing that report and stated that replies would be sent later to the questions raised by members of the Commission.

"Accordingly, the Commission is glad to be able to inform the Council that it did not note any particular omissions in the special report submitted by the mandatory Power.

"The Commission has every reason therefore to suppose that, at its session next November, it will be able, when so requested, to give an opinion as to the degree of political maturity attained by Iraq, so far as is compatible with the actual nature of its duties and with its rules of procedure and in the light of the necessarily limited material which it will have at its disposal."

The CHAIRMAN emphasised the importance which he attached to the last paragraph of his draft, which tended to bring out the very limited scope of the opinion which the Commission would, in due course, express as to the degree of political maturity attained by Iraq.

M. VAN REES feared that, in particular, the declarations contained in the fourth, fifth and sixth paragraphs of the Chairman's draft would give an unfortunate impression, owing to the fact that they might give rise to the impression that the Commission was sheltering behind a manifestly weak reason for refusing to give an opinion at once on the substance of the question. Every reader of the Minutes would, in fact, realise that the supplementary information mentioned in the draft and which related only to certain points of detail would not change in any way the opinion of those who had not yet been able to form one on the capacity of Iraq to stand alone.

He thought that the Commission could give its opinion on the question at once. The special report showing the progress of Iraq under the mandatory regime had been prepared for the Mandates Commission and with the sole object of enabling it to form an idea as to Iraq's political maturity, a question which it had discussed at length at the two previous sessions.

If the Commission, after having made every effort to obtain full information, itself recognised that Iraq might reasonably be regarded as capable of managing its own affairs without the assistance of a foreign authority, M. Van Rees thought it would be strange for the Commission merely to inform the Council, as was stated in the Chairman's draft, that it "did not note any particular omissions in the special report", and to stop there without coming to any conclusion. It was quite obvious that, if Mr. Henderson had recommended last January that the report should be examined at the June session and that the Commission's final opinion should be made known in November, he had expressed himself in that way, not because he thought it desirable to adjourn the Council's decision, but in all probability because he foresaw the possibility of the Commission not declaring itself fully satisfied in June with the information supplied in writing and orally through the medium of the High Commissioner. It was not conceivable that, if Mr. Henderson had been able to foresee that that information would satisfy the Commission, he would have insisted on the latter not stating its conclusion before November. There was no reason to attribute so strange an attitude to Mr. Henderson, an attitude for which Iraq would certainly not be very grateful to him.

Had the Mandates Commission any right, by refraining from drawing a logical conclusion from its findings, to risks involving Great Britain in such difficulties? Iraq had long been cherishing the hope that she would be released from the mandate in 1932, and would certainly expect something more substantial than a mere statement that the Mandates Commission was satisfied with the special report. Iraq was hoping for a further step forward and would fail to understand—and rightly so—like everyone else, why the Mandates Commission, though expressing its satisfaction at the information supplied, should not have been willing to deal with the substance of the question, which was obviously much more important to Iraq and to the world in general than the fact of the Commission being satisfied.

M. Van Rees could not see why the Commission should be obliged to lend itself to so incomprehensible an attitude, an attitude which, moreover, was capable of arousing in Iraq all kinds of unrest and suspicion. Was it because Mr. Henderson had been good enough to give it an opportunity of thinking over things until November? That excuse, he felt, would be somewhat futile. Was it because the Council had not formally expressed a desire to hear what the Commission thought as regards the political maturity of Iraq? That excuse did not seem to him to be much more deserving of consideration than the first, seeing that the Council was aware that the Commission at its sixteenth and nineteenth sessions had held lengthy discussions on the

question of Iraq's maturity, and that it was for the very purpose of dispelling any doubts that might still exist on the subject in the Commission's mind that, with the Council's approval, the special report which the Commission had just examined had been submitted. Lastly, was it afraid, if it expressed an opinion, of repercussions occurring in Syria and elsewhere which it desired to delay for some months? In that case, M. Van Rees could only say that the efficacy of such an expedient seemed to him doubtful, to say the least of it.

Such were the considerations that had inspired him in framing the draft observations submitted to the Commission.

The CHAIRMAN did not think the Council had asked the Mandates Commission to express a definite opinion. M. Van Rees had always maintained that it must not anticipate the Council's wishes. He would have no difficulty in supporting M. Van Rees if the Commission thought it should discuss immediately the question of the emancipation of Iraq. That was the point he wanted the Commission to settle.

M. VAN REES drew attention to the fact that under the terms of his draft the Commission did not state that Iraq was able to stand alone, but that its examination of the question had not disclosed any objection of such a nature that it could be legitimately used to contest the statement of the mandatory Power that Iraq was able to stand alone. M. Van Rees had presented his explanatory details on this point at a previous meeting when he had maintained that it was not for the Commission to assume a responsibility which belonged only to the Mandatory, the sole judge and the sole authority which was in a position to take a decision with full knowledge of the facts.

M. RAPPARD thought that the Commission was not required to give a definite opinion immediately. He agreed, however, with M. Van Rees that it was preferable not to advance, in explanation of its postponement of the question, reasons which were manifestly inadequate. His personal view was that the Commission was justified on several grounds in not expressing an opinion immediately. In the first place, the Council had not asked it to do so. Secondly, by giving a premature reply the Commission might be doing a disservice to other mandatory Powers, which would undoubtedly feel the repercussions of the termination of the mandate in Iraq. Thirdly, the Council had asked the Commission for its opinion as to the general conditions required for the termination of the mandate regime in any country placed under that regime. It was necessary to wait, before giving an opinion on Iraq, until the Commission had defined those general conditions and the latter had been sanctioned by the Council. Lastly, the Commission would no doubt be tempted to formulate conditions for the termination of the mandate over Iraq. It was, however, quite obvious that those conditions must depend on the general conditions required for the termination of a mandate, and on that point it was essential to have the Council's opinion.

M. RAPPARD thought that the text which he had himself submitted embodied the views expressed during the Commission's discussion of the subject. He would suggest, however, a slight amendment at the beginning of the second paragraph, in order to take into account the idea put forward by the Chairman in the last paragraph of his draft.

Lord LUGARD observed that according to M. Van Rees's text the Commission had found "no objection that could legitimately be raised against the mandatory Power's assertion . . ." He was not prepared to accept that statement before the Commission had determined the general conditions to be laid down for the cessation of the mandatory regime. He again repeated that in his opinion it was indispensable first to settle the question of principle and then to proceed from the general to the particular.

He further drew attention to the passages in the same paper to the effect that Iraq was in a position to govern itself in complete independence. He pointed out that the question of Iraq's independence was not before the Commission. It was already laid down in the Iraq Constitution (Article 2) that Iraq was a sovereign, free and independent State.

He entirely agreed with the text proposed by M. Rappard.

M. ORTS shared the opinion expressed by M. Rappard and Lord Lugard and was also in favour of the text proposed by the former.

He pointed out, however, that if the Commission were prepared to say that it saw no objection to the cessation of the mandates system in Iraq, it was indispensable to state that its acceptance of this conclusion was subject to the approval by the Council of the general conditions which the Commission might fix for the cessation of a mandate, and the acceptance by Iraq of those conditions.

Finally, M. Orts considered that, as the Commission had not, up to the present, been invited to give its opinion, it would be desirable for it to withhold it until the time when its reply was awaited. However improbable it might be events might occur between the present time and November next which might be of such a character as to modify the opinion of the Commission.

M. RUPPEL said he would have no objection to the cessation of the mandate for Iraq subject to the conditions to be imposed on the new State. But he agreed with a number of speakers that the Commission was not called upon to give its opinion immediately.

M. SAKENOBE was convinced by his study of the special report and the additional information supplied by the accredited representative, that Iraq was ready for emancipation. As, however, the Commission had decided that the general conditions for the cessation of a mandate should first be fixed, he thought it would perhaps be premature to formulate its view until the conditions in question had been determined. He agreed accordingly with the majority.

M. MERLIN thought it did not matter at the moment whether the Commission was quite clear on the question of the cessation of the mandate for Iraq. The important point was that it was not called upon to give its opinion immediately. The study of the general conditions for the cessation of the mandatory regime, as M. Rappard had pointed out, was proceeding. Until these conditions had been determined by the Commission and sanctioned by the Council, it would be difficult for the Commission to say that Iraq could be relieved of mandatory guardianship. It might be that the Council or the Commission itself would lay down conditions which would not be realised in Iraq, and in that case the Commission would find itself in a false position.

He therefore thought it opportune not to give an opinion for the present, and he agreed entirely with M. Rappard's draft observations, which he considered excellent both as regards the form and the substance.

Lord LUGARD asked whether if the Commission waited for the Council's approval of the general conditions for the cessation of the mandatory regime which the Commission would formulate during the present session there would still be time for the Commission to reply regarding Iraq at its November session since Iraq was expecting to be recommended in 1932 for entry into the League.

M. RAPPARD replied to Lord Lugard that there would be no delay, since the Council met in September and the Mandates Commission in the following November. The procedure proposed was therefore perfectly feasible.

M. VAN REES confessed that he preferred his own draft.

It had been said, during the discussion, that it was essential to wait until the general conditions for the cessation of a mandate had been fixed before the Mandates Commission could express an opinion on the question of the emancipation of Iraq. Were these two questions, however, really closely connected? In M. Van Rees' view they were, on the contrary, quite distinct. The declaration that Iraq had attained a sufficient degree of political maturity concerned the past. The guarantees to be required of an emancipated Iraq concerned the future. It must not be forgotten, moreover, that in the same report to the Council the Commission would formulate the conditions to be imposed on any State liberated from the guardianship of the mandate.

It had also been objected that the Council had not formally asked the Commission to state its opinion. M. Van Rees had already explained, on a previous occasion, why he did not think that the Council had intentionally omitted to make this request.

Furthermore, it seemed to him to be an exaggeration to suppose that the Commission would be showing a lack of courtesy to the Council if it said what was the logical result of the examination it had been asked to make.

He accordingly maintained the views he had put forward, the direct and logical expression of which was to be found in the wording he had proposed.

The Commission adopted unanimously, with one dissentient vote,¹ the following draft observations :

" In the course of this session the Commission had occasion to examine the mandatory Power's report on the progress made by Iraq between 1920 and the present day. This examination was of particular interest, inasmuch as the Commission enjoyed the help of Sir Francis Humphrys, the High Commissioner, and his chief assistant, Major H. W. Young, who gave very valuable particulars supplementary to those contained in the report.

" So far as its normal sources of information permit, the Commission is thus now in a position, to the extent compatible with the nature of its functions and its procedure, and subject to the information which has been promised to it, to express its views on the mandatory Power's proposal for the termination of the Iraq mandate. As soon as the Council has reached a decision as to the general conditions which must be fulfilled before a mandate can be brought to an end, the Commission will be ready to submit to the Council its opinion on the British proposal regarding Iraq, after examining that proposal in the light of the Council's resolution."

General and Special International Conventions applied to Territories under Mandate: Report by M. Orts (Annex 4).

M. RUPPEL observed that the tables submitted to the Commission were not quite complete. For example, the list of Conventions concluded under the auspices of the League of Nations did not include the International Convention for the Abolition of Import and Export Prohibitions and Restrictions, the International Convention relating to Economic Statistics, or the International Convention for the Suppression of Counterfeiting Currency. Of the Conventions concluded under the auspices of the International Labour Office only one was mentioned.

The CHAIRMAN suggested that the Secretariat should look into the points to which M. Ruppel had drawn attention. A text would have to be drawn up for insertion in the report to the Council.

The conclusions of M. Orts' report were adopted with some drafting amendments and subject to the Chairman's observations.

¹ One member of the Commission dissented from the above statement (see Minutes of the present session, pages 142-143 and 148-150).

TWENTY-THIRD MEETING

Held on Wednesday, June 24th, 1931, at 10.30 a.m.

Conventions regulating the Transit of Mineral Oils of the Iraq Petroleum Company, Limited, through the Territories of Syria and the Lebanon (*continuation*).

The CHAIRMAN said that he had a copy of the Conventions between Syria and the Lebanon, on the one hand, and the Iraq Petroleum Co., on the other, which had been handed to him by the representative of the mandatory Power for Syria; these texts could be consulted by any members of the Commission interested in the question. The accredited representative of the mandatory Power for Syria would be prepared to give the Commission any explanations.

South West Africa: Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning South West Africa under the mandate of the Union of South Africa (Annex 16).*

Iraq: Various Petitions emanating from Kurdish Sources: Report by M. Rappard (Annex 10).

The Commission approved the Rapporteur's conclusions, subject to certain modifications in regard to details.

Syria and Palestine: Petition, dated December 12th, 1930, from Mrs. Evelyn Evans, in the Matter of the Syria-Ottoman Railway Company: Report by M. Ruppel (Annex 15).

The Commission adopted the conclusions of the Rapporteur with some drafting amendments.

Palestine: Memorandum, dated April 30th, 1931, on the Development of the Jewish National Home in Palestine in 1930, submitted by the Jewish Agency: Report by M. Ruppel (Annex 12).

The Commission adopted the Rapporteur's conclusions.

Iraq: Letter, dated May 21st, 1931, from Mr. A. H. Rassam.

M. VAN REES had previously submitted to the Commission, in his capacity as acting Chairman, the question of the nature which was to be attributed to Mr. A. H. Rassam's letter, dated May 21st, 1931. The Commission after discussion and on the proposal of M. RAPPARD, *decided that the letter should be sent to the mandatory Power for its observations.*

Iraq: Letter, dated May 5th, 1931, from Mr. A. H. Rassam, containing Observations relating to Certain Statements made in November 1930 by Major H. W. Young, Accredited Representative for Iraq.

The CHAIRMAN having submitted to the Commission the question of the nature to be attributed to Mr. A. H. Rassam's letter, dated May 5th, 1931, the Commission decided, after discussion and on the proposal of M. RAPPARD, *that Mr. Rassam's letter should be transmitted to the mandatory Power for its observations.*

Review of Press Comments relating to the Work of the Mandates Commission and the Work of the Council and Assembly in regard to Mandates.

M. CATASTINI said that, for some years past, the Mandates Section had prepared and distributed twice a year, to members of the Commission, a review of Press comments relating to the work of the Commission and the work of the Council and Assembly in regard to mandates.

At its eighteenth session, the Commission had decided, as a measure of economy, that the Mandates Section should in future forward only a list of the various articles received, with an indication of their contents. The Commission had decided further, that all Press cuttings received should be kept in the Mandates Section and that only two or three articles should be distributed

each year. In conformity with this decision, a list of articles was distributed during the nineteenth session of the Commission, in November 1930.

The Secretariat realised that this system, which was introduced for reasons of economy, presented certain drawbacks. On the one hand, the complete list of Press articles on mandates was bound to be unduly extended, owing to the large number of trivial articles and of articles which were often identical; on the other hand, it was difficult for members of the Commission to consult the file of Press cuttings owing to the fact that there was only one copy.

The Mandates Section had accordingly endeavoured, since the close of the last session, to communicate regularly to all members of the Commission, together with the monthly distribution of information relating to mandates, any important articles dealing with the work of the League of Nations in this particular sphere. The list of articles which had not been reproduced would thus mention only unimportant comments or comments of a very trivial character. He ventured to enquire, therefore, whether the Commission still wished the Secretariat to forward that list.

The Commission decided not to continue the list in question.

Review of Arab Press.

Lord LUGARD asked whether there was any point in continuing to draw up the review of the Arab Press. That information, in the nature of things, could only be communicated very late and was by that time out of date. Moreover, the views of those newspapers, a large number of which reached members of the Commission, were generally so tendentious that they could hardly be taken seriously into consideration.

M. CATASTINI, replying to a question by M. Rappard, explained that it was materially impossible to expedite the distribution to members of the Commission of the list of articles in question, which was drawn up by a well-known Paris expert for the special use of the Mandates Section.

The Commission decided that it was unnecessary to continue this review.

Date of the Next Session of the Commission.

After discussion, *the Commission decided that, in principle, its next session should open on October 26th, 1931.*

TWENTY-FOURTH MEETING

Held on Wednesday, June 24th, 1931, at 4 p.m.

Syria and the Lebanon: Questions raised as a Result of the Hearing given to the Accredited Representative.

M. de Caix, former 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.

The CHAIRMAN thanked M. de Caix for kindly consenting again to come before the Commission, which desired to obtain some further information from him.

PROCEDURE CONTEMPLATED BY THE MANDATORY POWER WITH A VIEW TO THE CONCLUSION OF TREATIES WITH SYRIA AND THE LEBANON.

M. RAPPARD recalled that M. de Caix had spoken in his statement of treaty intended eventually to replace the mandate. The Commission had raised the question whether the mandatory Power contemplated the conclusion of a treaty, not only with Syria, but also with the other political entities of the mandated territory.

M. DE CAIX stated that the mandatory Power had always had the intention of concluding, on the one hand, a treaty with Syria and, on the other, a treaty with the Lebanon. He pointed out that these two States were expressly mentioned in the mandate. There was only one mandate but, in reality, it was a dual one, as it applied to two distinct countries.

M. RAPPARD pointed out that, if one treaty were concluded with Syria and another with the Lebanon, neither of them could be applied to Latakia, to the Sanjak of Alexandretta or to the Jebel Druse.

M. DE CAIX pointed out that Alexandretta was a Syrian province enjoying a certain measure of autonomy. The treaty with Syria, therefore, would apply to Alexandretta, the Syrian Government having to respect the status of the Sanjak, which, to a certain extent, had an international bearing. On the other hand, the treaty with Syria would not apply to the Jebel Druse or to Latakia, autonomous provinces for which special arrangements should be contemplated for the future.

M. RAPPARD noted that France contemplated the conclusion of a treaty with the Lebanon, but that there was no question of it in the letter addressed by M. Ponsot to M. Briand.¹ The Commission had merely been notified by M. de Caix of an intention on the part of the French Government. If M. Rappard was not mistaken, the treaty which would be concluded with Syria would apply subsidiary to the Sanjak of Alexandretta.¹

M. DE CAIX pointed out that this treaty would apply, *ipso facto*, to the Sanjak of Alexandretta, subject to the rights which it possessed.

M. RAPPARD concluded from the information given that two parts of the territory under mandate—the Jebel Druse and Latakia would remain unbound by the treaties.

He wished to ask a second question. The report and letter from M. Ponsot to M. Briand, together with M. Briand's letter to the League of Nations,¹ mentioned a treaty relating to Syria which was intended to define the conditions of applying the mandate with a view to taking into account the development accomplished and the progress attained. M. de Caix had spoken of future development of the situation. M. Rappard asked if it could be understood that the treaty in question merely aimed at fixing a new method of applying the mandate or whether it had any other object.

M. DE CAIX replied that the terms of the treaty were not yet fixed, and that it was not therefore possible to indicate its exact scope. It was conceivable that this treaty would serve to apply the mandate while preparing at the same time for the future regime or that it would refer only to the latter. In other words the basis of the treaty might be very similar to that of the Anglo-Iraq Treaty or it might cover both the intermediary period and the post-mandate period.

M. RAPPARD pointed out that M. Ponsot and M. Briand spoke of a treaty intended merely to change the method of application of the mandate. M. de Caix spoke of two other possibilities. There were, therefore, three possibilities, among which that mentioned in the two aforesaid letters would lapse; the question involved was whether the future treaty would be in accordance with the intentions of M. Ponsot and M. Briand, while preparing for a still more developed State, or whether it would merely define the relations between France and these territories without reference to Article 22 of the Covenant.

M. DE CAIX replied that the treaty might refer to the post-mandate period.

M. RAPPARD asked M. de Caix if he considered that the Mandates Commission was from that moment informed by the mandatory Power of its intention to terminate the mandate.

M. DE CAIX thought that this was a very delicate question. The mandatory Power had not expressed its intention of terminating the mandate on a certain date; the statements made by its representatives only indicated a possibility which would certainly be realised before very long.

M. RAPPARD asked whether this possibility applied only to Syria or if it also included the Lebanon.

M. DE CAIX replied that in general it included both States.

M. RAPPARD concluded that negotiations were undertaken at the same time with Damascus and with Beirut; these negotiations might result in two treaties, each establishing the post-mandate relations between France and the two territories respectively.

M. DE CAIX pointed out that no negotiations had been undertaken; the mandatory Power was merely studying the provisions of possible treaties.

M. RAPPARD noted that M. de Caix was not speaking in his own name but as the accredited representative of the mandatory Power.

CONVENTIONS REGULATING THE TRANSIT OF MINERAL OILS OF THE IRAQ PETROLEUM COMPANY, LIMITED, THROUGH THE TERRITORIES OF SYRIA AND THE LEBANON (*continuation*).

M. RAPPARD pointed out that the report on Palestine and Transjordan contained the text of a Convention between the Iraq Petroleum Company and Palestine relating to Iraq petroleum. As M. de Caix had mentioned the conclusion of a similar convention for Syria, the Commission had asked that it might be supplied with a copy. There were, in fact, two Conventions which, though not identical, were very similar. He asked whether the outlet of the pipe-line on the Mediterranean would be in Syria or in the Lebanon?

M. DE CAIX replied that it would be in the Lebanon. He pointed out that he had at the same time as the Convention concluded with Syria communicated to the Commission the Convention concluded with the Lebanon. The two Conventions were, moreover, exactly similar.

¹ See document C.352.1930.VI.

M. RAPPARD said the Conventions interested the Commission for two reasons. In the first place, because they made all kinds of exceptions to equality under the law; the Company in fact received the benefit of a fiscal position which was in every way privileged. The Conventions also interested the Commission, because the question might be raised whether all the concessions granted to a foreign company had been exclusively in the interest of the territories. M. Rappard realised that this question arose still more directly in respect of Palestine under the British mandate than of the two territories under French mandate.

He drew M. de Caix's attention to two passages in these Conventions which seemed to him somewhat contradictory. The first was worded as follows:

[*Translation.*]

"The duration of the concession shall be for 70 years from the date of the signature of the present Convention.

"If the Company foresees that, on the expiry of the said period, it will still have petroleum from Iraq or from any other source, to forward in transit through the territory of the State and if it submits a request to renew the present Convention within at least six months before the date of expiry of the said Convention, the Government undertakes to examine this request with the greatest sympathy and with the desire to grant the Company the renewal of its concession on the conditions which are most reasonable at the time."

On the other hand, a few paragraphs later, the following text appeared:

[*Translation.*]

"On the expiry of the said period of 70 years or if notice of abandonment is given after the expiry of 25 years from the date of signature of the present Convention, the rights granted to the Company by this Convention shall be cancelled, and the entire pipe-line, the pumping-station, storage tanks and other immovable property, situated in the territory of the State and used for the Company's operations, shall become the property of the Government without any compensation."

M. Rappard concluded from these paragraphs that, on the one hand, the Company might have the firm hope in 70 years of obtaining the renewal of its concession. On the other hand, the case was not the same with the second quotation. This second passage appeared to justify perhaps the concessions granted to the Company, while the first passage seemed completely to deprive Syria of any future advantage from these concessions.

M. DE CAIX, like M. Rappard, had been struck by these two passages, but he thought means could be found to reconcile them. The first passage provided for an application by the Company for the renewal of its concession. The second passage provided for the possibility that the Company, for any reason, might not request the renewal of the concession. If it applied for renewal, the reason for granting the concession still held good—namely, the existence in Iraq of petroleum which it was profitable to export through the territories at present under French mandate. In this case, the States under mandate might have no interest in taking the material which they could only put to the same use.

M. RAPPARD concluded that, if the Company were interested in the prolongation of the concession, it was assured of such prolongation. In fact, the concession would only be withdrawn when it had lost all value.

M. DE CAIX said he could not see what interest the States now under mandate could have at the time when the contract expired, in preventing the oil from leaving the country—that was to say, in taking over all the Company's material. It must not be forgotten that the oil did not originate in the territories under French mandate but in Iraq, and that it was therefore the Company holding the concession for the oilfields which could convey it to those territories. The only thing the States under mandate could do was to authorise or refuse to authorise the passage of the oil through their territory.

M. RAPPARD said the States under mandate could fix what conditions they pleased.

M. DE CAIX agreed. He added that he had not said that, on the expiration of the concession, it would be renewed in the same terms. It was probable and indeed certain that, as soon as the Company began to do well, and it asked for the renewal of the right of passage, the Syrian and Lebanese fiscal administrations would assert their rights.

M. ORTS said that it appeared from Article I of the Convention that it was a question of a concession. He asked M. de Caix to explain how he reconciled Articles IV, V, XII and XIV of the Convention in question with Article II of the Mandate for Syria and the Lebanon.

Article IV provided for exemption from import taxes with an exception in the case of such mineral products as the Company made available for local consumption. Article V accorded the same exemptions for supplies and material, with an exception in the case of supplies sold by the Company inside the country. Article XII gave the Company very extensive exemptions from taxation (income tax and land tax). Article XIV gave the Company reduced railway rates on existing lines and left the Company the exclusive use of its own lines.

Article II of the Mandate for Syria and the Lebanon, however, required that:

"Concessions . . . shall be granted without distinction of nationality between the nationals of all States Members of the League of Nations . . . provided that this does not involve either directly or indirectly the creation of a monopoly of the natural resources in favour of the Mandatory or its nationals, nor involve any preferential treatment which would be incompatible with the economic, commercial and industrial equality guaranteed above."

That sentence appeared to be applicable to the case before the Commission. He asked M. de Caix whether he considered that the provisions of the Convention to which M. Orts had referred, giving the concession-holder exceptional advantages over and above that of obtaining the concession itself, were not incompatible with the provision he had quoted of Article XI of the mandate ?

M. Orts did not think that M. de Caix would argue that Article XI referred to concessions for the development of natural resources. If the authors of the mandate had in fact been in a position to foresee that concessions for the development of the natural resources of a neighbouring territory might be granted, it was probable that, in their anxiety not to grant any privileges, they would have applied the same provisions to concessions of this particular kind. Further, it might be granted that the present concession was in fact exploiting a natural resource of the country, that was to say, the resource resulting from a geographical situation which made the territory the most favourable outlet for the oil-fields of Iraq.

M. DE CAIX was himself convinced that the Conventions concluded between Syria and the Lebanon and the Iraq Petroleum Company, Ltd., did not infringe the principle of economic equality. This might happen in the present case in two ways: in the first place, if the Conventions promoted the sale in the country of one oil to the detriment of others. Such was not the case, however, since under the terms of Article IV it was expressly provided that the Company would pay on the oil sold in Syria the same taxes, including duties on importation, as any other Company selling oil in the country.

Economic equality might also be violated if the Company were given a monopoly of the exploitation of the natural resource to which M. Orts had referred, when speaking of the geographical situation of the territory under mandate.

No doubt the Company was being given great advantages: but there was no article in the Conventions which excluded from those advantages any other company desiring to construct a pipe-line. The possibility of the transport of oil extracted by another company submitting similar conditions was not in any way excluded; the principle of economic equality could only be infringed if the concession to transport oil through the country was reserved to a single privileged company. This was in no way the result of the Conventions concluded with Syria and the Lebanon.

M. ORTS thought M. de Caix would admit that the advantages given to the concessionary Company exceeded the limits of common law. M. de Caix appeared to consider that the conditions of this concession did not infringe any provision of the mandate. Must it be concluded that the mandatory Government was of opinion that it could multiply in the territories under its mandate concessions of various kinds to foreign nationals, concessions which would have the same advantages beyond the limits of common law ? In other words, did the mandatory Government consider that it was possible to have in the country a special class of undertaking which was exempted from common law and enjoying privileges in matters of such importance as the application of taxation laws and Customs tariffs, without infringing the system known as economic equality ?

It was very probable that the mandatory Power would not be asked to grant any other concession for a pipe-line. It was not possible to picture the sub-soil of Syria traversed by several parallel pipe-lines from Iraq to the Mediterranean; but the advantages given to one concession-holder might also be given to others and it was possible to imagine a number of concessions for other purposes for which other privileges might just as well be claimed.

M. DE CAIX replied that the advantages given to the concession-holder might go beyond common law, but they were not without analogy in the shape of the advantages granted to all new industries established in mandated territories. New industries were given freedom from Customs duties for their equipment and sometimes even for their raw materials. Similarly, educational establishments were exempted from Customs duties on the supplies they required. The precedent thus created was merely extended in the case of the Iraq Petroleum Company. M. de Caix added that there was no reason to fear that the number of concessions enjoying the same privileges would be increased. Apart from a concession for oil, what other concessions would Syria and the Lebanon have an interest in granting on such advantageous terms ? Other industries could be attracted to the country without the benefit of the same exemptions and the same advantages. Such a matter must not be judged only from the purely legal standpoint. It must be remembered that the Syrian territory had been obliged to grant to the Iraq Petroleum Company equal rights with those granted by a neighbouring territory; otherwise the country ran the risk of seeing its geographical advantages neglected.

M. ORTS observed that it might then have been the bad example of others, which, in this particular case, had determined the policy of the mandatory Government.

M. DE CAIX did not think it could be said that, even in following a bad example, the principle of economic equality had been infringed. This could only happen in the event of a refusal to grant an identical concession to another oil company established in Iraq on the same conditions as those applying to the Company with which Syria and the Lebanon had negotiated. In the present case it was not the principle of economic equality but the fiscal administrations of Syria and the Lebanon which had had to submit to derogations and apparent sacrifices.

M. ORTS said that such criticism would presumably be addressed to the mandatory Government.

M. DE CAIX agreed that the criticism might be made: but he thought it was a matter of appreciation and that it was necessary to take account of the facts.

In view of the interest of the native population in having the pipe-line brought across the territory, it was probable that the Government of those countries would have granted the concession

even if the mandatory authorities has not been there to carry out the negotiations. In reality neither the Lebanese nor Syrian State had suffered any loss. They merely refrained from taxing a source of riches which the country would not have if it did not attract it there by offering as good terms as could be found elsewhere. Even apart from direct taxes, the passage of the oil would benefit the Syrian and Lebanese Treasuries. If the country had not granted sufficiently satisfactory conditions to ensure that the pipe-line would be installed in the territory, Syria and the Lebanon would have been still less capable of taxing the oil. Was it better to benefit less from a source of riches and attract it to the territory or to try to benefit more and see the wealth go elsewhere? That was the whole question.

M. ORTS said that, according to M. de Caix, there would be no violation of economic equality unless another Company with the same business aim was refused a concession on the same terms. He wondered, however, whether the principle of economic equality did not apply in the case where a company which asked for a concession other than a concession for a pipe-line were refused particular advantages. It was possible to imagine a number of privately owned undertakings, which, in order to obtain the same privileges, would be prepared to maintain that their activities created new wealth in the country. That might well apply to any undertaking of a kind not hitherto represented in the country, or any undertaking seeking to develop a new form of cultivation. The precedent created in favour of the Iraq Petroleum Company might have far-reaching consequences unless an arbitrary situation were maintained and advantages granted to one and withheld from another without regard to the principle of equality.

M. DE CAIX did not hesitate to reply that the advantages granted to the Iraq Petroleum Company would certainly be refused to companies established for other purposes. The advantages in question had been granted to that Company in order to encourage an industry which would not exist in the territories under mandate if certain concessions had not been made. All that could be required in the name of commercial equality was that the same advantages should be granted to all other companies engaged in the same industry. But while the mandatory Power had done everything which it thought necessary to attract to the territories under mandate, this new industry which had special requirements that did not mean that, by this very fact, it had undertaken and would be bound to grant identical advantages to other industries. All that could be demanded was that it should offer the same advantages to industries of the same kind.

M. de Caix recalled that M. Orts had taken as an example the introduction of a new cultivation. All the companies concerned in such a venture must clearly receive the same treatment. For instance, fiscal exemption might be granted for a few years in order to encourage this new culture; the principle of economic equality did not seem to require that an agricultural company should enjoy the same advantages as a petroleum company.

M. ORTS wished to ask M. de Caix a last question which might seem to him unexpected. He would like to know whether the mandatory Power considered that, in pursuing its business of sending petroleum through the territory, the Iraq Petroleum Company was performing an essential public service.

M. DE CAIX considered that this question was rather subtle. It could not be said that a pipe-line conveying oil from the entry to a country to its exit was a public service. It could only be considered as such if certain articles of the Convention were realised—for example, those granting the right to construct a railway which could be opened to the public under certain conditions, a railway, moreover, which the Company would have to construct at its own expense, as the Commission would certainly have noticed, seeing that there was nowhere in the Conventions any question of contributions from the finances of the territory under mandate. In view, however, of the result which, rightly or wrongly, was expected from the transit of the petroleum, while this could not be called a "public service", it could, at any rate, be called a service of public utility; if it had not had this character, the company would not have been granted so many exemptions. It was not, however, a public service within the usual meaning of the word.

M. ORTS asked whether the works for the construction of the pipe-line could be considered as essential public works.

M. DE CAIX replied that there was no question of public works properly so called. The enterprise in question was considered to be of great interest to the territory, an interest which in some circles had been regarded as essential.

The CHAIRMAN enquired under what law the mandatory Power would be able to proceed to expropriate landowners who might be required to hand over ground for the passage of the pipe-line.

M. DE CAIX replied that it was a common practice to require landowners to construct pylons on their property for the distribution of electricity, which was a public utility service. Accordingly, he could not see why, if the country really hoped to derive benefit from the passage of the oil through its territory, certain expropriations could not be made to ensure it. Such a Convention, moreover, should not be considered from a purely legal standpoint, but should be in relation to the social and geographical circumstances of the country. In the case in point the mandated territory included some 400 to 500 km. of land from the frontier of Iraq to Tripoli. The land for certainly three-quarters of the distance was absolute desert, so that there was not much risk of inconveniencing many landowners if the pipe-line were carried through their property.

The country between Homs and Tripoli, which was cultivated, and even the immediate outskirts of Tripoli was such that, apart from the gardens, the passage of the pipe-line could not give rise to any serious inconvenience. Even if the proposed expropriations might raise an interesting legal question, there was no practical difficulty.

The CHAIRMAN noted that M. de Caix had said that the case constituted an exception to common law.

M. DE CAIX agreed, and pointed out that the advantages granted reflected the necessity for Syria to make certain sacrifices in order that the pipe-line might be laid through the territory. It was not an exceptional case. Similar action was always taken when it was desired to set up certain industries in any country. Sometimes, in order to ensure the establishment of an industry in a country, it was sufficient to grant Customs exemption on the boilers or necessary machinery. In other cases, the exemptions had to be more considerable. The Government granted them in proportion to the benefits it anticipated from the creation of an industry and which seemed to it to compensate largely for the advantages accorded.

COUNT DE PENHA GARCIA observed that M. de Caix had recognised that the Mandates Commission might feel some anxiety as to whether the interests of the territory had been adequately protected. He had said that Syria had been placed in a somewhat difficult position owing to the fact that a Convention already existed with a neighbouring mandated territory. Count de Penha Garcia would be interested to know whether the two mandatory Powers concerned had first come to an understanding, with a view to defending the interests of the two territories against those of the Iraq Petroleum Company, and whether negotiations had taken place between the two Governments, in order to obtain the maximum advantages for the respective territories.

M. DE CAIX said that it would be impossible for him to say what had been the minimum concessions required to ensure the laying of the pipe-line. It did not seem that there had been any understanding between the two mandatory Governments with the idea of making the Iraq Petroleum Company pay as high a price as possible.

M. RAPPARD thought it regrettable for the mandated territories that there should have been two countries and only one company. If there had been one mandated territory and two companies, the country would have been master of the negotiations to such a degree that it might even have been able to impose a right of passage on the oil.

He wished to go further into the question raised by Count de Penha Garcia. He suggested that the policy followed by the mandatory Power in Palestine might lay it open to the suspicion of having subordinated the interests of its ward to its own interests, seeing that the Company was of the same nationality as the mandatory Government.

He recognised that the position was not quite the same for France. He understood, however, that the mandatory Power was not indifferent as regards either the fate of the Company or that of the pipe-line. It was not indifferent to the fate of the Company owing to the capital involved. Nor was it indifferent to that of the pipe-line as it might be in the national interests of the mandatory Power, apart from the interests of the mandated territory, to allow the mandatory Power to have under its political control an oil port in the Mediterranean.

There was a last and interesting question which the Commission could not ask the accredited representative of Great Britain, as Great Britain administered Palestine directly, whereas in the case of Syria and the Lebanon there were local Governments which accepted the advice and assistance of a Mandatory. He would like to ask M. de Caix whether the local Governments, which were actuated entirely by local interests, had in that particular case lent a willing ear to the counsels of the mandatory Power.

M. DE CAIX stated that it was not for him to discuss any particular reason for which the mandatory Power desired that the oil should reach one of the ports of the territory under mandate, or how its attitude had been influenced by economic interests and the rather sporting idea of doing as well as the neighbouring territory. Local public opinion, both Syrian and Lebanese, was very anxious that the pipe-line should be installed. As regards the Governments a distinction must be made; the Government of Syria, which was a provisional Government set up by the High Commissioner, did not possess the same right of criticism as a Government with an elected Parliament. In the Lebanon, however, where such a Government did exist, there was a very strong feeling in favour of the oil being brought to Tripoli, and the population of Tripoli in particular was very attracted by this prospect. The Convention had been ratified without difficulty and with a satisfaction which was specially apparent among the inhabitants of Tripoli, who, however, had been more accustomed to finding fault with the mandatory authorities than giving evidence of their contentment.

M. VAN REES only wished to ask one question. He would like to know in what way the accredited representative regarded the profit which the territory under mandate would derive from the concession granted to the Iraq Petroleum Company.

M. DE CAIX pointed out that an immense sum would be spent, apart from the actual purchase of the material, for the laying of the pipe-line. Labour gangs would be working in the desert, where so far there had been absolutely no demand for labour. Later on there would have to be gangs for the upkeep of the pipe-line, since it appeared that part of it would have to be inspected every year. As a result money would remain in the country in the form of wages. In addition, an oil-refinery would probably be set up at Tripoli for domestic consumption in Syria and the Lebanon. This would employ a certain number of workers. He had heard from persons competent to express an opinion, who would not be likely to exaggerate the importance of the pipe-line to the country, that several thousands of workers would find a means of livelihood as a result of the activity which would be the outcome of the existence of the pipe-line.

M. RAPPARD had a question to ask as to the circumstances of the negotiations which had resulted in the two Conventions. Those Conventions were practically identical and even contained the same odd statements. In the French text, for example, the following sentence occurred:

“ tous objets ou matériaux *importés* ou *exportés* par les employés de la compagnie..... seront assujettis aux droits *d'importation* en vigueur”. He had consulted the English text and found that even on this point the two texts were identical.

M. DE CAIX was glad to note that the drafting error was due to the initiative of the English authors of the first Convention not to the French authors of the second.

M. RAPPARD observed that he had pointed out the mistake, not from any satisfaction at having discovered it, but in order to determine how the negotiations had been carried out. M. de Caix had just supplied him with an answer, and it could be deduced from his remarks that, in the first place, negotiations had been instituted between Palestine and the Iraq Petroleum Company. He imagined—though he would like to be further enlightened on the point—that, armed with that draft Convention, the Company had then presented itself in Syria and the Lebanon, quoting the advantages obtained from Palestine and asking whether the territories under French mandate were prepared to grant it similar advantages.

M. DE CAIX could not give a definite reply, as he was not familiar with the development of the whole negotiations. It certainly appeared that the scheme had originated in Palestine and one fact must not be forgotten—namely, that the Convention concluded with Palestine was dated January 5th, and those concluded with Syria and the Lebanon March 25th.

M. RAPPARD directed M. de Caix's attention to the significance of that point. The dates of the signature of the agreements were certainly important, but not decisive. If it were possible to convince the Commission that the British mandatory Power had had to accept whatever terms the Company offered, in order to ensure the laying of the pipe-line that would explain the concessions made. But it was also conceivable that the negotiations might have been opened long before the conclusion was reached, and that the Company had made a point of being able to say in Jerusalem or in London: “ That is what the French are offering us ”.

M. DE CAIX replied that he was not sufficiently familiar with the history of the negotiations to be able to reply. He had not thought to enquire where the text had been prepared. He would merely say that, had he been responsible, he would have signed the Convention with a clear conscience. It cost the territories nothing. All that could be said was that there would be a lack of benefits, because no provision had been made for the payment of transit duties.

M. RAPPARD thought that the benefits lost were enormous, and even greater if account were taken of the exemptions that had been granted.

M. DE CAIX agreed, but repeated that the question was to ensure that the territory under French mandate should profit from riches over which it had no control. Nothing was being taken from the territories. The most that could be said was that the territories had not been assured of obtaining sufficient from a source of wealth which they did not possess.

Mlle. DANNEVIG said that she was not an expert in big industrial concerns, but that she had been somewhat surprised at finding a private industrial company treated as the equal of two of the greatest European Powers. It might be observed by reference to Article XII of the Convention with Palestine that the Company's activities would necessitate schools and a police force, etc., in the interests of its staff, but that the cost of those various institutions would devolve on the mandated territory, the Company not being liable for any part of the expenditure. That appeared to her an extraordinarily liberal measure, and she enquired whether the Convention with Syria embodied the same provisions. She observed that, in her own country, if a concession were granted for hydraulic power the concessionaire had to pay certain dues to cover the public expenditure required to provide schools, police, etc.

M. DE CAIX said that he was not qualified to reply concerning the attitude of two Governments — one of which, moreover, was not his own—towards a financial undertaking. As regards welfare and education he thought that far from involving the finances of Syria and the Lebanon, the Convention contained a provision to the effect that the Company in certain cases should be responsible for the expenditure on schools and necessary social assistance for its employees. The Company had even offered to set up these organisations under certain conditions. Mlle. Dannevig had spoken of hydraulic concessions in Norway, but he thought that there was a slight difference: the waterfalls in question were actually in Norway, whereas the oil in the present case was in Iraq, and it was necessary to get it into Syria.

Mlle. DANNEVIG agreed, but pointed out that the pipe-line would be in Syria.

The CHAIRMAN thanked M. de Caix for his explanations.

TWENTY-FIFTH MEETING

Held on Thursday, June 25th, 1931, at 10.30 a.m.

Conventions regulating the Transit of Mineral Oils of the Iraq Petroleum Company, Limited, through the Territories of Palestine, on the One Hand, and Syria and the Lebanon, on the Other Hand (continuation) : Observations of the Commission.

Lord LUGARD desired to repeat his opinion that, in this question of the pipe-line, there were two quite distinct—though closely related—principles. There was, first, the question of economic

equality and, secondly, the question whether the interests of the territories under mandate had suffered by the terms of the concession.

The Company paid no import tax on oil used for its own works, or on stores and construction material used for its operations or by its employees, but it paid harbour dues of all kinds (Article VI) till it possessed its own port. It would be given reduced rates on the Palestine railways, and it might construct a railway for its own use only, on which it must carry Government stores and personnel at special rates, and the Government had the very important right of purchasing the railway later. The Company was not liable to taxation, though its employees paid a tax on their salaries. Land required for the actual pipe-line and its appurtenances was rent free: other land must be acquired on lease. The oil in transit naturally paid no export tax, just as the minerals in transit through Tanganyika from the Belgian Congo paid no tax, so far as he was aware. In that case, the Belgians had, he believed, an enclave of their own at Dar-es-Salaam, just as the company had its own port.

These privileges and exemptions seemed to Lord Lugard to be small in comparison with the benefits which accrued to the country by influx of capital, by employment of labour, and by the increase of shipping in its ports. That was, of course, merely a matter of opinion. He imagined that the Government of Palestine would later acquire the railway, which should be of great value, since it would presumably carry much of the traffic to Iraq. The Company might not use it for general traffic and therefore would, he supposed, be glad to sell it. He was quite ignorant of the many matters necessary to form a judgment on the bargain as it affected the interests of Palestine. He had not given very special attention to the terms of this agreement, for it had seemed to him to be obviously to the advantage of Palestine, but he had now read it carefully and, so far as he could judge, he thought it was a good bargain.

The concessions granted were more or less the customary terms given to a contractor for a public work, and the railway was undoubtedly a public work. If the Government had itself constructed the pipe-line and railway through Palestine, and had engaged a large staff, imported the necessary plant, etc., it would have paid no Customs duties or taxes. If, instead of doing so, it employed a contractor, or in this case a concessionnaire, Lord Lugard did not see that the conditions of economic equality were violated, because the terms usually granted to a contractor were given to the concessionnaire.

M. Rappard had said: "It would be difficult to approve the attitude of a mandatory Power which overlooked the institutions of the mandated territory in favour of a company of the same nationality as itself",¹ and M. Orts had added that the advantages gained by Palestine, however interesting they might be, did not alter the fact that the mandatory Power also derived advantages which, though of a different kind, were of great importance. It was, however, the mandated territory which was paying the whole cost of the scheme in the form of exemption of taxation and Customs duties over a period of seventy years. This was the unpleasant feature of the scheme. Later, M. Rappard, in reply to Lord Lugard,² inferred that the desire of Syria and Palestine to have the pipe-line was due to the desire of France and England to have its exit at ports on the Mediterranean under their respective influences, and did not arise from the interests of the mandated territory.

It was most desirable that the members of the Commission should frankly state what was in their minds. But the above remarks could hardly fail to be read as a very serious imputation on the good faith of the mandatory Power, which Lord Lugard was sure was not intended. Moreover, as Lord Lugard did not believe them to be in any way substantiated, he claimed this opportunity of giving his view, though it happened that the Mandatory was his own nation. He should have done so at the time the remarks were made, had they been fully translated as they now were in the Minutes.

First, as regards M. Rappard's charge that the Mandatory had made free with the institutions of Palestine in order to favour a company of the same nationality as the Mandatory. The company was registered in London; but, as the Commission knew, four different nations participated. The company must be registered somewhere, and Lord Lugard was not aware that Great Britain derived any advantage at all from the fact that it was registered in London. Secondly, as regards the allegation that the advantage gained by the Mandatory was far greater than that gained by Palestine or Syria, Lord Lugard had already said that, in his opinion, the bargain was greatly to the benefit of the mandated territories. That view had been emphatically expressed by Dr. Drummond Shiels as accredited representative for Great Britain and, as Lord Lugard had understood him, by M. de Caix on behalf of France. Whether they and he were right or wrong, Lord Lugard was certain the view was honest and truthful. There was, of course, no question of closing the port to other nations.

¹ See Minutes of twentieth meeting, page 147.

² See Minutes of twentieth meeting, page 148.

Lord Lugard would like to add on his own behalf that he could see no reason why a mandatory Power which had undertaken a difficult mandate and spent large sums of money upon it should not derive benefit, provided it was not to the disadvantage of the mandated territory.

Exception had also been taken to the fact that any dispute between the parties to the agreement—namely, the Government of Palestine and the concessionaire—should be referred to arbitration and not to the local courts. It might be that, before seventy years had expired, the mandate would have ceased, and probably it had been considered by both parties that the Permanent Court of International Justice would be the best, especially as several nations, as well as Syria, were concerned. In any case, he could see no possible reason for objection,

The oil came from Iraq. Surely that country was entitled to obtain direct access to the sea by the shortest route. That was the principle underlying the Navigation Act of Vienna of 1815 and the Berlin Act of 1885. Iraq had concluded a Convention with four nations in regard to the oil of Mosul and with this concessionaire; and Palestine and Syria, the two countries through which the pipe-line must run, had, no doubt, made the best bargain they could.

M. SAKENOBE said that, in his view, the concession did not infringe the principle of economic equality. He proposed to confine himself to stating two principal reasons for his attitude.

The B mandate and the mandate for Syria and the Lebanon contained a stipulation that the mandatory Power should accord complete economic, commercial and industrial equality of treatment to all nationals of all States Members of the League: and another provision stated that concessions should be granted without distinction of nationality, etc. It was plain, therefore, that the authors of the mandates made a clear distinction between the general principle of economic equality and the question of concessions. On the other hand, the first paragraph of Article 18 of the Mandate for Palestine prescribed equality of treatment for all nationals of States Members of the League in matters of taxation, etc. That was a provision of economic equality; but there was no mention of concessions, and the conclusion was justified that the mandatory Power had a free hand in regard to them.

In the second paragraph of Article 18, however, it was stated that, "subject as aforesaid . . . the Administration of Palestine may . . . impose such taxation and Customs duties as it may consider necessary, and take such steps as may be best to promote the development of the natural resources of the country". It had been argued during the previous discussions on the subject that this clause covered the case of concessions. Concessions were included in "steps . . . to promote the development of the natural resources", and that such steps should only be taken by the mandatory Power subject to paragraph 1 of Article 18, so that the mandatory Power was restricted by the first paragraph in giving concessionaires certain advantages.

In his opinion, the second paragraph did not refer to concessions. It was noticeable that, in the Palestine mandate, the wording was "steps . . . to promote the development of the natural resources of the country", and in the corresponding paragraph of the Syrian mandate the wording was, "steps . . . to ensure the development . . ." It was not "steps . . . to develop . . ." The difference of wording between "steps to develop" and "steps to promote or ensure the development" should be noted. It would appear, therefore, that the mandatory Power for Palestine was entitled, with a view to promoting or ensuring the development of the natural resources of the country, to take such measures as special legislation giving legal exemptions for the particular benefit of prospectors and the like, on the understanding, of course, that it respected the principle of economic equality and protected the interests of the population. That was what was meant by the second paragraph of Article 18; it did not refer to granting concessions. Thus, nothing was said with regard to concessions in Article 18 of the Palestine mandate. For this first reason he did not think there was any infringement of the principle of economic equality involved in the concession under discussion.

As regards the nature of the undertaking in question, this could not strictly speaking be described as "public works or works for public services"; but, having regard to the constructional work covered by the project (railways, roads, ports and a pipe-line), it clearly involved the erection of plant which was at any rate in the nature of public works—that was to say, plant capable of being used for public works and services at the close of the concession. On this second ground, also, it appeared to him that the concession did not come within the scope of the principle of economic equality.

M. RAPPARD said he had no wish to enter into a controversy with Lord Lugard. If, in the course of the discussion, he had himself used vigorous language in putting his points, he had never meant to accuse the mandatory Power. All he had wished to do was to draw attention to certain considerations which he considered fundamental.

He agreed with Lord Lugard that there were two questions before the Commission—that of economic equality, and that of the disinterestedness involved in the tutelage exercised by the mandatory Power. It was not sufficient, for the purpose of justifying the concession at all points, to prove that the operations proposed were profitable to the territory. It was necessary also to consider whether the High Commissioner of the mandatory Power, in championing the interests of the mandated territory, had paid more attention to the interests of the territory than to the interests of the Power of which he was himself a national, and whether the advantages secured by means of large fiscal sacrifices could not have been secured at a lower cost.

If he had to draft the observations of the Commission in regard to this concession, he could not approve it without reservations. While not condemning it, he would draw the attention of the Council to those features which had given rise to uneasiness on the part of some of the members of the Commission—namely, the relation of the terms of the concession to the principle

of economic equality and to the protection of the interests of the mandated territory, which should have first place in the mind of the mandatory Administration.

In conclusion, M. Rappard desired to put an end to all misunderstanding in regard to what he had previously said regarding the Permanent Court of International Justice. On a closer reading of the text, he had found that the only stipulation was that the President of the Permanent Court of International Justice was to be requested to appoint an umpire in the event of a dispute, and not that the Court itself was to be called upon to take cognisance of the substance of the dispute.

M. ORTS recalled that the question had arisen in connection with Palestine. A comparison of the terms of the Convention concluded with the Iraq Petroleum Company with those of the second paragraph of Article 18 of the Mandate for Palestine, indicated that the advantages accorded to the concessionaire were, by their very nature, those which the mandate expressly prohibited. It might be said that this was as a dispute over words, but in this case the words were essential, for they revealed the intentions of the authors of the mandate.

A second fact must be remembered—namely, that, as regards Palestine, the privileges in question had been granted directly by the mandatory Administration, without the intermediary of a native Government.

A third fact was that the holder of the concession was a national of the mandatory Power. It was true that an international company had been mentioned, in the sense that it would not have any specific nationality, but that was a notion that did not exist in law. The company had undoubtedly a British legal personality, and the advantages in question, which exceeded the ordinary legal rights and which were apparently prohibited by the mandate for Palestine, had been given by the Mandatory to one of its own nationals.

It was now known that the same Convention, in practically identical terms, had been concluded between the same Company, on the one hand, and Syria and the Lebanon on the other. Article 11 of the Mandate for Syria and the Lebanon was not so clear as Article 18 of the Mandate for Palestine. The concession, however, had, in appearance at least, been granted by native Governments. Finally, it would be difficult, in the case of Syria and the Lebanon, to claim that the Mandatory had wished to grant privileges to one of its own nationals, since the company holding the concession, although French capital was involved, was not French.

Such were the apparent differences between the case of Syria and the Lebanon and that of Palestine.

These considerations weakened the argument that economic equality had been infringed, because they led to the conclusion that a Convention did infringe that principle in Palestine which did not infringe the principle of economic equality in Syria and the Lebanon, and that, the Syrian and Lebanese Governments could legitimately do something which Palestine could not legitimately do.

M. RAPPARD drew M. Orts' attention to the exact wording of the passage in Article 11 of the Mandate for Syria and the Lebanon. The passage said that the mandatory Power was not to make any discrimination "as compared with its own nationals . . . or with the nationals of any other foreign State".

M. ORTS replied that, in any case, the mandatory Power for Syria and the Lebanon could not be suspected of having been actuated by selfish considerations.

Another question was whether the interests of the mandated territory had been adequately protected when the Convention was concluded. To hold the view that the interests of the mandated territory had not been the principal concern of the mandatory Powers was no condemnation of the mandatory Powers. The erection of the pipe-line was obviously in the political interest of the mandatory Powers. Did that mean that its erection involved no advantage for the two territories under mandate? In this connection he must say that Lord Lugard had indicated the advantages which the two territories in question would derive from the establishment of the pipe-line much more clearly than had the accredited representatives of the two mandatory Powers themselves. They did not suffice, nevertheless, to justify the fact that Syria, the Lebanon and Palestine would be deprived for seventy years of all revenue that they would normally have obtained from the creation of this industry.

To speak quite frankly, M. Orts could not fail to note the fact that, in presence of a powerful company, the two Powers entrusted with the protection of the interests of the territories under mandate had not taken concerted action to safeguard those interests. They appeared to have endeavoured to play a cleverer game in which, after one of them had given the Company concessions to induce it to bring the pipe-line over its territory, the other had thrown itself at the head of the Company and agreed to exactly the same concessions. It appeared, as had already been said, that the second Convention was not even discussed, and that all that was done was to make a copy of the first Convention and sign it.

He would not dare to say that the interests of the two mandated territories had been protected as they should have been. As M. Rappard also had pointed out, there was no doubt that, if instead of two mandated territories and one company, the negotiators had been one mandated territory and two competing companies, the territory in question, instead of paying the party benefiting from the concession, might have obtained from the holder of the concession payment for the essential advantage of utilising the territory to ensure the practical means of exporting its product.

It might perhaps be objected that, in arguing that the mandated territories had not been sufficiently considered in the matter, there was a risk of exciting local agitation. But, if such considerations were to be taken into account, the Commission would be precluded from any frank expression of its views as to the administration of the mandatory Powers.

To conclude, he was prepared to waive his point of an infringement of economic equality in view of the difficulty of maintaining that view as regards Syria and the Lebanon. But, on the other

hand, he thought the Commission should draw the attention of the Council to the fact that the interests of the two mandated territories had not been protected by the mandatory Powers with all the vigilance which they should have shown in the matter.

The CHAIRMAN remarked that the discussion which had arisen in connection with the principle of economic equality had now assumed a somewhat different aspect. The question now was whether, supposing the principle of economic equality not to have been infringed, the two mandatory Powers had not been faced by another economic and financial Power, and whether they had really done all that they should in the interests of the two mandated territories.

M. MERLIN, referring to the question of economic equality, noted that the discussion had opened on that question and that, in the course of the exchange of views, the original subject of discussion had dwindled until it had practically disappeared, as was admitted by the member of the Commission who had first raised the matter. He considered now that, in examining this question more closely, it might not perhaps be necessary to adhere strictly to the original standpoint and to submit observations to the Council on the subject.

M. ORTS pointed out that he had raised the question without having any preconceived opinion regarding it; such an opinion had now to be formed after examining documents which were not available before and after hearing the explanations given by the accredited representatives.

M. MERLIN quite agreed with M. Orts. He had simply said that the original problem seemed to dwindle and to lose its importance. It was certain that there had been no violation of the principle of economic equality. That principle had been embodied in the mandate in order to prevent the mandatory Power from instituting for its own nationals special benefits which would not be open to others. That had not happened in the present case, since, under the terms of the contract, whenever the principle of economic equality might have been violated, duties would be retrospectively levied.

The second point was to determine whether the interests of the territories had been defended by the mandatory Powers as vigorously as they should have been. The contract was a contract *sui generis*, both in scope and in character, and could not be examined in accordance with the usual procedure. An important Company proposed to develop considerable resources capable of changing completely the economic aspect of Iraq, Palestine and Syria. The Company had approached the different States concerned with a view to obtaining the terms it required for the accomplishment of its purpose. What sacrifices had been asked of Palestine and Syria? Permission to lay down a pipe-line which would end in two ports situated in their respective territories, exemption for the Company's material from import duties which the countries in question would ordinarily be entitled to levy on commercial concerns, and exemption for the Company in the case of a product which would not be consumed in those countries but would pass in transit through them and be consumed elsewhere. The sacrifice demanded of the territories thus affected duties which would not, in any case be levied if the Company did not make use of those territories. There was no question, therefore of any loss of money, but rather of a lack of profit. That was a by no means negligible element, but was largely compensated by the direct or indirect benefits which would accrue to the territories from the laying of the pipe-line and the establishment of oil ports. Lord Lugard had very judiciously pointed out those advantages in his remarks. In addition to the big capital outlay, labour would be required for the construction and upkeep of the works.

M. Merlin agreed with M. Orts that the laying of a pipe-line could not be compared with the building of a railway. None the less, the work in question was important, requiring supervision and upkeep, and fresh centres of activity would be established in the territory. The execution of works of public utility in a colony was generally admitted to have indirect repercussions on the development of that country, since it attracted permanently settlers and, more important still, capital. Lastly, the most important point of all was the establishment of oil ports. Many vessels would put in at those ports and, as a result, money, would be spent there, and a commercial port would certainly develop in connection with this. That was a very important factor from the standpoint of the country's development. All things considered, those advantages, which did not appear in the letter of the contract, had certainly weighed with the mandatory Powers when concluding the negotiations. That was so obvious that the accredited representative of the mandatory Power for Syria had stated that the native authorities of Syria and the Lebanon had made active representations with a view to ensuring the establishment of the pipe-line and of an oil port in their territories, which was clear proof that they did not feel themselves to have been injured in any way. M. Rappard had said that it would have been better had there been only a single territory and two companies; but was it not very probable that in such a case the two companies would quickly have become one, or at least would have acted as such in their negotiations with the various mandatory Powers?

M. RAPPARD observed that what was regrettable was that there had been no understanding between the two mandatory Powers.

M. MERLIN thought that, in any case, the Commission could not say with certainty in a note to the Council that the interests of the mandated territories had not been sufficiently safeguarded by the mandatory Powers. So serious an affirmation must be supported by adequate evidence. Was the Commission sufficiently conversant with the two sets of negotiations to be able to say that the second contract had not been discussed? It would be dangerous for it to advance such a statement and to embody it in so serious a document as a communication to the Council.

The CHAIRMAN requested each of his colleagues to state definitely his opinion on the question whether the Commission should submit observations to the Council concerning: (a) the fact that

the principle of economic equality was considered to have been violated; (b) the fact that the interests of the territory might have been more fully safeguarded.

M. RUPPEL pointed out that he had already expressed serious doubts as to whether the benefits accorded to the Iraq Petroleum Company were compatible with the articles of the mandates for Palestine and Syria relating to economic equality. He had carefully reread the documents on the subject and the passages in the Minutes containing the observations of the accredited representatives and the different members of the Commission, and his doubts had not been dispelled. Suggestions had been put forward assimilating the proposed works to public works. He could not accept that view, since, as he had said, the works in question, railways, roads, etc., were not intended for the use of the public.

As regards concessions, M. Sakenobe had maintained that the principle of economic equality did not apply. Here, again, he was unable to concur in the views of his colleague. The text of the mandate was explicit and there was no general exception relating to concessions. Nor could he support M. Orts in his explanations concerning the differences between the mandate for Palestine and the mandate for Syria and the Lebanon. He personally could not detect those legal differences, and, in his view, the question at issue was the same for Palestine as for Syria and the Lebanon.

He agreed, however, with Lord Lugard that the interests of the mandated territory had also to be taken into consideration. The principle of economic equality had been embodied in the mandates partly in the interests of the territories themselves. From that standpoint, it seemed to him that the benefits accruing to the territories from the concession were indirect benefits and were comparatively small. It was not, however, with a view to obtaining such benefits for the territory that the concessions and legal exemptions had been accorded, but for other reasons. M. Ruppel maintained his view that the principle of economic equality had not been safeguarded, and thought that the Commission ought to submit a note to the Council on the subject.

Mlle. DANNEVIG understood M. Merlin to have said, in reply to M. Rappard, that, if two big companies, competing with one another, had found themselves in the same territory they would have lost no time in coming to an understanding. It seemed to imply that such an understanding was not likely to be brought about between two powerful States when dealing with a single company. Did not that point to a rather strange state of affairs? Again, a great deal had been said of the benefits which the mandated territories would derive from the concession, but she wondered whether certain disadvantages might not also ensue. It seemed clear, for example, that the territory would have to defray additional expenditure for police supervision over the works. If, in the Syrian desert, the Bedouins damaged the pipe-line, the police would have to find out the perpetrators, and who would have to pay for the damage? There would also be expenditure on public health in connection with the works, and on water systems, light, etc. The Mandates Commission had to consider whether all that expenditure devolving upon the territory did not materially infringe upon the possible advantages, and it would not be unreasonable if the Commission were to point out those possible disadvantages to the Council and to add that the interests of the territory had perhaps not been so fully safeguarded as they might have been.

COUNT DE PENHA GARCIA recalled that, from the beginning he had not been very satisfied with the two Conventions and had had the impression that the interests of the territories had not been sufficiently safeguarded. It was unfortunate that the two mandatory Powers had not come to an agreement. Had they acted differently, they might have been able to obtain much better conditions for both territories. Much might be said on the subject of existing and future benefits. One point that had struck him was that no mention had been made of the profits that the Company itself would derive from its concession, extending over a period of seventy years. The territory would have no share in those profits. It was usual, however, in concessions extending over a long period to provide that, after a certain date, the country should derive direct advantage and revenue from the prosperity of the undertaking. Those he thought were the main defects in the two Conventions.

As regards the question whether it was really necessary to submit observations to the mandatory Powers through the Council, Count de Penha Garcia would have some difficulty in replying, as this involved a very serious question of form. To censure mandatory Powers would be a very serious measure, unless it were very clearly demonstrated that the terms of the mandate had been infringed. If he thought that it would be in any way to the advantage of the territories he would not hesitate to urge that the Commission should submit observations to the Council, but he did not think that that would be the case. In the circumstances, he thought the Commission should confine itself to the statements which would be recorded in the Minutes and to drawing attention to them.

M. MERLIN, repeating his previous observations, agreed with Count de Penha Garcia that the Commission's views would be adequately seen by a reference to the Minutes.

M. VAN REES recalled that, from the very beginning of the discussion, he had expressed the opinion that the question did not call for a recommendation to the Council. At that stage he had chiefly dealt with the legal aspect of the problem and had arrived at the conclusion that there was no question of a violation of the principle of economic equality.

He had not dealt with the other aspect of the problem, the moral aspect—that was to say, the question whether or not the duties of the guardian had been carried out, because this matter was not within his competence. He knew nothing about this question and did not understand very well on what ground any censure could be based, seeing that the advantages which the two territories might derive from the affair could not be shown in terms of figures, so that any estimate could only be based on hypothesis or supposition. Such a basis would certainly be unreliable,

and in any case insufficient. To sum up, M. Van Rees did not think it necessary for the Commission to submit observations to the Council either on the legal or moral aspect of the problem.

M. ORTS was of opinion that the Commission should formulate observations to the Council.

Lord LUGARD did not think that the question of economic equality arose, or that there was any need to submit observations on the subject. M. Ruppel had expressed the view that the pipe-line and the railway were not public works, as the railway could not be used by the public. The advantage from the standpoint of Palestine, however, consisted precisely in the fact that the Company would not derive any benefit from the railway, but that the latter would be purchased by Palestine. The Company had built it, no doubt, because it would be difficult to convey the long, heavy pipes across the desert by any other means, and hoped to be able to cover part of the expenditure thus incurred by selling the railway later. The point whether Iraq had not done better than Palestine and Syria out of the bargain concluded with the Company was perhaps open to question. He, personally, was not of opinion that the interests of the two territories had been neglected. He agreed with M. Merlin and M. Van Rees. He thought that there should be no mention of the matter in the Commission's observations, but that the discussion should be recorded in the Minutes.

M. RAPPARD read the following text which might, he said, be taken as a basis for discussion if the majority of the Commission were in favour of submitting observations to the Council. If not, it would serve to indicate his own particular views:

"The Commission has had occasion to make a careful examination of the Conventions concluded between the Iraq Petroleum Company, on the one hand, and the mandatory Powers for Palestine and Syria and the Lebanon, on the other hand, relating to the establishment of a pipe-line through the mandated territories. These Conventions embody clauses whereby the Iraq Petroleum Company is accorded many fiscal exemptions and other preferential benefits. The exemptions and benefits in question are defined in practically identical terms in the three Conventions communicated to the Commission.

"The Commission first considered whether in this respect the Conventions were compatible in every respect with the principle of economic equality laid down in the mandates for Palestine and Syria and the Lebanon. While stressing the importance of that principle and the undesirability of multiplying fiscal exemptions and differential benefits for the benefit of certain taxpayers and other parties in a mandated territory, the Commission did not think it necessary to formulate any observations on the matter. It abstained from doing so in view of the *sui generis* character of the concessions in question and the declarations of the accredited representatives to the effect that similar exemptions and benefits would be granted to any competitor of the present *concessionnaire*.

"Further, the Commission considered the question whether, in the negotiations which resulted in the signature of these concessions, the interests of the mandated territories had been defended by the mandatory Powers as vigorously as they would have been if those Powers had been free from all anxiety to ensure an outlet for the pipe-line in a port subject to their influence. The economic advantages accruing to the three mandated countries from the passage of the pipe-line through their territory are undeniable. It may be permissible to ask, however, whether, by means of an understanding between the two mandatory Powers the advantages accorded to the Iraq Petroleum Company at the expenses of the local finances could not have been avoided or restricted.

"The Commission confines itself to apprising the Council of its doubts and expressing the hope that the future may justify the policy followed in this particular case by the two mandatory Powers. It trusts also that it may in future be possible for all the mandatory Powers to come to an understanding with one another whenever there is any question of defending jointly the interests of mandated territories."

M. SAKENOBE observed that he had already expressed his opinion on the question of economic equality. As regards the actual concession, it would be difficult for the Commission to say whether that would prove to be to the advantage or disadvantage of the territory. Personally, he was inclined to think that the advantages would far outweigh the disadvantages. The fact that the High Commissioner for Palestine had had this in mind was proved by the explicit statement in the Convention, to the effect that he had taken into consideration the benefits which the mandated territory would derive from the undertaking in question. If, then, the Commission declared that the concession implied more disadvantages than advantages, or that the interest of the territory was not properly safeguarded, it should give proof of that statement. To sum up, he thought that the Commission should not submit any observation to the Council on the matter.

The CHAIRMAN said that he personally agreed entirely with the arguments of M. Orts, M. Rappard and M. Ruppel. It was not necessary therefore for him to repeat them.

Logically speaking, he thought the Commission should submit to the Council, in an appropriate form, its observations, not only on the question of economic equality, but also on that of the interests of the territories. As regards this latter point, in particular, he was convinced that the pipe-line would have been constructed especially in Syria, even if the advantages which the Iraq Petroleum Company had obtained had not been granted, and that, in any case, the haste with which the mandatory Powers had accepted the Conventions seemed to indicate that they had perhaps been more concerned with the interests involved in their oil policy than the interests of the territories under mandate.

The result of the discussion in the Commission was that five members had expressed one opinion (Lord Lugard, M. Merlin, Count de Penha Garcia, M. Van Rees, M. Sakenobe) and five another (Mlle. Dannevig, M. Orts, M. Rappard, M. Ruppel, the Marquis Theodoli), the Chairman having the casting vote. He thought that, nevertheless, his colleagues would wish to consider the matter further.

M. ORTS thought that, whatever opinion one might hold as regards the substance of the question, it appeared impossible that such a detailed discussion on a matter which was not without importance should not find some echo in the observations to the Council. He therefore proposed the following text:

" The Permanent Mandates Commission has carefully considered whether two agreements, worded in almost identical terms, concluded by the Iraq Petroleum Company with the British High Commissioner in Palestine on January 5th, 1931, and with the Lebanese and Syrian Governments on March 25th, 1931, were compatible with Article 18 of the Palestine Mandate and Article 11 of the Mandate for Syria and the Lebanon respectively.

" From this examination, it was concluded that the provisions contained in the above-mentioned articles of the two mandates did not constitute an obstacle to the granting of the advantages conferred by the said agreements on the company, which has received a concession for the construction of a pipe-line both in Palestine and in Syria and the Lebanon.

" On the other hand, the Commission considered it advisable to propose that the Council should request the mandatory Powers for Palestine and for Syria and the Lebanon to consider the possibility of revising certain clauses in the said Conventions, in order to secure a more just equilibrium between the advantages and the privileges accorded to the concession company and the advantages granted by the said Convention to the three countries under mandate. "

COUNT DE PENHA GARCIA thought that, as the Commission was divided on the subject, it should simply direct the Council's attention to the discussions that had taken place.

Mlle. DANNEVIG, referring to M. Van Rees' remarks on the moral aspect of the problem, urged that the question was not a moral but an economic one, and that from that standpoint the Commission would be justified in submitting observations to the Council.

TWENTY-SIXTH MEETING

Held on Thursday, June 25th, 1931, at 3.45 p.m.

Syria and the Lebanon: Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding Syria and the Lebanon (Annex 16).*

Conventions regulating the Transit of Mineral Oils of the Iraq Petroleum Company, Limited, through the Territories of Palestine, on the One Hand, and Syria and the Lebanon, on the Other: Observations of the Commission (*continuation*).

The CHAIRMAN reminded the Commission that, at the previous meeting, two drafts on this question had been submitted by M. Orts and M. Rappard respectively. Those members of the Commission who desired to submit observations to the Council on the question of the pipe-line could therefore choose between these two drafts.

COUNT DE PENHA GARCIA thought the Commission should endeavour to find some conciliatory formula in order to avoid a division of the Commission into two approximately equal camps on a question of such importance. If the wording of the observations to be submitted to the Council was not too categorical in form, those members of the Commission who did not desire to draw the Council's attention to this matter might see their way to accept a milder text. He proposed, accordingly, a new draft, the first two paragraphs of which reproduced the first two paragraphs of M. Orts' draft, while the third paragraph was in the following terms:

" The Commission feels bound to inform the Council, however, that, during its discussions on this question, doubts were expressed as to whether some of the clauses of the agreement in question kept the necessary balance between the advantages and privileges granted to the concessionary company and the advantages which would accrue to the two territories. "

M. RUPPEL was ready to accept the new paragraph proposed by Count de Penha Garcia. But he preferred M. Rappard's second paragraph to M. Orts' second paragraph.

Mlle. DANNEVIG and M. RAPPARD preferred M. Orts' draft.

M. MERLIN said he could not accept Count de Penha Garcia's draft, for there was a risk that it might appear to give expression to doubts with regard to the action of the mandatory Power with which he was not prepared to associate himself.

M. ORTS observed that the Iraq Petroleum Company had to pay to the Iraq Government annually, even before beginning the work, the sum of £400,000 for its concession in Iraq (exploita-

tion of the oil-fields and construction of a pipe-line over the Iraq territory). Such was the immediate advantage which Iraq derived from the concession.

In order to be able to exploit its concession, the company was necessarily obliged to obtain a passage across one of the territories separating its centres of exploitation from the sea. It was thus in the position, *vis-à-vis* these territories, of an applicant, and it would have remained in this position if the two Mandatories had come to an agreement, in the interests of the two territories under their respective mandates, to benefit from that position. The situation had been manoeuvred in such a way, however, that the company, instead of being the applicant, had become the party from which something was required. In the end, therefore, it had been the company which had dictated its conditions, although it might have been possible to impose them on the company. The two Mandatories appeared to have thrown themselves at the head of the company and to have outbid each other in order to obtain the termination of the pipe-line at a port under their influence, and the two territories under mandate had had to pay the cost. In respect of the concession, Iraq had received large payments; as regards the pipe-line, which was essential for the development of the concession, it was Palestine, Syria and the Lebanon which paid. This was the unpleasant part of the Conventions.

M. Orts considered, on the other hand, that, whatever option might be held on the substance of the question, it seemed impossible that the discussion which had taken place in the Commission on a question which, after all, was of considerable importance should not find some echo in its observations to the Council.

M. VAN REES, in reply to M. Orts, observed that it must be remembered, in connection with the annual payments of £400,000 by the Company to the Iraqi Government, that the new Convention took the place of the 1925 Convention, and that, in the interval, the Iraqi Treasury had not received any royalty nor any other annual payments.

On the other hand, M. Van Rees did not see why the fact that the Commission had been informed of the concessions granted in Palestine and Syria and the Lebanon should necessarily lead it to submit to the Council any recommendation. If the Commission wished at all cost to mention the matter in its report to the Council, it could confine itself to saying that it had taken note of the concessions, that it had received and examined them, and that it referred the Council for further information to the Minutes of the session.

In any event, M. Van Rees felt obliged to object to the passage in M. Orts' draft which read:

“ . . . the Commission considered it advisable to propose that the Council should request the mandatory Powers for Palestine and for Syria and the Lebanon to consider the possibility of revising certain clauses in the said Conventions . . . ”

In order to be in a position to make such a recommendation, the Commission must be able to base that recommendation on something more valuable than impressions and presumptions. A concrete and unassailable foundation was essential, and this was lacking. He thought, therefore, that the recommendation would be imprudent and even unjustifiable.

Nor could he accept Count de Penha Garcia's draft. In spite of its milder form, the latter gave expression to doubts with regard to the actions of the mandatory Powers with which, like M. Merlin, he was not prepared to associate himself. He accordingly maintained his standpoint and was strongly opposed to the three drafts submitted.

M. RAPPARD said the Commission must, after all, take account of the views of those members of the Commission who felt doubts as to the action of the mandatory Powers—doubts for which there were, in any case, very strong grounds. The sole source of the strength of the Mandates Commission was its independence and impartiality. The Commission must not give the impression that, if it had not been France and Great Britain that were involved, it might have displayed more freedom in its observations. It was essential that no one should suspect that the Mandates Commission allowed itself to be influenced by the question of the standing of the mandatory Power.

M. VAN REES replied that it would be unfortunate if the Commission allowed itself to be guided by such considerations. It had given proof of its spirit of impartiality and independence on several occasions, and it was not necessary to multiply them. Moreover, M. Van Rees did not think it necessary to pay too much attention to the impressions of public opinion. He, personally, was convinced that he had always shown an impartial and independent spirit, and that was enough for him.

M. MERLIN added that all the arguments put forward in support of the draft observations before the Commission were beside the point. They were all in the nature of suppositions and impressions. If it were permissible to voice such suppositions and impressions in the course of discussion, it was not in his view possible to make them the subject of an official recommendation to the Council. A recommendation to the Council was too serious a step to be taken on such uncertain grounds.

The CHAIRMAN suggested that it might meet the objections of M. Van Rees and M. Merlin if the words, “ by certain of its members ”, were inserted in Count de Penha Garcia's text after the words “ doubts were expressed ”. He asked M. Rappard and M. Orts whether, if the majority of the Commission accepted Count de Penha Garcia's draft with that modification, they would themselves withdraw their drafts, in order to facilitate a unanimous decision by the Commission.

M. RAPPARD said that, in a spirit of conciliation, he would agree to Count de Penha Garcia's text as amended. He hoped the other members of the Commission would make a similar sacrifice, so as to enable the Commission to submit unanimous observations to the Council.

Count de Penha Garcia's draft observations as amended were adopted unanimously (Annex 16).

General Conditions which must be fulfilled before the Mandate Regime can be brought to an End in respect of a Country placed under that Regime (continuation).

The Commission examined the draft conclusions submitted by M. Orts as a result of the decision taken by the Commission at its twenty-first meeting.¹

PREAMBLE.

The preamble was adopted without observations.

CHAPTER I.

The first three paragraphs of Chapter I which, in the draft submitted to the Commission, read as follows:

"Whether a people which has hitherto been under tutelage has become fit to govern itself without the advice and assistance of a Mandatory is a question of fact and not one of principle. It can only be settled by careful observation of the political, social, and economic development of each territory. This observation must be continued over a sufficient period for the conclusion to be drawn that the public intelligence has so far progressed as to enable the machinery of a modern State to operate and political liberties to be exercised in the normal way."

"There are, however, certain conditions the existence of which will in any case demonstrate that a political community is fit to stand alone and provide for its own existence as an independent State.

"The Commission suggests that the general conditions of this kind to be fulfilled before a mandated territory is permitted to advance its qualifications for recognition as an independent State should be the following:"

were adopted with certain amendments and subject to other modifications which might be considered necessary during the discussion.

The Commission discussed the paragraph of Chapter I which, in the draft submitted to the Commission, read as follows:

"Either by its own strength or by its alliances or by the support it may receive from without—in particular, from the former mandatory Power—the territory must be capable of upholding its independence against any encroachment from without."

After discussion, in the course of which it was emphasised that it might perhaps be expedient to mention also the admission of the new State to the League of Nations and the support which it might derive from Article 10 of the Covenant in upholding its territorial integrity and political independence, the Commission agreed that no mention should be made in the paragraph under consideration of the various means by which the new State might safeguard its independence. The Commission simply laid down the principle that it would be for the Council to appreciate, in every case, the means at the disposal of the territory applying for emancipation.

Accordingly, *the Commission decided to adopt, for the paragraph in question, the following wording:*

"Be capable of maintaining its territorial integrity and political independence."

The four following paragraphs in the draft were adopted with certain amendments.²

The CHAIRMAN put to the meeting the passage in the draft, which read as follows:

"There are several territories at present under the mandate regime whose native population presents different degrees of development, while in other territories a large European minority has grown up among a still undeveloped native population. In these territories, some sections of the population will reach political maturity sooner than others; and, where there is a European minority, that minority would already be fit for self-government. Subject to any local autonomy which the mandatory Power is always free to grant, the Permanent Mandates Commission considers that no solution is acceptable which would have the effect, in such cases, of destroying the political entity represented by a mandated territory, either by granting self-government to some sections of the population and not to others, or by releasing certain parts of the territory from the mandate regime and setting them up as independent States."

¹ The text of the conclusions of the Commission in the form in which they were adopted as a result of the modifications made during the discussion is included in Annex 16 to the Minutes.

² These paragraphs read as follows in the draft:

"It must be able to maintain the public peace throughout the territory;

"It must have an organised administration capable of providing for the regular operation of essential Government services;

"It must be assured of controlling, directly or indirectly, adequate financial resources to provide regularly for normal Government requirements;

"It must possess a legislation and judicial organisation which will afford equal and regular justice to all."

“Accordingly, the Commission suggests that it should be laid down that the general conditions indicated above must exist throughout the territory, or among the majority of its inhabitants, before the territory can be released from the mandate regime.”

M. MERLIN said it was very difficult to draft a text in the abstract which should apply to all concrete cases. In the course of its discussion of this question, the Commission had had cases under consideration which differed very much from one another, such as South West Africa and Tanganyika in which there was a considerable European minority, and Syria. In the latter case, the mandated territory included Syria and the Lebanon and other political units at very varying stages of evolution. It did not seem possible to apply the same rule in all these cases.

Lord LUGARD pointed out that the effect of the last part of the paragraph was to preclude the establishment of autonomous government in parts of Syria and the Lebanon.

M. ORTS admitted that, in drafting the text, he had not had especially in mind the case of Syria, where the territory under mandate was already split up into political units which were at different stages of evolution. His main object had been to prevent the destruction of the political entity constituted by a territory under mandate by the establishment of part of the territory as an independent State. To cover the case where certain regions included a large white population—as for example, Tanganyika—he had conceived of a system of municipal or local autonomous organisations working under the mandate regime until such time as the territory as a whole would be sufficiently developed to permit of the cessation of the mandate and the achievement by the country of independence. If this precaution were not taken, the disruption of the political entity constituted by a territory under mandate would, by the force of circumstances, certainly occur.

Lord LUGARD thought the paragraph should be amplified to cover cases like South West Africa or Tanganyika, as well as cases like Syria.

M. MERLIN thought Lord Lugard's suggestion showed the danger involved in the attempt to cover in a document conceived in general terms concrete cases which differed too widely. The best course to adopt would be, in his view, to cut out the whole paragraph.

The CHAIRMAN was in favour of M. Merlin's suggestion. Concrete cases could be considered by the Commission as occasion arose and would be treated in the light of existing circumstances.

M. RAPPARD remarked that, in any case, the first part of the paragraph should be kept in order to cover the case of territories with a large European minority capable of establishing a Government and administration complying with the five conditions laid down by the Commission. If in this case no explicit reservation was made, it would appear that the emancipation of the territory was being recommended, although that would mean putting the mass of the natives under the rule of an oligarchy of Europeans.

M. VAN REES agreed with M. Rappard. In the case put by M. Rappard, it might well happen that the five conditions were fulfilled and yet there would be no question of a population which had really attained political maturity.

Lord LUGARD agreed with M. Rappard and M. Van Rees.

M. MERLIN replied that the five general conditions laid down by the Commission could not be separated from the preceding paragraphs, and, in particular, from the paragraph as adopted which read as follows:

“Whether a people which has hitherto been under tutelage has become fit to stand alone without the advice and assistance of a mandatory is a question of fact and not of principle. It can only be settled by careful observation of the political, social and economic development of each territory. This observation must be continued over a sufficient period for the conclusions to be drawn that the spirit of civic responsibility and social conditions has so far progressed as to enable the essential machinery of a modern State to operate and to ensure political liberty.”

M. VAN REES suggested that M. Rappard's wishes might be met if the third paragraph of Chapter I were worded as follows:

“Subject to the aforesaid considerations, the Commission suggests that the general conditions”

This would show that the conditions referred to were inseparable from the general observation appearing at the beginning of the chapter.

M. MERLIN entirely agreed. In any case, he insisted that, in order to avoid confusion, details should not be given in a document conceived in general terms.

M. RAPPARD agreed to the omission of the paragraph under discussion, on the clear understanding that, by the addition of the words “subject to the aforesaid considerations”, the Commission unanimously recognised that the presence in a mandated territory of a non-native minority capable of ensuring a Government in the country was not sufficient justification for the emancipation of the territory.

M. MERLIN accepted M. Rappard's interpretation of the words in question.

Count DE PENHA GARCIA was against this interpretation. He was of opinion that, where there was a strong European community capable of ensuring that government would be carried on

under satisfactory conditions—as was the case in a certain dominion—there was no reason to refuse to emancipate the territory in spite of the existence of a native majority.

M. RUPPEL wished also to reserve his opinion.

The Commission decided to omit the above-mentioned passage (see page 177) worded: "There are several territories . . . from the mandate regime".

TWENTY-SEVENTH MEETING

Held on Friday, June 26th, 1931, at 10.30 a.m.

Procedure to be followed in the Matter of Petitions concerning the Mandated Territories.

STATEMENT BY THE DIRECTOR OF THE MANDATES SECTION.

M. CATASTINI reminded the Commission that, in accordance with the rules obtaining in the matter of petitions concerning mandated territories, the Chairman was not authorised to make any omissions in petitions transmitted by him for observations to the Mandatory Powers other than passages containing "violent or objectionable statements". The services of the Secretariat dealing with the publication of League documents had recently drawn M. Catastini's attention to the fact that petitions distributed to the members of the Commission and forwarded to the mandatory Powers frequently contained passages alien to the object of such petitions properly speaking. In some cases, for example, the petitioners described how they spent their time without omitting a single detail. He had not failed to recall the rule to which he had just referred, and he had been asked to enquire of the Commission whether it could see its way to recommend the Council to amend the rules in the sense suggested. If the Commission were in favour of doing so, it should define with the utmost clearness in its proposal to the Council the rules to be followed for the editing of the text of petitions. He desired to add that, in bringing the matter before the Commission, he was acting in accordance with the express request of the Deputy Secretary-General, who was charged to supervise the publication of League documents.

After discussion, the Commission decided that action in respect of the suggestion referred to it by M. Catastini would encounter insurmountable difficulties under present circumstances, and that it did not accordingly see its way to take any steps in the matter.

General Conditions which must be fulfilled before the Mandate Regime can be brought to an End in respect of a Country placed under that Regime (continuation).

CHAPTER I (continuation).

Mlle. DANNEVIG, referring to the conditions which must exist in a territory before it is released from the mandate, considered that a modern State should not only ensure the maintenance of peace and order by means of armed forces and police, but should also take positive steps to promote the development of its inhabitants by means of education. The State should also create in its territory general health conditions which would enable the population to avoid disease and to keep in good health. She therefore proposed to add a paragraph to the following effect:

"It should possess an educational and health organisation which, while possibly not having reached full development, demonstrates the intention of the new State to take an interest in the mental, moral and physical health of its inhabitants."

The CHAIRMAN pointed out that the provisions as adopted of paragraph (a) of Chapter I covered the points mentioned by Mlle. Dannevig.

Mlle. DANNEVIG asked that her suggestion should in any case be recorded in the Minutes.

M. ORTS recalled the exchange of views which had taken place at the previous meeting on the passage of his draft relating to the different degrees of evolution which the various elements of the population of a mandated territory might have reached. There were territories in which a possible considerable minority which felt capable of governing itself might aspire to do so. In a country where the bulk of the population was undeveloped, there was a risk that a situation might be created in which political power and economic influence would be in the hands of an oligarchy which, possibly with an egoistic object, would govern by making use of the bulk of the population which was incapable of defending its own rights. In a document explaining to the

Council under what conditions a mandate would be terminated, the Commission must indicate the difficulty which was likely to arise from this fact in several territories in which these conditions already existed or would develop in the future. These minorities should not be encouraged to hope that they would attain their object—that was to say, to govern while the bulk of the population was still unfit to participate in the Government. Lastly, the Governments subject to such solicitations by this minority should be given an argument to oppose them. M. Orts considered that the anxiety reflected in his text was of sufficient importance for the Commission to bring it to the notice of the Council. It could, however, adopt a shorter formula, since the Minutes would provide the means for interpreting the idea of the Commission. He proposed to modify the text as follows:

“ The general conditions indicated above must refer to the entire territory and its population before that territory can be released from the mandate regime.

“ Nevertheless, certain parts of a mandated territory already constituted under this regime into distinct political and administrative organisations might be called on to administer themselves when they are recognised as capable of so doing before other less organised or developed parts of the same territory. ”

Lord LUGARD proposed to convey the same idea by wording the paragraph of the Preamble regarding the “ state of affairs ” which must exist in the territory as follows:

“ The existence in the territory of conditions from which it may be concluded that the inhabitants, whose well-being was entrusted to the mandatory Power under Article 22 on the ground that they were ‘ not able to stand by themselves under the strenuous conditions of the modern world ’, are now able to do so. ”

Lord Lugard explained that, as this provision applied to the bulk of the population of the territory, it would meet M. Orts’ apprehensions. He understood that the majority of the Permanent Mandates Commission had expressed opposition to emancipating any section of the population from the mandate, though they might be given a measure of local self-government over their own community.

M. VAN REES did not agree that the paragraph to which Lord Lugard had referred should be amended, as it was particularly short and clear. He thought it better to retain the first sentence of M. Orts’ amendment and to insert it at the beginning of the enumeration appearing in the first chapter. He proposed the following text:

“ The Commission suggests that the general conditions of this kind which must be fulfilled before a mandated territory is permitted to advance its qualifications for recognition as independent, *and which must refer to the entire territory and population before that territory is released from the mandate regime*, should be as follows: ”

M. RUPPEL, who at the previous meeting had reserved his opinion, was inclined to accept the amendment proposed by M. Orts and M. Van Rees. He wondered, however, what interpretation should be put on the words “ the entire population of the territory ” in certain cases—for instance, in South West Africa. In order to declare this territory independent, would it be necessary to wait until the last native was capable of governing himself ?

M. ORTS explained that it was a question of fact and of degree. In order to emancipate a population it was clearly impossible to wait until all the individuals constituting the population were capable, for instance, of accomplishing their electoral duties with full knowledge of the facts. It was desired to prevent a minority from governing at its own free will and from forming an oligarchy concentrating economic and political influence in its own hands to the detriment of the mass of the population.

M. RUPPEL thought it could be concluded that that did not prevent South West Africa, for instance, from becoming emancipated before the Europeans formed a majority in the country. If this interpretation were recorded in the Minutes, he accepted the amendment.

M. MERLIN pointed out that the adoption of this amendment involved the omission of the second sentence of the new text which M. Orts had read. Under these circumstances he wished to state that the provision just suggested could not in certain cases and in certain territories prevent certain parts of a country which had already formed distinct political and administrative organisations under the mandate regime from being called on to govern themselves, when recognised to be capable of so doing, before other less organised or developed parts of the same territory.

The amended text proposed by M. Van Rees was adopted subject to any possible drafting amendments.

CHAPTER II.

In accordance with a suggestion by M. MERLIN, who wished to emphasise the solemn nature of the engagements to be taken by the new State, *the Commission decided that the first paragraph, which was worded as follows :*

“ The Permanent Mandates Commission suggests that the guarantees to be furnished by the new State before the mandate can be brought to an end should take the form of

a declaration binding the new State in relation to the League of Nations, or of any other instrument, treaty or convention accepted by the Council of the League of Nations as equivalent to such an undertaking",
should be amended to read as follows:

"The Permanent Mandates Commission suggests that the guarantees . . . should take the form of a declaration binding the new State to the League of Nations or of a treaty or a convention or of some instrument formally accepted by the Council . . ."

Lord LUGARD proposed to replace the second paragraph of Chapter II of the draft submitted to the Commission, which was worded as follows:

"The Commission suggests that, without prejudice to any supplementary guarantees which might be justified by the special position of certain territories or their recent history, the new State should ensure and guarantee."

by the following phrase:

"This declaration should comprise the following points:"

M. MERLIN explained that this wording would weaken the scope of the paragraph, since the text, "The Commission suggests that . . . the new State should ensure and guarantee" gave a *de facto* certainty which would not be furnished by a mere declaration on the part of the new State.

M. ORTS suggested the wording:

"The Commission suggests that . . . the undertakings of the new State should ensure and guarantee . . ."

This amendment was adopted.

Sub-Paragraph (a): Protection of Minorities.

COUNT DE PENHA GARCIA considered that existing declarations in respect of the protection of minorities were far from meeting with general approval and he suggested omitting in the following text submitted to the Commission:

"The protection of racial, linguistic and religious minorities in accordance with existing treaties or declarations on that subject;"

the words "in accordance with existing treaties or declarations on that subject" in order not to restrict in any way the action of the Council.

The CHAIRMAN proposed the wording "the effective protection".

Sub-Paragraph (a) as amended by Count de Penha Garcia and the Chairman was adopted.

Sub-paragraph (b): Privileges and Immunities of Foreigners in the Near-Eastern Territories.

Sub-paragraph (b) was adopted without observations.

Sub-paragraph (c): Interests of Foreigners in Judicial cases not guaranteed by the Capitulations.

M. VAN REES understood that, according to M. Orts, who proposed the following text:

"The interests of foreigners in judicial, civil and criminal cases (in other than Near-Eastern territories);"

the interests of foreigners in the Near East would be sufficiently guaranteed by the capitulations. There were, however, States which had not concluded capitulation treaties and which, nevertheless, might have nationals in the country in question. He proposed the wording:

". . . in so far as these interests are not guaranteed by the capitulations referred, to above."

This amendment was adopted.

At M. CATASTINI'S suggestion, *the Commission decided to insert the paragraph under discussion after paragraph (b).*

M. RUPPEL wondered if there was not a certain contradiction between the paragraph under discussion and the last paragraph of the previous chapter, under which the State in question must "possess laws and a judicial organisation which will afford equal and regular justice to all".

The CHAIRMAN explained that the above-mentioned provision, to which M. Ruppel referred, laid down one of the conditions which should make it possible for a mandate to be terminated; it referred to the past, whereas the subject under discussion referred to the future.

M. RUPPEL replied that the ordinary justice of the country might offer all guarantees so that it would not be necessary to provide for special guarantees for the future, but he did not insist on his observation.

Sub-paragraph (c) as amended was adopted.

Sub-paragraph (d): Freedom of Conscience.

M. VAN REES proposed to add to the following text of the draft:

“Freedom of conscience and public worship and the free exercise of the religious, educational and medical activities of missions of all denominations;”

the words:

“subject to such measures as are indispensable for the maintenance of public order and morality, and good government.”

This text was a combination of those occurring in the mandate for Syria and the Lebanon (Article 10) the B mandate (articles 7 or 8 as the case might be) and the C mandate (article 5).

Count DE PENHA GARCIA said he had proposed to make the same suggestion.

M. ORTS pointed out that it was assumed that the mandate had come to an end.

The CHAIRMAN and M. RUPPEL thought it unnecessary to add the words suggested by M. Van Rees, as they would tend to reduce the scope of the paragraph under discussion.

Count DE PENHA GARCIA explained that it was not in accordance with legal principles to impose on the new State provisions relating to educational and medical assistance. Such provisions might be useful or necessary in special cases—for instance, in the Near East—but it would be going too far to make them a generale rule.

Mlle. DANNEVIG wondered whether the provision in question should not be included in the paragraph dealing with the protection of minorities. Like Count de Penha Garcia, she thought that it would be going too far to impose such a provision on the new State, which should be in a position to exercise control in matters of education and medical assistance.

Count DE PENHA GARCIA pointed out that the corresponding provisions of the Treaty of St. Germain contemplated two elements—public order and certain rights of the State to issue regulations. It was fortunate that, in certain territories, the missions displayed activity in educational and medical matters, but the Government should be in a position to exercise control over these two activities.

M. ORTS considered that the adoption of the addition proposed by M. Van Rees would give satisfaction to the observations of Count de Penha Garcia and Mlle. Dannevig, which were fully justified. The words, “subject to such measures as are indispensable for the maintenance of . . . good government”, would allow of control by the State. They also authorised it to take such measures as might be necessary in the public interest—for example, in the case of an epidemic, combined action on the part of the medical profession.

Mlle. DANNEVIG thought that the use of an expression such as “subject to the *maintenance of morality*” might give rise to a misunderstanding as regards the activity of the missions.

M. VAN REES replied that this expression was used in the text of the mandates.

M. MERLIN added that it had not a depreciatory sense.

Lord LUGARD asked whether it was prudent to speak of public morals. For instance, if, in a well-organised Mussulman State such as Iraq, there was a sect like the Bahais preaching a certain doctrine, could the State declare that this doctrine was contrary to morality?

M. VAN REES pointed out that the question referred to the educational activity of the religious missions. The Bahais formed a minority who would be protected under Sub-paragraph (a).

M. MERLIN thought that M. Van Rees' reservation should be applied to the activities of religious missions with regard to which the Commission had occasionally been obliged to intervene. On the other hand, it should be borne in mind that, throughout the Near East, Christian missions were engaged in activities of primary importance from the point of view of civilisation. It should be possible for these activities to be continued in a State released from the mandate. Provisions to this effect existed in the Berlin and Brussels Acts, in the Treaty of St. Germain and in the text of the mandates. If there were no guarantees in this respect, there would be a danger of all the mission work being undone.

After discussion, *the addition suggested by M. Van Rees was adopted.*

Sub-paragraph (d) as amended was adopted.

Sub-paragraph (e): Financial Obligations.

M. ORTS asked whether it was necessary to add to the following text which had been submitted to the Commission:

“The financial obligations regularly assumed by the former mandatory Power;”
the words, “on behalf of the territory”. It had seemed to him that this was self-evident.

M. VAN REES thought the words unnecessary.

M. CATASTINI suggested referring to the Council resolution of September 15th, 1925.

M. MERLIN thought no text should be mentioned in order that the paragraph might keep its general character.

Sub-Paragraph (e) was adopted without amendment.

Sub-paragraph (f): Rights legally acquired.

After discussion, *the Commission decided to replace the following text:*

“Titles to land and other rights acquired under the administration of that Power;”
by the words:

“Rights of every kind legally acquired under the mandate regime.”

Most-favoured-nation Treatment.

M. ORTS explained with regard to the following text submitted to the Commission:

“Most-favoured-nation treatment for all members of the League of Nations, subject to reciprocity and during a period to be agreed upon, which shall not be less than twenty-five years;”

that this treatment was a substitute in return for the abandonment of economic equality. He had put aside the idea of requiring a new State to maintain the principle of economic equality, as that would preclude all possibility of its negotiating commercial treaties on advantageous terms. On the other hand, this principle, as M. Van Rees had said, should be regarded as an ideal to be pursued in the interests of peace.

The granting of most-favoured-nation treatment was not in any way an excessive demand to make of the new State, and would not, owing to the conditions which would accompany it—reciprocity and a limited period—be prejudicial to the State nor restrict its liberty.

COUNT DE PENHA GARCIA had reached the same conclusions as M. Orts, though on different grounds. As had rightly been shown, economic equality in the mandated territories was a temporary arrangement which was intended to terminate with the mandate. In the system which he had set forth in his report (Annex 3 (c)) Count de Penha Garcia had attributed great importance to the maintenance of peace. The same consideration determined his view that the new State, at all events during the first few years of its independence, should not be allowed to become involved in economic disputes. This would meet the Council's preoccupations. The period during which the new State was to accord most-favoured-nation treatment would enable it to establish and regulate its economic situation. The period might be fixed at not less than fifteen years and not more than twenty-five years.

LORD LUGARD was in favour of deleting this sub-paragraph. He considered that such an undertaking, if required, should be a condition for the admission of a State as a Member of the League of Nations, but not for the termination of the mandate. A State could not be called really independent if it were bound in advance by such a clause.

M. ORTS agreed that, if economic equality were required of a State, it would be deprived of the means to negotiate commercial treaties. It was this consideration which had led him to relinquish the idea of making the maintenance of economic equality compulsory. When, however, a country desired the termination of the mandate, an act which would result in suddenly depriving the other Powers of the benefits they had obtained from economic equality, it was only right that, during a certain time, the new State should provide some substitute, inadequate but by no means negligible, in the form of most-favoured-nation treatment.

LORD LUGARD fully appreciated the point of the argument, but maintained that a State on which such a condition was imposed could not be called independent. The case was different if the State voluntarily agreed as a condition of membership of the League.

THE CHAIRMAN explained that the point was to place all the other countries Members of the League on the same footing as the ex-mandatory Power. The provision in question therefore met a preoccupation of general interest.

M. VAN REES thought that the condition laid down in this sub-paragraph was definitely egoistic in character, in that it was designed to retain for States Members of the League of Nations material advantages, whereas the other guarantees required of the new State related to humanitarian and moral questions. The mere fact that throughout the period of the mandate States Members of the League of Nations had enjoyed economic equality could not be put forward as a reason for imposing on the new independent State after the termination of the mandate a condition which would seriously infringe its sovereign rights. He did not see, as he had explained in his note,¹ on what grounds such a condition could be defended. Every country knew in advance that the mandate would be temporary. By what right could they claim to revive in part a provision which should properly terminate with the mandate? It would appear as if States Members of the League were endeavouring, even while granting reciprocity, to wrest a material advantage from the new State which they had just emancipated, and it would be a very difficult matter to

¹ See Annex 3 (a).

defend such a claim in the face of the inevitable criticism it would arouse. It must not be forgotten that a declaration of emancipation in the case of a territory which had become able to stand alone was not in the nature of a gift to that territory. It was clear from the very terms of Article 22 of the Covenant that, if the competent authority affirmed that the territory was able to stand alone, it had the right to claim its independence.

Lord LUGARD thought that, from whatever standpoint the Commission examined it, the question of granting most-favoured-nation treatment could not be dealt with on the same footing as the other conditions, which were of an entirely different character. His view was that the clause should be entirely omitted, but at the end of the report a note might be added to the following effect:

“ In addition to the above-mentioned obligatory clauses, the Mandates Commission is of opinion that it might perhaps be desirable to ask the new State to grant most-favoured-nation treatment to all Members of the League of Nations, subject to reciprocity for a term of years. ”

M. VAN REES maintained that the existence in the text of the mandates of the principle of economic equality did not create for anyone a permanent right which would continue after the termination of the mandate. There could thus be no question of the States Members of the League having a right to any compensation.

The CHAIRMAN repeated that the point was for other States Members of the League to obtain a guarantee *vis-à-vis* the mandatory Power, which, when proposing the emancipation of the territory, could obtain, by various means, the advantages granted to it under the mandate.

COUNT DE PENHA GARCIA, returning to an expression of M. Van Rees, said that it was precisely with the idea of insuring, if necessary, against the egoism of the mandatory Power that it was suggested that the new State should grant most-favoured-nation treatment to all Members of the League of Nations for a limited period. The new State, moreover, would be spared the risks to which it would be exposed if it engaged in tariff warfare. He stressed the importance—universally recognised—of the most-favoured-nation clause, which made it possible to avoid a state of economic warfare. He did not see how, by requiring the new State to agree to that clause—which had formed the subject of such exhaustive study by the League Economic Organisation—a servitude would be imposed on it. It might be maintained, on the contrary, that it was for the League, when it declared the new State independent, to ensure for it the best conditions for its economic policy, which would assure to it the goodwill of the other States.

M. RUPPEL observed that the sub-paragraph in question in M. Orts' draft report provided, among the guarantees to be required from the new State, for the granting of most-favoured-nation treatment to all Members of the League of Nations, subject to certain conditions, and that that would apply to the emancipation of any territory under mandate. He felt, however, that such a guarantee could hardly be required of all mandated countries, since the principle of economic equality did not apply to C mandates. Obviously, a new State formerly under a C mandate could not be required to submit to a servitude of that kind, which had not existed under the mandatory regime. As regards B mandates, no one could foresee what the circumstances would be when the question of independence arose. It might happen that an international regime, such as was found at present in certain parts of Africa under the General Act of the Congo Basin, would be in force at the time. In that case, a special guarantee, such as was contemplated in M. Orts' proposal, would be superfluous. There were other possibilities which would make such an undertaking on the part of the new State unnecessary. Again, as regards A mandates, it was impossible to tell in every case what the situation would be. He was thinking, for example, of Palestine.

He felt it impossible, in view of these various considerations, to maintain the sub-paragraph as it stood. He agreed, nevertheless, that it might be considered whether in any particular case it would not be equitable to establish a transitory regime similar to the regime contemplated in the draft report, but that would be an exceptional situation. In such a case recourse might be had to the reservation embodied in the second paragraph of Chapter II as adopted.

M. MERLIN agreed with Lord Lugard's suggestion that the provision embodied in the sub-paragraph under discussion, which was essentially different from the other conditions, should be put at the end. He proposed the following wording:

“ Apart from the essential undertakings defined above, the Commission considers it desirable that the new State should, as a transitory measure, accord to States Members of the League of Nations which will no longer enjoy the benefits of the clause relating to economic equality most-favoured-nation treatment, subject to reciprocity for a period to be agreed upon. ”

It was certain that, at the time when the mandate had been established, the principle of economic equality had been imposed in the general interests of peace, but also because all the nations watching jealously over those new territories were anxious to have a share in their activities. The mandate was obviously a temporary regime, but no one could foresee how long that regime would last. As the territories under mandate attained a sufficient degree of maturity, they could claim emancipation; but they could not forget their past, and States which had shown some solicitude on their behalf had a right to demand that their interests should not be neglected, so far as those interests might be involved in the question of emancipation. If they renounced economic equality, they were entitled to demand some transitional measure which would also give the new State time to conclude economic agreements satisfactory to everyone. That was not a

moral consideration, but he thought that it was a sound one. The essential condition of reciprocity was laid down, so that there was no question of imposing a servitude on the new State, which retained absolute liberty of discussion as regards commercial treaties. Thus, although at first sight the suggested provision might appear exorbitant in common law, it was not so in view of the circumstances which would still exist after the termination of the mandate.

M. VAN REES said that, in his view, the essential point was that the provision in question should not be laid down as an obligation to be imposed on the new State. If Lord Lugard's or M. Merlin's formula were adopted, there would no longer be any question of an obligation, but of a measure to be negotiated with the new State. In that case, his objection no longer had the same importance.

M. RUPPEL was prepared to support M. Merlin's proposal, but suggested that it might be possible to provide for an exception in the case of C mandates.

M. VAN REES endorsed that observation; he had, moreover, already referred in his note (Annex 3 (a)) to the fact that it would be inadmissible to treat the territories under C mandate on the same footing as the others, seeing that the principle of economic equality did not apply to the former even at the present time.

M. MERLIN thought that his text would satisfy M. Ruppel. It read:

“ . . . to States Members of the League of Nations—which will no longer enjoy the benefits of the clause relating to economic equality . . . ”

If that clause did not appear in the mandate, the provision would not, of course, apply.

M. RUPPEL said that, if that explanation could be recorded in the Minutes, he would support M. Merlin's formula.

The text proposed by M. Merlin was adopted, subject to any possible drafting amendments.

TWENTY-EIGHTH MEETING

Held on Friday, June 26th, 1931, at 4 p.m.

General Conditions which must be fulfilled before the Mandate Regime can be brought to an End in respect of a Country placed under that Regime (continuation).

CHAPTER II (continuation).

Public Order.

The CHAIRMAN put to the meeting the following sub-paragraph of Chapter II of the draft submitted to the Commission:

“ The continued observance of the provisions peculiar to certain mandates which relate to public order (e.g., those of Articles 13 and 14 of the Palestine Mandate). ”

After a discussion, during which the Commission came to the conclusion that it was impossible, in a general provision applicable to all mandates, to mention a case which applied only to one mandate, that of Palestine, *it was decided to delete the sub-paragraph in question and to add in the second paragraph of Chapter II, after the words: “ without prejudice to any supplementary guarantees which might be justified by the special position of certain territories ”, a note to the effect that, for the determination of the mandate over Palestine, it would be necessary to require that Articles 13 and 14 of the Mandate should be duly taken into account.*

Sub-paragraph (g): International Conventions.

The Chairman then submitted to the meeting the following sub-paragraph of the draft:

“(i) The maintenance in force for their specified duration of the international conventions, both general and special; to which, during the mandate, the mandatory Power acceded on behalf of the mandated territory.”

COUNT DE PENHA GARCIA thought that the provision in question should be supplemented by a clause providing that the new State should also accede to the other general international conventions concluded under the League's auspices. To follow the choice made by the mandatory Power among all those conventions would, in fact, result in inequality between the different mandated territories—since, in the case of one territory, for example, five conventions might have to be kept in force, whereas in the case of another there might be nine or ten, according to the number of conventions to which the mandatory Power had adhered on behalf of the respective territories.

M. MERLIN pointed out that it was impossible to lay down such a condition for the new State, as there were many conventions which did not concern it and to which it could not therefore be asked to accede.

M. ORTS explained that he did not wish to impose special servitudes on the new State when the latter was declared independent. The new State would possess sovereign rights, but it was necessary at the same time to safeguard undertakings regularly concluded by the mandatory Power on its behalf while it was under the tutelage of that Power. He drew a parallel between civil and international law, and quoted, by way of example, the validity of leases signed by a guardian on behalf of his ward, the ward being required, when emancipated, to respect the terms of those leases.

COUNT DE PENHA GARCIA still thought that accession to the general conventions concluded under the auspices of the League of Nations was a condition to be imposed at the time of the cessation of the mandate, seeing that the Commission had to deal with this problem without having to consider the admission of the new State to the League of Nations. The analogy of the regime of mandates with authority granted under civil law argued by M. Orts was very doubtful.

M. VAN REES pointed out that the condition suggested by Count de Penha Garcia for the termination of the mandate was among those imposed on States Members of the League, under the Preamble to the Covenant. If, then, his suggestion were adopted, there would be no distinction on that point, between the termination of the mandate and entry into the League of Nations, though the latter was really a second stage.

COUNT DE PENHA GARCIA said that he would not insist on the point provided that his observations were recorded in the Minutes.

M. RUPPEL pointed out that, in the case of special conventions, the new State was not the only party concerned as regards the maintenance in force of those instruments. They had been concluded with third Powers. The third Power could not be obliged to agree to the substitution, as a contracting party, of the new State for the mandatory Power. He proposed accordingly to add:

“ if the third Power concerned gives its consent ”.

COUNT DE PENHA GARCIA agreed with M. Ruppel that the substitution of the new State for the mandatory Power which had signed the special convention undoubtedly constituted a *de facto* change in the conditions of the treaty. The latter had been concluded with the mandated territory through the mandatory Power, but subject to the guarantee of the latter. After the termination of the mandate, the conditions would no longer be the same, and the third Power concerned had the right, therefore, to denounce the convention.

M. ORTS replied that, when a special convention was concluded between a mandated territory and a third Power, the mandatory Power only appeared as an intermediary, acting on behalf of one who had not the capacity to act alone, so that, from a legal standpoint, there were only two parties—namely, the territory under mandate and the third Power. When a person was authorised to negotiate on behalf of a minor, agreements concluded by that person were binding both on the other party and on the minor. In M. Orts' view, even after the termination of the mandate and the disappearance of the mandatory Power, the legal bond between the mandated territory and the other contracting party remained intact.

M. RUPPEL did not share M. Orts' opinion on that very delicate question of international law. He did not propose, however, to press the point, and simply noted that his own view also appeared to be accepted by the British Government, since Article 8 of the Treaty of Alliance concluded between the United Kingdom and Iraq, dated June 30th, 1930, provided, in paragraph 2, as follows:

“ It is also recognised that all responsibilities devolving upon His Britannic Majesty in respect of Iraq under any other international instrument . . . should similarly devolve upon His Majesty the King of Iraq alone, and the High Contracting Parties shall immediately take such steps as may be necessary to secure the transference to His Majesty the King of Iraq of these responsibilities. ”

LORD LUGARD stressed the point that the sub-paragraph under discussion read, “the maintenance in force for their specified duration” He observed that many general conventions were concluded for an indefinite period, with the right of denunciation. Did the Commission intend to impose on the new State an obligation to respect those conventions indefinitely without at the same time according to it the right of denunciation previously enjoyed by the mandatory Power? He thought it would be impossible to impose such an obligation.

M. ORTS observed that, in the case of conventions without any time-limit, the right of denunciation belonged to the parties. Such a convention only bound the emancipated State to the extent that it bound the State which had concluded it in its name—that was to say, subject to the reservation that the convention could be denounced. In order to take into account Lord Lugard's observations, M. Orts proposed to insert in the text after the words, “for their specified duration,” the words, “and subject to the right of denunciation accorded to the parties”.

LORD LUGARD said that that would satisfy him.

M. Orts' proposal was adopted.

Sub-Paragraph (g), as amended, was adopted.

The conclusions on the general conditions to be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime were adopted in their entirety.

The CHAIRMAN thanked M. Orts for the report which he had been good enough to draw up and in framing which he had been able to consult the preliminary reports of Count de Penha Garcia, M. Van Rees and Lord Lugard.

Iraq: Petitions dated September 23rd, 1930, and December 9th, 1930, from Mr. A. H. Rassam and Observations by the British Government, dated May 6th, 1931: Report by M. Orts (Annex 8).

M. ORTS, speaking as Rapporteur, pointed out that he had reproduced in his report the chief complaints set forth in the petitions. This would avoid annexing unduly voluminous documents to the Minutes.

He added that his conclusions should be supplemented by a third paragraph, reproducing the terms employed by M. Rappard in his report on the Kursich petition. The Commission would make it clear in that way that the complaints of all the minorities had led it to form the same conclusion.

The conclusions of M. Orts' report, thus amended, were adopted.

Iraq: Petition, dated April 20th, 1931, from Yusuf Malek, and Observations by the British Government, dated June 2nd, 1931: Report by M. Orts (Annex 9).

The conclusions of Orts' report were adopted with some drafting amendments.

Iraq: Petition of the British Oil Development Company, Ltd., Conclusions to be drawn from the British Government's Communication dated June 4th, 1931 (Annex 5 (a)): Report by M. Rappard (Annex 5 (b)).

The conclusions of M. Rappard's report were adopted.

Syria and the Lebanon: Petition, dated June 9th, 1930, signed by Three Inhabitants of Aleppo, and Petition, dated June 16th, 1930, from 184 Inhabitants of Damascus: Report by M. Sakenobe (Annex 13).

The conclusions of M. Sakenobe's report were adopted with some drafting amendments.

Syria and the Lebanon: Petition, dated May 7th, 1929, from Ahmed Mouktar el Kabani and twenty Other Signatories: Report by M. Sakenobe (Annex 14).

The conclusions of M. Sakenobe's report were adopted with some drafting amendments.

Appointment of Rapporteurs for Various Petitions received by the Commission during its Present Session.

The CHAIRMAN announced that, since the opening of the session, the Commission had received from the mandatory Power three petitions from the Cameroons under French mandate. Two of those petitions, which the French Government had forwarded under cover of the same letter, were from several Douala chiefs and from a certain Manga Bell, respectively (document C.P.M. 1186).

He proposed that M. Rappard, who, during the sixteenth session, had examined a petition dealing with the same question, should be asked to report on these new petitions.

The third petition, forwarded by the French Government on June 4th, 1931, was from the European delegate of the Cameroons negro citizens (document C.P.M. 1185).

The Chairman proposed that Count de Penha Garcia should be asked to submit a report on this petition at the next session

These proposals were adopted.

Western Samoa: (a) Petition, dated May 19th, 1930, from Mr. O. F. Nelson (Auckland, New Zealand), and Observations by the New Zealand Government, dated December 5th, 1930.

(b) Petition, dated May 19th, 1930, from Mr. A. John Greenwood (Auckland, New Zealand), and Observations by the New Zealand Government, dated December 5th, 1930.

(c) Petition, dated September 18th, 1930, from the Women's International League for Peace and Freedom (New Zealand Section), and Observations thereon by the New Zealand Government, dated January 28th, 1931.

At the request of M. VAN REES, the examination of the above petitions were adjourned to the next session, when the accredited representative would be present, since Lord Lugard, rapporteur, proposed to ask certain questions.

Liquor Traffic: Revised Memorandum: Definition of the Zones of Prohibition in African Territories under Mandate (continuation): Adjournment of the Question.

Count DE PENHA GARCIA recalled that he had been requested at the nineteenth session¹ to submit a report on this subject at the present session, after receiving suggestions from Lord Lugard.

Lord LUGARD replied that he must first obtain certain data and that he had not yet been able to do so. He would forward his suggestions to Count de Penha Garcia as soon as possible.

The Commission decided to adjourn the question to its next session.

Economic Equality: Purchase of Material and Supplies by the Public Authorities of Territories under A and B Mandates, either for their own Use or for Public Works (continuation): Adjournment of the Question.

After an exchange of views, *the Commission decided to adjourn this question until the next session.*

List of General and Special International Conventions applied in the Mandated Territories (continuation).

M. ORTS observed that when, during its twenty-second meeting, the Commission had adopted his report on international conventions applied to the mandated territories, M. Ruppel had pointed out certain omissions in the synoptic tables prepared by the Secretariat.

M. Ruppel's remark appeared to have been due to a misunderstanding, as it had been based on a reference to the "Tables, Diagrams and Graphs showing the State of Signatures, Ratifications and Accessions in Agreements and Conventions concluded under the Auspices of the League of Nations up to September 1st, 1930" (document A.20.1930.V). The two lists, however, were different in character. The list published under document A.20.1930.V was a list of agreements and conventions concluded under the auspices of the League; accordingly, all the Conventions concluded under the League's auspices were mentioned in that list, irrespective of their actual entry into force or application. For example, the Protocol of 1924, which had never come into force, was included.

The "Tables of international conventions applied to the mandated territories" were quite different. They included only those conventions which were *applied* to the mandated territories. That procedure had been adopted in order to comply strictly with the Council's resolutions, which had always referred to Conventions *applied* and not to Conventions *applicable* to the mandated territories; *vide*, in particular, the Council's report adopted on March 5th, 1928, as follows:

" . . . It (the Commission) now wishes for certain additional figures concerning the *financial situation* of these territories, and it asks for the assistance of the mandatory Powers in verifying *certain lists of international conventions* applied in the mandated territories which it has already drawn up in tentative form . . . "

Those observations applied also to the Labour Conventions mentioned by M. Ruppel.

M. Ruppel had forwarded to the Secretariat a series of what he thought were omissions in the "Tables of international conventions applied in the mandated territories." Those tables had only been submitted to the Commission in proof form, and the Secretariat would take care to check the points noted by M. Ruppel—so far as they were not already covered by M. Orts' explanations—before the final text was printed.

M. RUPPEL thanked M. Orts for his explanations.

¹ See the Minutes of the nineteenth session of the Commission, page 70.

TWENTY-NINTH MEETING

Held on Saturday, June 27th, 1931, at 10.30 a.m.

General Conditions which must be fulfilled before the Mandate Regime can be brought to an End in respect of a Country placed under that Regime (continuation).

M. ORTS pointed out that, in addition to certain purely formal corrections which he had made in the final text of the Commission's conclusions, he felt it necessary to suggest a slight amendment in the drafting of the last paragraph, as follows, in the text submitted to the Commission:

"In addition to the foregoing essential clauses, the Permanent Mandates Commission considers that it would be desirable that the new State should, as a transitional measure, secure to States Members of the League of Nations—in view of the lapse of the Economic Equality Clause—most-favoured-nation treatment, subject to reciprocity for a period to be agreed upon."

In order to dispel all idea of any kind of bargain between Members of the League of Nations and the new State, he proposed that the text should be amended as follows:

"... considers that it would be desirable that the new State, if hitherto subject to the Economic Equality Clause, should consent to secure to all States Members of the League of Nations the most-favoured-nation treatment as a transitory measure on condition of reciprocity."

M. VAN REES did not remember that the Commission had actually accepted the formula suggested by M. Merlin. He would prefer Lord Lugard's formula, stating that the Commission was of opinion "that it might perhaps be expedient to ask the new State to grant" The Commission would, in his view, be making too positive a statement if it declared that it was desirable that the new State should grant most-favoured-nation treatment.

The CHAIRMAN preferred a much more positive formula, which should be included among the essential undertakings. He had supported M. Merlin's text only in a spirit of conciliation. He reminded M. Van Rees that it was simply a recommendation.

M. MERLIN added that the recommendation would be submitted to the Council, which would take a final decision. The Commission was merely directing its attention to the interest of the question.

M. VAN REES thought that it would be for the Council to decide on the conditions to be required of the new State to be declared independent, and that the Commission was not called upon to give an affirmative reply on the point in question. He, personally, saw no serious objection to putting the question to the new State, provided that the latter was free to reply as it thought fit. If the Commission decided to adopt the formula in the draft conclusions, he asked that it might be stated in the Minutes that he had not been in favour of obliging the new State, in any manner whatsoever, to accord most-favoured-nation treatment, and that the adoption of the text by the Commission did not imply that he, personally, was of opinion that the new State should be obliged to grant such treatment.

The text proposed by M. Orts was adopted, M. Van Rees reserving his opinion on the matter.

M. ORTS informed the Commission that he had collated the French and English texts of the conclusions with Lord Lugard.

The CHAIRMAN said that this procedure must not be regarded as constituting a precedent. Hitherto, the Commission, when examining any text, had voted on the French text or the English text, as the case might be, leaving the Secretariat services to collate the two texts as might be necessary. The present case must be regarded as constituting an exception.

Lord LUGARD endorsed the Chairman's observations. He had thought that it would be useful, in the interests of greater clearness and rapidity, to collate with M. Orts the French and English texts of the conclusions which had just been adopted, but the Secretariat translation service was responsible for seeing that the final texts corresponded.

Examination of the Draft Report to the Council.

The Commission established the final text of the introduction and various passages of its report to the Council (Annex 16).

The CHAIRMAN said that he had consulted M. Van Rees on the drafting of the footnote to appear in the report after the chapter concerning the special report on Iraq (see Annex 16, D).

Adoption of the List of Annexes to the Minutes of the Session.

The Commission adopted the list of Annexes to the Minutes of the present session.

Representation of the Commission at the Next Session of the Council and of the Assembly.

After discussion, it was agreed that, if the Chairman were unable to represent the Commission at the next session of the Council and of the Assembly, that duty should be entrusted to M. Van Rees, the Vice-Chairman, or, should he also be unable to undertake it, to M. Orts.

Close of the Session.

The CHAIRMAN congratulated his colleagues on the particularly important work done during the session, above all, as regards the question of the termination of the mandate. In connection with the study of this question, Count de Penha Garcia, Lord Lugard, M. Orts and M. Van Rees had given assistance which merited the special thanks of the Commission.

The Chairman expressed the Commission's thanks to M. Catastini and his collaborators and to the different services of the Secretariat.

M. VAN REES wished to associate himself warmly with the thanks addressed to the Secretariat and to congratulate the Chairman, on his own behalf and on that of his colleagues, for the competence with which he had assisted the Commission in the accomplishment of its task.

ANNEX 1.

C.P.M.1173(1).

LIST OF DOCUMENTS¹ FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES:

A. <i>Iraq.</i>	D. <i>Nauru.</i>
B. <i>Palestine.</i>	E. <i>New Guinea.</i>
C. <i>Syria and the Lebanon.</i>	F. <i>South West Africa.</i>

A. IRAQ.

I. *Special Report and Legislation.*

1. Special Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the progress of Iraq during the period 1920-1931.
2. Laws and Regulations issued between July 1st, 1930, and December 31st, 1930.²

II. *Various Official Publications.*

Iraq Government Gazette.²

III. *Various Communications.*

1. Letter from the British Government, dated January 12th, 1931, transmitting the Report of the Special Committee appointed by the Government of Iraq to examine the Claim of the Bahai Spiritual Assembly, Baghdad, and communicating the Measures taken by the Government of Iraq in Execution of the Recommendations contained in the Report (document C.P.M.1136). (See Annex 6.)
2. Letter from the British Government dated March 28th, 1931, with regard to the Signature and the bringing into Force in the Near Future of the new Judicial Agreement between the British Government and the Government of Iraq (document C.205.M.83.1931.VI).

B. PALESTINE.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Transjordan for the Year 1930.
2. Ordinances, Annual Volume for 1930.
3. Proclamations, Rules, Orders and Notices. Annual Volume for 1930.
4. Transjordan Legislation 1930 (English version).

I. *Various Official Publications.*

1. Report on Immigration Land Settlement and Development by Sir John Hope Simpson (document Cmd. 3686).
2. Appendix containing Maps to the Former Paper (document Cmd. 3687).
3. Statement dated October 1930 of Policy in Palestine by His Majesty's Government in the United Kingdom (document Cmd. 3692).
4. Letter, dated February 13th, 1931, addressed by the Prime Minister to Dr. Weizmann of the Jewish Agency.
5. Staff List showing Appointments and Stations on March 31st, 1930, together with a List of Corrigenda to bring the List up to date as on June 1st, 1931.²

¹ (a) Documents received by the Secretariat primarily for any of the technical organisations (cf. Advisory Committee on Traffic in Opium and Other Dangerous Drugs) 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 in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

The communications forwarded in reply to the observations of the Permanent Mandates Commission, and certain other documents, have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been published.

(b) The petitions forwarded by the mandatory Powers, together with their observations on these petitions and on the petitions communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the rules of procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

² Kept in the archives of the Secretariat.

6. *Official Gazette* of the Government of Palestine. ¹
7. Report of the Commission appointed by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, with the Approval of the Council of the League of Nations, to determine the Rights and Claims of Moslems and Jews in Connection with the Western or Wailing Wall at Jerusalem, December 1930.
8. Report of a Committee on the Economic Condition of Agriculturists in Palestine and the Fiscal Measures of Government in Relation thereto, issued by the Government of Palestine in 1930. ²
9. Report by Mr. C. F. Strickland of the Indian Civil Service on the Possibility of introducing a System of Agricultural Co-operation in Palestine, issued by the Government of Palestine in 1930. ³

III. *Various Communications.*

Letter from the British Government, dated August 27th, 1930, forwarding the Correspondence exchanged between the British Government and the Zionist Organisation and relating to the Enlarged Jewish Agency for Palestine, together with the Text of the Agreement signed at Zurich on August 14th, 1929 (document C.P.M.1078).

IV. *Miscellaneous Documents forwarded on June 4th, 1931.*

1. The Statistical Bases of Sir John Hope Simpson's Report on Immigration, Land Settlement and Development in Palestine. Document issued in May 1931 by the Jewish Agency for Palestine.
2. Memorandum by Mr. Leonard Stein on the Palestine White Paper of October 1930.
3. Memorandum on Land Settlement, Urban Development and Immigration in Palestine submitted to Sir John Hope Simpson by the Jewish Agency.

C. SYRIA AND THE LEBANON.

I. *Annual Report and Legislation.*

1. Report to the League of Nations on the Situation in Syria and the Lebanon (year 1930).
2. Decree No. 3045 of the High Commissioner of the French Republic in the Levant defining the Status of Soldiers of the Special Levant Troops. ¹
3. Decree No. 3390 of the High Commissioner of the French Republic, of December 31st, 1930, containing Instructions regarding the Conditions of Allocation and Employment of Officers of the Special Levant Services placed at the Disposal of the High Commissioner of the French Republic. ¹

II. *Various Official Publications.*

1. Collection of Diplomatic Documents relating to the Levant States under French Mandate, from December 23rd, 1920, to June 1st, 1930. ¹
2. Agreement between the State of Syria and the Iraq Petroleum Company, Ltd., signed at Damascus on March 25th, 1931. ¹
3. Agreement between the Lebanese Republic and the Iraq Petroleum Company, Ltd., signed at Beirut on March 25th, 1931. ¹
4. *Bulletin of the Administrative Acts of the High Commission of the French Republic.* ¹
5. *El Acima*, bi-monthly bulletin of the State of Syria. ¹
6. *Official Journal* of the Lebanese Republic. ¹
7. *Official Journal* of the State of the Alaouites. ¹
8. *Quarterly Economic Bulletin of the Territories under French Mandate* (State of Syria, Lebanese Republic, State of the Alaouites, State of the Jebel Druse). ¹

D. NAURU.

I. *Annual Report and Legislation.*

Report to the Council of the League of Nations on the Administration of Nauru during the Year 1930 (Ordinances and Regulations annexed).

II. *Various Official Publications.*

1. *Official Gazette.* ¹
2. The British Phosphate Commissioners. Report and Accounts for the Year ended June 30th, 1929. ¹

¹ Kept in the archives of the Secretariat.

² Although these reports were not forwarded direct to the Commission by the Government of the mandatory Power, it was decided in agreement with the accredited representative to consider them as as having been so transmitted (see Minutes, page 76).

³ *Idem* (see Minutes, page 75).

E. NEW GUINEA.

I. *Annual Report and Legislation.*

1. Report to the Council of the League of Nations on the Administration of the Territory of New Guinea from July 1st, 1929, to June 30th, 1930.
2. Laws of the Territory of New Guinea, Volume X, 1929.

II. *Various Official Publications.*

1. Anthropological Reports Nos. 4 and 5 by E. W. Pearson Chinnery, Government Anthropologist. ¹
2. *New Guinea Gazette.* ¹

F. SOUTH WEST AFRICA.

I. *Annual Report and Legislation.*

1. Report presented by the Government of the Union of South Africa to the Council of the League of Nations concerning the Administration of South West Africa for the Year 1930.
2. Laws of South West Africa 1929.
3. Laws of South West Africa 1930.

II. *Various Official Publications.*

1. Accounts of the Administration of South West Africa for the Financial Year 1929-30 together with the Report of the Comptroller and Auditor-General thereon.
2. *Official Gazette* of South West Africa. ¹

ANNEX 2.

C.P.M.1154(2).

AGENDA OF THE TWENTIETH SESSION OF THE PERMANENT
MANDATES COMMISSION.

I. Opening of the Session.

II. Election of the Chairman and Vice-Chairman of the Commission for 1931-32.

III. Examination of the Annual Reports of the Mandatory Powers. ²

Palestine, 1930.
Syria, 1930.
South West Africa, 1930.
Nauru, 1930.
New Guinea, 1929-30.

IV. Iraq: Examination of the Special Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Progress of Iraq during the Period 1920-1931.

V. General Questions.

- (a) General Conditions that must be fulfilled before the Mandate Regime can be brought to an End in respect of a Country placed under that Regime.
(Rapporteur: Count de Penha Garcia.)
- (b) General and Special International Conventions applicable to Mandated Territories.
(Rapporteur: M. Orts.)

VI. Petitions.

1. Petitions rejected in virtue of Article 3 of the Rules of Procedure: Report by the Chairman (document C.P.M.1160(1)).

¹ Kept in the archives of the Secretariat.

² In agreement with the Chairman and the mandatory Powers concerned, the examination of the annual reports on Tanganyika, Togoland and the Cameroons under French mandate was adjourned until the autumn session, in order to lighten the agenda of the present session, on which appear several questions which entailed prolonged discussion.

2. Iraq.
 - (a) Petitions dated September 23rd and December 9th, 1930, from Captain A. Hormuzd Rassam (documents C.P.M.1108, 1108(a) and 1156).
Observations of the British Government, dated May 6th, 1931 (document C.P.M.1156).
(Rapporteur: M. Orts.)
 - (b) Petition from M. Yusuf Malek, dated April 20th, 1931 (document C.P.M. 1179).
Observations from the British Government, dated June 2nd, 1931 (document C.P.M.1179).
(Rapporteur: M. Orts.)
 - (c) Petitions from the Kurds of Iraq forwarded on February 20th, 1931, by the British Government with its Preliminary Observations (document C.P.M.1140).
Observations from the British Government dated April 27th, 1931 (document C.P.M.1151) and dated June 8th, 1921 (document C.P.M.1184).
(Rapporteur: M. Rappard.)
 - (d) Petition from Tawfiq Wahbi Beg, dated April 19th, 1931 (documents C.P.M.1192 and 1192(a)).
Observations from the British Government dated June 13th, 1931 (document C.P.M.1192).
(Rapporteur: M. Rappard.)
3. Palestine.
 - (a) Memorandum from the Arab Executive Committee of December 1930 (document C.P.M.1169) on the British Government's Statement of Policy of October 1930 (Cmd. 3692).
Observations of the British Government dated May 11th, 1931 (document C.P.M.1169).
(Rapporteur: M. Palacios.)
 - (b) Memorandum by the Jewish Agency dated April 30th, 1931, on the Development of the Jewish National Home in Palestine during 1930 (document C.P.M.1178).
Observations from the British Government dated June 10th, 1931 (document C.P.M.1187).
(Rapporteur: M. Ruppel.)
4. Syria and the Lebanon.
 - (a) Petition from M. Saadeddine Jabri, M. Edmond Rabbath, and M. Nazem el Kodzi, Aleppo, dated June 9th, 1930, and Petition from 184 Inhabitants of Damascus, dated June 16th, 1930 (document C.P.M.1174).
Observations of the French Government dated June 4th, 1931 (document C.P.M.1174).
(Rapporteur: M. Sakenobe.)
 - (b) Petition from M. Ahmed Muktar el Cabbani and Twenty Other Signatories dated May 7th, 1929 (document C.P.M.1175).
Observations of the French Government dated June 4th, 1931 (document C.P.M.1175).
(Rapporteur: M. Sakenobe.)
5. Syria and Palestine.

Petition from Mrs. Evelyn Evans, dated December 12th, 1930 (document C.P.M.1141).
Observations of the British Government dated April 29th, 1931 (document C.P.M.1152).
Observations from the French Government dated June 4th, 1931 (document C.P.M.1176).
(Rapporteur: M. Ruppel.)
6. Cameroons under French Mandate.

Petition¹ dated March 21st, 1930, from M. Joseph Mouangue, and Observations from the French Government dated November 10th, 1930 (document C.P.M.1133).
(Rapporteur: M. Palacios.)
7. Tanganyika.

Petition¹ dated October 20th, 1930, from the Indian Association of the Tanganyika Territory, and Observations of the British Government dated May 15th, 1931 (document C.P.M.1164).
(Rapporteur: M. Palacios.)

¹ Adjourned until the next session (see Minutes, page 95).

8. Western Samoa.

- (a) Petition ¹ dated May 19th, 1930, from Mr. O. F. Nelson (document C.P.M. 1073).
Observations of the New Zealand Government, dated December 5th, 1930 (document C.P.M. 1134).
(Rapporteur: Lord Lugard.)
- (b) Petition ¹ dated May 19th, 1930, from Mr. A. John Greenwood (document C.P.M. 1071).
Observations from the New Zealand Government dated December 5th, 1930 (document C.P.M. 1135).
(Rapporteur: Lord Lugard.)
- (c) Petition ¹ dated September 18th, 1930, from the New Zealand Section of the Women's International League for Peace and Freedom (document C.P.M. 1142).
Observations of the New Zealand Government dated January 28th, 1931 (document C.P.M. 1142).
(Rapporteur: Lord Lugard.)

ANNEX 3.

GENERAL CONDITIONS TO BE FULFILLED BEFORE THE MANDATE REGIME CAN BE BROUGHT TO AN END IN RESPECT OF A COUNTRY PLACED UNDER THAT REGIME.

C.P.M. 1183.

(a) NOTE BY M. VAN REES.

CONTRIBUTION TO THE EXAMINATION OF THE QUESTION OF THE GENERAL CONDITIONS REQUIRED FOR THE TERMINATION OF THE MANDATE REGIME IN A COUNTRY PLACED UNDER THAT REGIME.

On January 22nd, 1931, the Council decided to invite the Permanent Mandates Commission to pursue the study of the problem of the termination of a mandate *in its "general aspect"*.

The discussions which preceded this decision clearly showed that the Council does not expect this examination to extend to any particular cases or to the question of the conditions required for the admission of a mandated territory to the League.

As stated on that occasion by the Rapporteur to the Council, M. Marinkovitch—a statement to which no objection was raised by the other members of the Council—“The Mandates Commission must confine itself exclusively . . . to the general conditions that must be fulfilled before the mandate regime can be terminated in a country placed under that regime”; he added that it “was not required to deal with the second question, that of admission to the League”.

This resolution makes no distinction between the various territories at present under mandate. The Commission is therefore called upon to examine the three categories of territories under A, B, and C Mandates, although it is obvious that, as regards the last two categories, the question is of purely theoretical interest.

* * *

The problem under consideration appears to involve the examination of the three following questions:

- I. Does Article 22 of the Covenant provide in principle for a temporary regime?
- II. If so, what authority is competent to pronounce the termination of the mandate?
- III. To what conditions should the release of a territory from mandate be subject?

Ad I. We will first consider whether in principle the mandate system can terminate in any territory to which it applies, or whether, from a legal standpoint, the system must be regarded as permanent, if not in all mandated territories, at all events in some of them.

This question has on more than one occasion given rise to controversy, particularly in regard to the territories under B and C Mandates. While agreeing that, as regards the Asiatic territories the mandate system should come to an end sooner or later, certain authors are of opinion that this does not apply to the mandated territories in Africa and Oceania. To mention only two: Professor Henri ROLIN maintains that, while the mandated territories in the Near East should be regarded almost as protectorates, in the other territories the mandate “is essentially final and perpetual”. He adds that the Convention under which the mandate was granted “constitutes an irrevocable

¹ Adjourned till the next session (see Minutes, page 187).

deed of transfer by the five Powers".¹ Without going so far as his colleague, Professor Giulio DIENA denies that the first paragraph of Article 22 of the Covenant is to be interpreted to mean that, in any and every territory, it should be the final aim of the mandatory Powers to form independent States. "That may be the case", he says, "in regard to A Mandate, but it cannot apply to B and C Mandates."²

The vast majority of authors, however, hold a different view—namely, that, in regard to all the mandated territories, the regime instituted by Article 22 of the Covenant should terminate as soon as it has brought those territories to a stage of political, social, and economic evolution when they can reasonably be regarded as able to stand alone. According to FAUCHILLE, "the international mandate normally terminates as soon as the object for which it was established has been achieved".³ Professor Paul PIC says that "if we seek to discover the spirit (of Article 22) we shall find that its principal object is to affirm the obligation on the part of civilised States to assist weaker nations to rise to their level and gradually win their independence . . ."⁴ "Its temporary character is the very essence of the mandate system", says another particularly clear-sighted author. "It is certain", he adds elsewhere, "that the object of the mandate system is to enable all the peoples placed under that system to win, first, autonomy and, ultimately, complete independence."⁵

Similar statements are to be found in a large number of the many studies on the theory of the mandate system published since that institution was set up.

Does this mean that the question should be regarded as finally settled?

We must not lose sight of the fact that in this connection doubts have been expressed not only in scientific circles but also within the League itself, in particular at the Tenth Assembly, where the temporary character of B and C Mandates was disputed in the Sixth Committee.⁶ Nor must we forget that the question has never been discussed in principle by the Council.

A somewhat closer examination of the various arguments for and against the theory of the temporary character of mandates, therefore, may not be superfluous.

The arguments of those who refuse to recognise this temporary character may be summarised as follows:

The mandates were granted for an indefinite period; neither the Covenant nor the texts of the individual mandates fix any date for the termination of the mandated regime. These instruments do not even mention the end of the mandate except as regards the more or less highly developed communities placed under A Mandate, in regard to which the fourth paragraph of Article 22 of the Covenant provides for "the rendering of administrative advice and assistance by a Mandatory *until such time as they are able to stand alone*".⁷ This provision therefore lays down formally, but without fixing any date, that, as soon as these communities are able to stand alone, the mandate will come to an end.

There is, however, no such clause in respect of territories under B and C Mandates. It is true that the first paragraph of Article 22 provides that the principles laid down thereafter shall apply to territories and colonies inhabited by peoples "*not yet able to stand by themselves under the strenuous conditions of the modern world*". But is it certain that this represents a general limitation of the *duration* of the mandates? If so, the provision quoted above relating to A Mandate would have been superfluous, inasmuch as the first paragraph of Article 22 applies indifferently to all territories subject to the international mandate system. Moreover, it is hardly conceivable that the authors of the Covenant intended to express in such a roundabout way the fact that the regime was to have, as a rule, a limited duration, while the very structure of the introductory clause argues much more in favour of the interpretation that all they had in view was to *delimit the field of application* of the system.

It is also true that Article 22 speaks of "mandates" and "tutelage", two terms which in ordinary law preclude any idea of permanence. But it is common ground that it would be extremely unwise to attach the same connotations to these terms in international law as in civil law.

In conclusion, from the purely legal point of view, there is no ground for inferring from Article 22 that the temporary character of the system, as formally recognised in the case of the Asiatic territories, must also be recognised in the case of other territories under that system.

Against this, it may be argued that this exposition takes no account of the origin of the mandate system.

The victorious Powers having agreed at the close of the war on the two Wilsonian principles on which the Peace Treaties were to be based—the principle of the non-annexation of conquered territories and the principle of self-determination—the question arose whether those principles could satisfactorily be applied in their entirety to all the territories which were no longer under

¹ Henri ROLIN: "Le système des mandats coloniaux" (*Revue de droit international et de législation comparée*, Brussels 1920, page 351).

² Giulio DIENA: "Les mandats internationaux" (Academy of International Law at The Hague; *Recueil des Cours*, 1924, IV, Paris, page 247).

³ Paul FAUCHILLE: "Traité de droit international public", Volume I, 1925, page 553, Paris.

⁴ Paul PIC: "Le régime du mandat d'après le Traité de Versailles" (*Revue générale de droit international public*, Paris, 1923, page 9 of extract).

⁵ J. STOYANOVSKY: "La Théorie des Mandats internationaux" Paris, 1925, pages 46 and 81.

⁶ See the statements by the French, New Zealand and Australian delegates at the meetings of the Sixth Committee of the Tenth Assembly on September 14th and 16th, 1929.

⁷ The A Mandate also refers to "the termination of the mandate". See Articles 5 and 19 of the Mandate for Syria and the Lebanon, and Articles 8 and 28 of the Mandate for Palestine. The treaties concluded between Great Britain and Iraq refer still more definitely to the termination of the mandate for Iraq.

the sovereignty of the States that had formerly governed them. It was felt that the second principle clearly could not operate in certain territories, because they were inhabited by peoples who at that time were incapable of self-determination, or, in other words, of self-government. This was the origin of the mandate system, which, having regard to the temporary incapacity of these peoples to assume the responsibilities of independence, required that the application of the principle should be suspended but should by no means be cancelled. This seems to be the capital point which cannot be neglected and stands in the way of any interpretation to the effect that, according to the letter of Article 22 of the Covenant, even some of the mandates are permanent. Although it was not expressed as perfectly as it might have been, the fact remains that beyond the slightest doubt the Peace Conference anticipated that a day would come when those peoples which were for the time being regarded as under tutelage could be recognised as fit for self-government, and that, consequently, the ultimate aim of the new system introduced into international law is nothing less, as STOYANOVSKY remarks, than that all the peoples subjected to it should win, first, autonomy and then independence.

In the case of the African and South Pacific territories, this goal is beyond dispute still so remote that it would be safe to say that it is really no more than of theoretical interest; and consequently, from a practical point of view, the question has at present no real importance except for the Asiatic territories. Clearly, however, this consideration cannot affect the principle—which has been accepted by almost all writers and by the mandatory Powers themselves—that the mandates system implies only a temporary charge.

* * *

Ad II. Some comment is called for on the question of the authority with which the decision as to the termination of the mandate rests.

It should be pointed out that for the new system to be introduced, the co-operation of three separate parties was necessary—the Supreme Council, which allocated the territories to be placed under mandate and appointed the Mandatories; the Council of the League of Nations, which confirmed the texts of the several mandates for each territory; and the mandatory Powers, which undertook to accept the mandates on the terms laid down.

Does it follow that the consent of these three parties is required before any particular mandate can be terminated?

I am inclined to answer in the negative.

The Supreme Council, representing the Principal Allied and Associated Powers, distributed the former German colonies on May 7th, 1919, and the Near-Eastern territories detached from Turkey on April 26th, 1920—*i.e.*, before the ratification of the Peace Treaties with Germany and the Ottoman Empire, and consequently, at all events as regards the German colonies, at a time when the League did not yet exist. It was in virtue of Articles 118 and 119 of the Treaty of Versailles and Article 132 of the Treaty of Sèvres that the Supreme Council, relying upon various practical considerations and acting, so to speak, as the liquidators of the consequences of the war, carried out this premature distribution of territory which was the first step in the introduction of the mandate system. This, however, was the full extent of the action taken by that body in regard to mandates, seeing that it was the duty of the League of Nations to enforce the system under Article 22 of the Covenant.

On August 21st, 1919, the Supreme Council appointed Belgium mandatory for the provinces of Ruanda of Urundi, which were detached from German East Africa, which had been placed under British mandate on May 7th, 1919. It should be noted, however, that on August 31st, 1923, an additional area known as the Kissaka area was detached from the territory allotted to Great Britain and attached to the Belgian mandated territory, without any intervention on the part of the Supreme Council. It was the Council of the League that confirmed this partition, following the conclusion of an agreement between the British and Belgian Governments.

It seems to follow that now that the mandates have been allotted the League Council regards itself as having sole jurisdiction in all questions connected with mandates, including those of the transfer and extinction of mandates. This view is corroborated, moreover, by the clause that appears in every mandate to the effect that any change in the terms of the mandate must previously receive the approval of the League Council; and what is the transfer or termination of a mandate but a radical change?

Moreover, seeing that the Supreme Council, which existed in 1919, has long since been dissolved, and that the effective cessation of a mandate—the subject with which this note deals—certainly does not call for the re-establishment of such a body, it seems fair to conclude that it rests with the League Council alone to decide as to the termination of a mandate, provided always that, inasmuch as the mandate is a synallagmatic convention, its decision may only be taken at the request of the mandatory Power concerned.

There is one more point to consider: is the consent of the United States of America required before a mandate can be terminated?

Although they did not ratify either the Covenant or the Treaty of Versailles, the United States claimed for themselves and their nationals, on the ground that they had taken part in the war and contributed to the defeat of Germany and her allies, the safeguards provided for nationals, of the States Members of the League. The claim having been recognised in principle, the Council requested the Powers concerned to come to an agreement with the United States by negotiation. The result was a series of conventions relating to all the territories under A and B Mandates and the Island of Yap, whereby the United States and their nationals enjoy the same privileges and

advantages as are granted under the mandate system to nationals of the States Members of the League.¹

It is clear therefore that the United States are directly interested in the maintenance or abrogation of the mandate over the territories dealt with in these conventions. Consequently, before a mandate can be terminated, the United States Government is apparently entitled to demand to be consulted, either by the Council of the League, or by the mandatory Power which applies for the emancipation of the territory placed under its mandate.

* * *

• *Ad III.* What conditions should be laid down for the emancipation of a territory subject to the mandate system ?

This is the third essential question that has to be considered.

If, having regard to the origin of the system, it is inferred from Article 22 of the Covenant that, generally speaking, the system is applicable only until the inhabitants of the mandated territories are able to stand by themselves, it follows logically that, as soon as their political maturity has been formally recognised by the competent authority, they must be given independence.

We have now to consider, however, how to satisfy ourselves that these peoples have reached such a stage of development that they cannot reasonably be refused the freedom to manage their own affairs without the interference of any foreign authority.

No general answer to this question is possible. It is a question of fact and not of principle, and the answer can be found only in local conditions as a whole connected with political and administrative organisations and their working and with the economic and social development of the territory.

If a scrupulous examination of these conditions leads to the conclusion that the maintenance of the mandate system in the territory is no longer needed, then the system automatically comes to an end by the recognition of the independence of the territory, which must thenceforward be regarded as a new State from the point of view of international law.

It seems almost needless to point out that the termination of the mandate system implies that all the rules and obligations that make up the system lapse entirely. These rules binding the Mandatory and the obligations laid down in the mandates were accepted by the Mandatory, and not by the Government of the territory whose independence is recognised. The Mandatory, having withdrawn on account of that recognition, we can hardly fail to conclude that the new State is under no obligation to continue to observe any of the provisions of the mandate.

Does that mean that the emancipation of the territory must not be made subject to any conditions ?

Obviously not. On the contrary, in the case under consideration special conditions are essential. These conditions cannot, however, be based on the obligations laid down in the mandate under which the territory was previously administered. You cannot say that the mandate is abrogated and at the same time use the mandate as the legal basis for the establishment of conditions which must be fulfilled by the emancipated territory. When the mandate ceases to exist, the obligations it lays down entirely lose their force, unless they explicitly stipulate otherwise. Subject to this reservation, to which we shall return later, the conditions to be imposed must be justified by considerations foreign to the mandate.

These considerations may be summarised thus:

Inasmuch as the territories to which the mandate system applies were placed under that system for the sole reason that their inhabitants were regarded as not yet able to stand by themselves, the question arises: What would have been done with those territories if they had been fit for self-government ? In that case it is more than probable that, since annexation was out of the question, those territories, or at all events some of them, would be erected into independent States, as was done with certain territories detached from Russia and the Central Powers. But the Peace Conference would undoubtedly have imposed conditions answering to modern ideas—conditions of the same kind as were laid down when the new States of Poland, Finland, etc., were set up. Simply because certain territories had to be placed under a special system, it would not be unfair on the expiry of the period of transition to impose on them obligations of a humanitarian nature which would quite certainly have been imposed on them if the period of transition had not been found necessary. That is the primary justification for imposing conditions on the declaration of the independence of the mandated territories—conditions, we would hasten to say, aimed not at enriching or materially advantaging other States and their nationals, but at safeguarding the interests of racial, linguistic and religious minorities, securing freedom of conscience and worship and providing legal protection for foreigners. Any territory now under mandate which claimed emancipation but refused to accept these conditions would thereby show that it could not yet meet the demands which the civilised world has a right to make on a State worthy to take its place among the other nations.

In any case, they are not the only considerations.

The new State must also respect the rights either acquired *before* the entry into force of certain mandates and temporarily suspended during those mandates, or acquired *during* the mandatory

¹ The dates of these Conventions are as follows: Iraq, January 9th, 1930; Palestine, December 3rd, 1924; Syria and the Lebanon, April 4th, 1924; French Togoland and Cameroons, February 13th, 1923; British Togoland and Cameroons and Tanganyika, February 10th, 1926; Ruanda-Urundi, April 18th, 1923; former German colonies north of the Equator, including the Island of Yap, February 11th, 1922.

Administration, in virtue of regulations properly issued on the strength of the powers vested in the local authority.

The rights are as follows:

(a) In the first place, there are the rights of foreigners arising out of certain privileges and immunities, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire. The maintenance of these rights at the expiration of the mandate has been expressly provided for in the A Mandate.

Under the terms of Article 5 of the Syrian mandate and Article 8 of the Palestine mandate, these privileges and immunities were temporarily suspended in Syria and the Lebanon and also in Palestine, including Trans-Jordan. Nevertheless, these articles provide that they shall *at the expiration of the mandate be immediately re-established* in their entirety or with such modifications as may have been agreed upon between the Powers concerned, unless these Powers shall have previously renounced the right to their re-establishment before August 1st, 1914, or shall have agreed to their non-application during a specified period.

This is one consequence of the termination of the mandate under the terms of the mandates for Syria and Palestine.¹

It is not, however, the only consequence, as Article 19 of the Syrian mandate and Article 28 of the Palestine mandate also provide for the safeguarding, on the termination of the mandate, of the financial obligations, including pensions and allowances, regularly assumed by the Administration of the territory during the period of the mandate. The Palestine mandate adds: "The safeguarding in perpetuity, under guarantee of the League, of the religious rights secured by Articles 13 and 14 of this mandate".

It is hardly necessary to say that strict account will have to be taken of these formally guaranteed rights when the question arises of declaring the independence of the territories under A Mandate.

(b) Secondly, it should be pointed out that Article 12 of the Mandate for Syria and the Lebanon and Article 19 of the Mandate for Palestine require the Mandatory to adhere *on behalf of the territory under mandate* to any *general* international conventions already existing, or which may be concluded hereafter with the approval of the League, in respect of the following: the slave trade, the traffic in drugs, the traffic in arms and ammunition, commercial equality, freedom of transit and navigation, airways, postal, telegraphic or wireless communications, and measures for the protection of literary, artistic or industrial property; that Article 8 of the B Mandate² requires the Mandatory to apply to the territory under mandate any *general* international conventions applicable to its contiguous territories; that, finally, in virtue of a Council resolution of September 15th, 1925, the benefits of *special* international conventions have been extended to the mandated territories.

Do these accessions and extensions automatically lapse when the mandates in respect of the territories concerned come to an end?

As regards the *accessions* relating to mandated territories in the Near East, the answer would seem to be in the negative. These accessions have been effected in accordance with the terms of the mandates themselves, on behalf of the territories, from which it may be inferred that they will remain in force until the Governments of those territories, when they have been erected into independent States, have denounced them.

On the other hand, the conventions providing for the *extension* of the benefits of general and special international conventions or treaties to the territories under mandate will no doubt lapse on the termination of the mandate, in view of the fact that these extensions have been made the subject of agreements between the mandatory Powers and some other State which will only remain in force during the period of the mandate.

This does not apply to the special Customs arrangements with an adjoining country, the conclusion of which on grounds of contiguity has been expressly provided for in Article 11, paragraph 2, of the Mandate for Syria and the Lebanon, and Article 18, paragraph 2, of the Mandate for Palestine. These arrangements will hold good on the termination of the mandates until they are denounced by the new Governments.

We are led by these considerations to conclude that the international acts of which mention has been made above do not necessarily demand the imposition of any special conditions on the termination of the mandate, as it would be too much to oblige the Government of the territory declared independent to make no change in the international relations existing at the time of the emancipation of the territory.

(c) Thirdly, it should be pointed out that the rights in respect of land and mines and other rights regularly acquired under the administration of the mandatory Power have the same legal force as if the territory had been placed under the full and entire sovereignty of that Power. Consequently, the termination of the mandate could not impair those rights which would have to be respected by the Government of the emancipated territory. Indeed, this is the substance of the Council resolution of September 15th, 1925.

(d) Finally, it is obvious that the cessation of a B or C Mandate cannot imply the cancellation of the financial obligations regularly assumed by the former mandatory Power. These obligations consist of public loans and repayable advances accorded by the mandatory Power. The right of that Power to the repayment of the sums advanced, with or without interest as the case may be, and the rights of holders of loan bonds to the payment of interest and periodical amortisation

¹ As regards Iraq, see the decision of the Council of the League of Nations of September 27th, 1924.

² Article 9 of the Mandates for Ruanda-Urundi and Tanganyika.

instalments in accordance with the conditions of the loans, must be acknowledged in full by the new States. This point has also been confirmed by the Council, which stated in the resolution quoted above "that the cessation . . . of a mandate cannot take place unless the Council has been assured in advance that the financial obligations regularly assumed by the former mandatory Power will be carried out"

There is a further point of special interest to the States Members of the League and their nationals which must be mentioned.

It has been said above that the cessation of the mandate automatically entails the abrogation of all its regulations and obligations, unless otherwise provided. One of the obligations of the mandatory Power is the observance, in the territories under A and B Mandates, of the principle of economic, commercial and industrial equality. Generally speaking, the mandatory Power is forbidden to discriminate on the ground of nationality: its own nationals and those of other States Members of the League must, in economic, commercial and industrial matters, be treated on the same footing.

Will this obligation have to be assumed by the Government of the emancipated territory ?

It seems difficult to maintain this from the terms of the mandate.

Under the mandate system, the obligation in question is negative and not positive. It only guarantees to third Powers that the nationals of one of them will not be favoured more than those of others Powers, but it confers no permanent right upon them. The principle of equality establishes, for the period of the mandate, what is described as equality of treatment in certain fields, but does not confer on anyone a positive right which will subsist after the cessation of the mandate. It seems very doubtful, therefore, whether this principle could be legitimately invoked in order to impose its permanent observance on the termination of the mandate.

It is true that there still remains the argument that the cessation of the mandate must not interfere with the maintenance of international peace, and that consequently the continued application of the principle of equality, which was certainly introduced into the mandate system in order to safeguard the nations, must be imposed on the termination of the mandate. This argument can, however, of itself hardly be regarded as sufficient to justify the re-establishment of an obligation cancelled with the mandate itself. It may be pointed out that the re-establishment of this obligation would not involve any reciprocity on the part of the States which profited by it during the period of the mandate and that it would consequently gravely impair the sovereignty of the territories declared independent. This being the case, we may ask whether it would be admissible to recognise the independence of those territories subject to the prior assumption by them of an obligation which would deprive them of liberty of action in the economic field to the advantage of other States.

There is of course no doubt that the political motive which presumably led the authors of the Covenant to introduce, in paragraph 5 of Article 22 the principle of equality of treatment in "trade and commerce" is still as important as ever. But how can we conclude that, on the termination of the mandate, this motive, whose importance is not confined to the territories under mandate, would justify the maintenance of the principle of economic equality in the above-mentioned sense ? How is it possible to justify the claim that, after the cessation of the mandate, this principle should continue to be applied in all countries under mandate which have become independent States, including those belonging to category C to which it is not now applicable, although the Peace Conference did not impose economic equality on the new States set up as a result of the war, of which mention is made on page 208 ? If, at the time, the territories under mandate had had no need of a special transitional regime, would an obligation calculated to impair their independence and to serve the material interests of third Powers have been imposed on them, to the exclusion of every other State ? It is extremely improbable. On what grounds, therefore, would such discrimination be admissible at the end of the transitional period recognised as necessary in 1919 ?

* * *

In conclusion, it may be said that an international mandate cannot cease before the territory to which it applies has given conclusive proof that its political, administrative, economic and social development is such as to enable it to manage its own affairs as an independent State, it being understood that it is not for the inhabitants of the territory but for the League Council to decide whether those inhabitants are capable of standing by themselves.

The conditions on which the recognition of the independence of such a territory should be made to depend may be summarised as follows:

The Government of the new State would, in a formal written statement drafted by the League Council, assure and guarantee:

(a) The protection of racial, linguistic and religious minorities, in accordance with the terms of existing treaties or declarations relating thereto.

(b) The privileges and immunities of foreigners in the territories of the Near East, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, unless some other arrangement relating thereto has been previously approved by the League Council in agreement with the Powers concerned.

(c) Liberty of conscience for foreigners in the other territories;¹ the free exercise of their religion and the religious, educational and health work of the missions, as also the interests of foreigners in judicial, civil and penal matters.

¹ These points have been provided for in the Capitulations, which only apply to the Asiatic territories under mandate. Nevertheless, only a limited number of States concluded Capitulation Treaties with the Ottoman Empire.

- (d) The financial obligations regularly assumed by the former mandatory Power.
- (e) The rights in respect of land and other rights acquired during the administration of that Power.
- (f) As regards Palestine, the rights secured by Articles 13 and 14 of the Palestine mandate.

What practical value would a declaration of this kind have ?

In view of the fact that the only territories under mandate the emancipation of which may reasonably be contemplated in the fairly near future are those belonging to the A class, and, inasmuch as it is highly probable that the Governments of those territories would before long apply for their admission to the League, it may be answered that any such declarations deposited would, in the absence of direct sanctions, have neither more nor less value than any international treaty concluded, or undertaking given, by a Member of the League, involving obligations towards the League.

Montreux, June 1st, 1931.

C.P.M.1197(1).

(b) NOTE BY LORD LUGARD.

TERMINATION OF A MANDATE.

The Terms of Reference.

1. Before dealing with the question referred to us by the Council, there are two preliminary points discussed by M. Van Rees: (a) Are the Mandates temporary ? (b) What authority is competent to terminate a mandate ? I venture to think that the Council by its reference to us assumes that a mandate is temporary, and that it has competence to terminate it. This is implicit in the question we are asked, and it is not for the Permanent Mandates Commission to dispute the correctness of the Council's view, which I venture to think is beyond any question. ¹

Points for Decision.

2. The mandates continue in force until the inhabitants of the mandated country are able "to stand alone": Two questions arise: (a) What precisely is meant by the words "standing alone" and "the inhabitants" ?; (b) What assurances are required as regards: (1) the internal, and (2) the external conditions and obligations ?

Question of Maturity.

3. As regards the first question,

It is not sufficient to say that the ability of a country to stand alone is a question of fact without a clear definition of the meaning attached to the words. Can a country be said to be able to stand alone if it has to rely on a foreign Power for assistance: (1) in maintaining its integrity against external aggression, and for the preservation of internal order, or (2) for purposes of civil or judicial administration ? Many small States in the world ensure their freedom from aggression by alliances with more powerful States, and this is not considered to invalidate their claim to stand alone. The mandate system was obviously not introduced in order to prevent aggression, since annexation would have been equally effective. Inability to maintain *internal* order without foreign assistance, as also the need of foreign advisers, judges, etc., is a more serious disability. On the other hand, it is undoubtedly wise for a young State just emancipated from tutelage to ask for and accept assistance rather than court disaster by undue self-confidence. There may therefore be a transitional stage when the State can stand alone with the aid of a prop, or a buttress to lean upon, before it attempts to walk or run. Its willingness to do so may be the best guarantee for the complete fulfilment of the engagements into which it enters. A liberal interpretation of the words "to stand alone" may therefore be the wisest statesmanship. Progress towards complete independence is a process of slow evolution. The mandatory Power alone can judge whether the young State has the physical ability, whether it is imbued with the right spirit, and whether the final stage of evolution can best be achieved by putting it upon its own legs, even though it may need some extraneous help for a time in carrying out the obligations referred to below. The responsibility must rest with the Mandatory which gives its full reasons for its decision. The Council, acting

¹ It has been said that a mandate can only be terminated if the Mandatory requests that it should be. It has also been said that, when a country has reached the required standard, the mandate must be terminated.

The latter in my view is the more correct, but though a Mandatory, having borne the burden of tutelage, might be reluctant to lay down its control, it is inconceivable that it should long refuse to recognise the claim of a large majority for independence if it believed the claim to be justified. If, on the other hand, it did not consider that the country was yet fit to stand alone, only an exceedingly strong world-opinion could induce the Council to take the initiative. For all practical purposes, the Council would never take action except at the request of the Mandatory.

on behalf of the Supreme Council which conferred the mandate, verifies the conclusions of the Mandatory by all means at its command, including the Permanent Mandates Commission which has studied the annual reports for years. Having done so, it confers a legal entity upon the new State on specified conditions.

Definition of the Inhabitants.

4. The second question is who are the "Inhabitants" who claim to be able to dispense with the mandate. There may be several communities who each claim autonomy, or there may be a majority (constituting the Government) confronted with very important minorities who do not desire the withdrawal of the mandate, or there may be a majority less politically developed and experienced than an indigenous minority with latent friction between them; or you may have a civilised, though numerically insignificant, minority with a vastly preponderant uncivilised majority. It is only necessary to pass in mental review the diversity between the several mandated territories to realise the impossibility of laying down anything but the broadest principles. I suggest the following:

(a) A comparatively small community, more or less homogeneous in a country where the mass of the inhabitants is quite unable to stand alone, can be granted local or municipal autonomy, but the mandated territory must be treated as a single entity and the mandate cannot be withdrawn until the bulk of the people are able to stand alone.

If, however, a group of States with separate organised Governments is comprised in a single mandate, there would be no objection to one or other of them being emancipated from the mandate if the Mandatory considers that it conforms in all ways to the conditions laid down in this memorandum and the Council approves.

(b) Where the Government is in the hands of an indigenous community which is accounted by the Council at the request of the Mandatory to be qualified for emancipation, and there are important indigenous minorities (Iraq) differing in race, religion and language under its rule who are averse to the withdrawal of the mandate, it is essential that the Council should be assured, before consenting to the withdrawal of the mandate, of the future well-being and just treatment of the minorities.

(c) Where an advanced and a less civilised community are mixed together, the mandate should not be withdrawn until the whole community is ripe for emancipation, and harmonious co-operation is assured.

Conditions of Withdrawal of Mandate.

5. I pass to the third question. What assurances are required as regards the internal and external conditions and obligations?

(a) *Internal.* — The Council must be satisfied that the Mandatory has good grounds for its belief that the new State can maintain internal order and efficient government; that the Government of the area released from the mandate is acceptable to the majority, and the welfare and just treatment of racial, linguistic and religious minorities are assured; that the State is able and willing to fulfil the obligations it undertakes; that it has functioned for a certain time with success; and that there is an adequate prospect of economic and financial stability.

(b) *External.* — In the terms of the Council's decision of September 15th, 1925, the new State must accept "the financial obligations regularly assumed by the former mandatory Power, and that all rights regularly acquired under its administration shall be respected" and also any acquired prior to the mandate, including pensions, etc.; that it accepts the general principles of international law including such humanitarian Conventions of general application as those relating to slave-trade and the traffic in women and in drugs as a prerequisite to international recognition. Its adherence to other conventions would be dependent on its admission to the League and its particular circumstances, that in those cases in which the reimposition of extra-territoriality is stipulated for in the mandate if it ceases to be under that regime, it accepts the obligation, and in other cases that religious freedom and justice are assured to foreigners; all treaties made by the Mandatory on behalf of the territory remain in force until denounced by the new State.

The conditions are necessary and justified, not only on the analogy of the conditions imposed on Poland, Finland, etc., but because emancipation from a mandate is something more than independence, as is shown by the fact that Iraq, though subject to the mandate regime, is already independent. The mandate system gives effect to Article 22 of the Covenant which is part of the Treaty of Versailles to which Germany was a party, and care must therefore be taken that the conditions under which an ex-German colony is withdrawn from the international control imposed by that system do not prejudice any rights which Germany (or any other State) may have under the treaty. Equal commercial opportunity is obviously not an essential part of that system since it is not applicable to the C Mandate; whether for the reason stated it should be retained in the

countries under A and B Mandates if the mandate is withdrawn is a matter for the Council to decide. The concurrence of the United States of America should be invited before a mandate in which she claimed to have a voice is withdrawn.

C.P.M.1191 (1).

(c) REPORT BY COUNT DE PENHA GARCIA, RAPPORTEUR.¹

EXPLANATION OF THE MEANING OF THE GENERAL QUESTION.

By the Council's resolution dated January 13th, 1930, the Mandates Commission was requested to study the problem of the termination of a mandate in the following terms:

"Being anxious to determine what general conditions must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime, and with a view to such decisions as it may be called upon to take on this matter, the Council, subject to any other enquiries it may think necessary, requests the Mandates Commission to submit any suggestions that may assist the Council in coming to a conclusion."

At the Mandates Commission's eighteenth session I had the honour to be appointed Rapporteur, on the proposal of the Vice-Chairman of the Commission, M. Van Rees, for the study of the question raised by the Council.

In conformity with the mission entrusted to me, I submitted a report (document C.P.M.1126) which was placed on the agenda of our nineteenth session and discussed at the twenty-second and twenty-third meetings. The Mandates Commission did not enter upon the discussion of the general question dealt with in my report, for doubts had arisen in the minds of some of my colleagues in regard to the interpretation to be given to the Council's resolution of January 13th, 1930.

A discussion arose as to the meaning of this resolution. After a careful examination of the terms of the resolution and of the Minutes of the Council meeting, the Mandates Commission decided to submit to the Council a question worded as follows:

"In compliance with the request contained in the Council resolution of January 13th, 1930, the Permanent Mandates Commission has begun its examination of the general conditions that must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime.

"In the course of a preliminary discussion on this subject, the point arose whether the Council had intended to consult the Commission merely on the general problem of the cessation of mandates, or whether, on the contrary, the problem was only to be regarded in the light of the special case on which the question was raised by the Council.

"The Commission is fully aware of the difficulties connected with the general solution of a problem the elements of which may vary very considerably according to the particular situation of each territory, the degree of evolution of the inhabitants and the different provisions of the mandates themselves.

"After carefully analysing both the Council's request and the Minutes of the discussion which preceded it, the Commission inclined to the view that it has been called upon to study the general problem.

"The Commission ventures to draw the Council's attention to its discussions on the subject and would be glad if the Council could definitely enlighten it on this point."

On January 22nd, the Council examined and discussed this question on the basis of a report and of a draft resolution submitted by M. Marinkovitch as Rapporteur.

The portion of this report dealing with the problem of the termination of a mandate reads as follows:

"My colleagues will remember that, in its resolution of January 13th, 1930, the Council invited the Permanent Mandates Commission to submit suggestions as to the general conditions which must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime. The Council, which was anxious to determine those conditions with a view to the decisions which it may be called upon to take on this matter, wished to have the opinion of the Mandates Commission, subject to any other enquiries it might think necessary.

"The report of the Mandates Commission and the Minutes of the discussions at its last two sessions show that the Commission felt somewhat uncertain of the meaning and scope of the Council's resolution of January 13th, 1930. This uncertainty is no doubt due to the diversity of the types of mandates, to the actual texts of the mandates and to the particular situation of each territory.

"The Council had certainly not lost sight of these circumstances last year when it defined the problem which it requested the Mandates Commission to examine. There can be no doubt that the Council intended the Commission to undertake a general study of this problem. Having noted that there was a lacuna in what I might call constitutional law in regard to mandates—namely, the absence of provisions relating to the cessation of this regime—the

¹ See Minutes P.M.C. eighteenth session, page 158 and nineteenth session, pages 153 to 156.

Council considered that, before laying down regulations on this point, it would be best to consult the organ of the League most competent in the matter and the one best qualified in view of its experience, to study the bases of the decisions to be taken. I think that I am rightly interpreting the views of all my colleagues in stating that, in having recourse to this procedure, it was the intention of the Council, not to formulate detailed conditions, which may vary very considerably in each particular case, but the fundamental conditions which must be fulfilled before a territory placed under mandate in accordance with Article 22 of the Covenant is emancipated. Consequently, what the Council really desired were very general guiding principles to supplement those already laid down in Article 22 of the Covenant.

"The Council will doubtless confirm that its resolution of January 13th, 1930, does actually refer to the general examination of the problem and will accordingly request the Permanent Mandates Commission to continue its enquiries on these lines."

After thus clearly defining the scope of the Council's resolution of January 13th, 1930, M. Marinkovitch proposed the adoption of the following text:

"The Council,

"1. In reply to the request of the Permanent Mandates Commission for an interpretation of the passage in its resolution of January 13th, 1930, regarding the general conditions which must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime:

"Confirms that this passage referred to the examination of the general problem and not the particular case in regard to which the question was raised, and

"Therefore invites the Commission to pursue its study of the general aspect of this problem."

It may be worth while to recall here the Minutes of the discussion by the Council of this part of M. Marinkovitch's report and of his draft resolution on the interpretation of the question put to the Permanent Mandates Commission in the Council's resolution of January 13th, 1930.

The first speaker who dealt with this question was M. Briand, who said that:

The French Government further endorsed the Mandates Commission's interpretation of its terms of reference with regard to the examination of the conditions for the termination of the mandates. It agreed with the Commission and with the Rapporteur in holding that this examination would only be really useful if it were carried out on general lines and was not restricted to the consideration of a particular case.

Mr. Henderson, President of the Council, then made certain observations as representative of the British Empire, which appear in the Minutes as follows:

"The PRESIDENT, speaking in his capacity as British delegate, desired to make a few observations on the Rapporteur's report. Those points all concerned Iraq, and he proposed to take them in the order in which they appeared in the report.

"The representative of Yugoslavia had suggested the reply to be returned to the Commission's enquiry as to the precise meaning and scope of the Council resolution of January 13th, 1930, regarding the general conditions to be fulfilled before the termination of a mandate. The reply proposed appeared to him entirely satisfactory, but he thought the Commission might be asked to complete its enquiry during its June session and include definite recommendations in its report on that session. He hoped that might be possible, though he realised fully the difficulty and complexity of the task entrusted to the Commission. He was sure his colleagues would agree with him as to the importance of establishing, as soon as possible, the fundamental conditions to govern the termination of a mandate."

Lastly, the Vice-Chairman of the Permanent Mandates Commission made the following remarks:

"M. VAN REES.... said that he would confine himself to submitting two observations.

"His first observation related to the first resolution proposed by the Rapporteur, according to which the Permanent Mandates Commission was to be invited to continue its examination of the various aspects of the problem of the termination of the mandate regime.

"M. Van Rees would point out that this invitation was open to an interpretation which might go beyond the intention of the Council. A mandated territory which had reached so high a degree of development that there was no ground for continuing the mandate regime *was not compelled to solicit the favour of being admitted to the League.*¹ The termination of the mandate, which depended on the question whether the territory concerned was recognised by the Council, in agreement with the mandatory Power, as capable of conducting its affairs alone was a particular problem. *The conditions which the territory must fulfil to be admitted to the League was another.*¹

"In order to obviate any confusion when the Mandates Commission came to take action on the Council's resolution, it would appear desirable that it should know exactly whether the Council desired it to confine itself to studying the first problem or whether the Council would be willing for it to deal also with the second, all considerations relating to concrete and particular cases being left on one side."

¹ The italics are Count de Penha Garcia's.

In reply to M. Van Rees, M. Marinkovitch clearly defined his views in order to avoid all confusion:

" M. MARINKOVITCH, in reply to the first question put by the Vice-Chairman of the Mandates Commission, pointed out that the draft resolution which he had proposed to the Council was quite clear, as indeed had been that of January 13th, 1930. The Commission was merely asked in the resolution to reply to the question: ' What are the general conditions that must be fulfilled before the mandate regime can be brought to an end in a country placed under that regime ? ' As the Vice-Chairman of the Commission had said, the termination of a mandate was quite a different matter from admission to the League.

" In the first place, the League alone was the judge as regards the admission of a new Member, and therefore the League must be entirely free to decide whether the general moral, political and social standard of any people were sufficiently high to make it possible for it to govern itself, and whether it was desirable and possible to admit that such a country should have an influence on general decisions affecting all countries.

" M. Marinkovitch therefore considered that the Mandates Commission must confine itself exclusively to the actual terms of the draft resolution, that was to say, ' the general conditions that must be fulfilled before the mandate regime could be terminated in a country placed under that regime ', and was not required to deal with the second question, that of admission to the League. "

The draft resolution was then adopted.

No one having disputed the accuracy of the Rapporteur's interpretation, the Permanent Mandates Commission may be sure that what the Council asked it to undertake in its resolution of January 13th, 1930, was *a study of the general conditions that must be fulfilled before the mandate regime can be brought to an end in a country placed under that regime.*

This study should not concern itself with the particular case in connection with which the question was raised, nor does it include a study of the question of the admission to the League of Nations of the territory released from mandate.

This tallies with the conclusions at which I myself arrived in the following passage of my report of November 19th, 1930:

" The Council is not at present asking the Commission to pronounce on the case of Iraq. It calls for suggestions on the general conditions relating to the termination of a mandate.

" The method adopted by the Council is to be welcomed, seeing that it is both prudent and advantageous to regard the problems which may be raised by the termination of a mandate first of all from the point of view of general principles. This was clearly brought out by the first discussions in the Commission and the Council. I am aware that the Commission is not an academy, as M. Merlin rightly pointed out, and its task is not to select a number of principles which will be applicable to each and every case. M. Van Rees, however, indicated very rightly the functions of the Commission when he said that an endeavour to ascertain the exact interpretation of the various provisions governing the mandates system could not be without value, and that investigations into the solution of difficulties connected with certain subjects was desirable. The Commission has always taken this view.

" I think that we might profitably and quite appropriately discuss the general conditions for terminating a mandate. "

* * *

We must go back to the origin of the mandates system to grasp the nature of the legal and political conditions of the system. Article 22 of the Covenant, certain articles of the Treaty of Versailles and the texts of the mandates themselves constitute the legal sources in this connection. Their interpretation often obliges us to have recourse to many other documents. According to these sources there is one indisputable first principle—namely, that the mandate must terminate when certain conditions have been fulfilled.

The territories placed under mandate not being independent, for before the Treaties of Peace they belonged either to Turkey or to Germany, the aim of the mandate was to bring those territories to the condition necessary for complete independence. This they did not possess and were not yet capable of possessing, *i.e., they were incapable of self-government.*

It is for this reason that the mandates were created for an indefinite period, and that the termination of the mandate is governed by the series of conditions which enable the inhabitants of a territory to govern themselves. This is the doctrine embodied in the various provisions of Article 22 of the Covenant. The mandates or statutes of some of the territories or the instruments which take their place contain certain special provisions concerning the end of the mandate—for example, Articles 6 and 7 of the Treaty of Iraq, Article 28 of the Mandate for Palestine and Transjordan, and Article 19 of the Mandate for Syria and the Lebanon. Unfortunately, neither Article 22 of the Covenant nor the texts of the mandates have defined either the other general or special conditions of the termination of the mandate or the procedure required for this purpose. We shall therefore have to deduce them by interpreting the different provisions governing the mandates system.

It has sometimes been urged that the B and C Mandates were definitive, thus confusing a particular situation with a legal principle.

All the mandates are equally of limited duration, for all are based on Article 22 of the Covenant, whose spirit was determined by the fifth and twelfth of President Wilson's points. The system was created to remedy the incapacity of the territories to govern themselves. *Ablata causa cessit effectus.*

That the absence of this condition may continue in the B and C Mandates nobody will deny, but it is quite possible to imagine that, although these peoples are still somewhat backward, they may in the more or less distant future reach a stage at which they will be able to rule themselves. It is indeed one of the duties of the mandatory Power to pave the way for this evolution. Moreover, in formulating the general question as it did, the Council made a unanimous pronouncement as to the temporary character of the mandate.

CAPACITY FOR SELF-GOVERNMENT.

According to the general terms of Article 22 of the Covenant and of the provisions of the texts of the mandates, which expressly stipulate that the mandate will be exercised in conformity with Article 22, the fundamental condition for the termination of a mandate is that a country under this regime should possess a political, administrative and economic organisation enabling it to *stand by itself or govern itself under the strenuous conditions of the modern world*. There is thus a question of fact, the determination of which is not so easy as might be imagined.

This capacity of self-government is explained by the continuation of the sentence "under the strenuous conditions of the modern world". This means that the capacity of self-government must be able to exert itself smoothly under the present political, economic, commercial and other conditions of the modern world.

It is not only the system of government, the stage of development of the population, the economic equipment, the guarantees of individual rights, the administration of justice or administrative ability which indicate the existence of this capacity. A large number of other circumstances must be taken into consideration, notably the solidity of the social framework of the future State and its capacity to maintain its independence. The principal reason for the creation of the mandates system was precisely the impossibility of organising independent governments which would be stable and would truly represent the population of the territories separated from the Ottoman Empire or of the former German colonies. Annexation having become impossible in view of the Wilson principles, the mandatory system "a contorni imprecisi ed a definizione vaghe"—as an Italian author has said not without irony—was devised.

Practice has improved the system, which undoubtedly represents a great advantage for the territories under mandate not only from the point of view of the safeguards ensured to their inhabitants, but also because it holds out the hope of their attaining independence by stages. What some of the more advanced territories at present under mandate claim is this last stage. This is the natural ambition of communities possessing a certain moral unity and a corresponding degree of development. It is the sacred right of those really capable of governing themselves.

However, as the notion of rights implies that of obligation, the recognition of ability for self-government is contingent upon an examination of ability to fulfil the normal obligations of modern States. To-day these obligations are many and their weight is considerable, for the standard has been set by rich and powerful States.

It is owing to these various circumstances that the question of ascertaining whether the territory under mandate is, in fact, capable of conducting its own affairs, in order to judge of the possibility or expediency of terminating a mandate, is a very complicated one.

Only a good sociological student can deduce from the facts, that he has verified and studied, conclusions which experience alone can ratify or disprove. The vital factor is the existence of capable government institutions possessing authority over the population and having given proof of their worth over a certain period of time. It is after all with the members of these institutions that the League Council will have to deal in settling the new situation which will be created by the termination of the mandate.

It is they who will be the trustees of the new order, for which they will have to assume responsibility. Before deciding upon the termination of the mandate, it will therefore be necessary to study carefully the political and administrative organisation and the ability of these organs of government. Other points will also require careful examination, particularly:

1. The conditions of external security, including frontier questions and the capacity of maintaining order within the country;
2. The social and moral state of the population;
3. The spirit of the legislation in force;
4. Economic and financial conditions.

THE MAINTENANCE OF PEACE.

The somewhat chequered history of the constitution of the mandates system shows that, if this system arose out of the war settlement, it was conceived and transformed for the purpose of ensuring peace.

If we study the various proposals and the negotiations of 1919 and the following years up to 1924, we find that one fact dominates the institution of the mandates system, the conviction that it must be an instrument for the consolidation of peace.

It has been asserted that it has obviated dangerous rivalries, that it has given a maximum of guarantees to the territories placed under mandate and that at the same time it has ensured the Members of the League of Nations a regime of equality very favourable to the maintenance of peace.

This political character of the mandates system cannot be forgotten when the time comes for a mandate to terminate. It is evident that the new regime must not be contrary to the maintenance of peace and must not weaken it.

This preoccupation, which is at the very basis of the Covenant, is undoubtedly one of the fundamental conditions for judging the expediency of terminating a mandate when the first condition of which we have spoken, the ability to conduct its own affairs, has already been recognised in respect of a territory under mandate.

Indeed, this second condition supplements the first and is equally essential. It is within the framework of the organisation of peace that self-government and the independence of the territory judged by the Council to be capable of being freed from the mandatory system must be exercised.

INITIATIVE OR CONSENT OF THE MANDATORY POWER.

All the mandates have their origin in Article 22 of the Covenant, but each of them has a constitutional charter containing the granting of the mandate, the undertaking entered into by the mandatory who accepts it and the special conditions of its exercise. The granting and the operation of the mandate are therefore based on a bilateral act which cannot be modified without the consent of both parties.

The termination of a mandate therefore concerns the League of Nations, the mandatory Power and the mandated territory which the latter represents.

It is the mandatory Power which is responsible for the peace, good order and good administration of the territory, and which must do all in its power to increase the material and moral well-being and the social progress of the inhabitants.

It is therefore the mandatory Power which as a general rule must take the initiative for the termination of the mandate.

It is better qualified than anyone else to judge of the territory's capacity for self-government.

This initiative might also be taken by the Council, but in this case the consent of the mandatory Power would be necessary, since otherwise the termination of the mandate would be equivalent to an act of deposition or to a unilateral decision incompatible with the decisions of the Principal Allied and Associated Powers which conferred the mandates and with the acceptance by the Mandatories of the burdens and responsibilities of the mandate.

Another and cogent reason might be adduced to justify the necessity of the mandatory Power's initiative or consent for the termination of the mandate. The mandatory Power's moral responsibility continues even after the termination of the mandate. If the emancipated territory did not succeed in conducting its own affairs within the framework of the organisation of peace after the termination of the mandate, it might justifiably be concluded that the mandatory Power had not been able to accomplish the task which it had accepted.

Such a judgment would have no value if the mandate could be terminated without any action on the part of the mandatory Power.

It is also evident that the latter must possess a more complete knowledge than anyone of the conditions of development of the territory and of its capacity for self-government. While it is the Council that must judge the main conditions leading to the termination of the mandate, there can be no doubt that the principal source of information on this subject is constituted by the mandatory Power's annual reports, by its investigations and by the statements of its accredited representatives.

The termination of the mandate is not an event which can occur suddenly. It must be the outcome of a process of evolution, the development of which can be followed and which must be promoted and prepared a long time in advance.

The three conditions we have studied briefly—viz., ability of the territory to govern itself and conduct its affairs alone, compatibility of the termination of the mandate with the requirements of the maintenance of peace, initiative or consent of the mandatory Power, constitute the essential conditions before the termination of a mandate can be taken into consideration.

Once these three conditions have been fulfilled, a certain number of others must be considered which form the link between the new regime and the old.

The recognition or granting of full sovereignty to the territory whose mandate is to come to an end must be subordinated to these conditions.

When the mandate was constituted and while it was in force, events occurred and rights were acquired which must be taken into account. The termination of the mandate cannot make a clean sweep of all previous occurrences.

When the mandate comes to an end, the territories under mandate do not obtain their independence by a sort of act of spontaneous generation. It is from the hands of the League of Nations, on the basis of the Covenant, that they must obtain the recognition of their sovereignty and the act constituting their new legal standing. This is the natural consequence of the circumstances of their creation.

GENERAL CONDITIONS AND GUARANTEES TO BE PROVIDED FOR UPON THE TERMINATION OF A MANDATE.

A number of texts of mandates contain the recognition of certain principles which will continue to hold good even after the termination of the mandate, notably the cases mentioned in Articles 5, 11 and 12 of the Syrian Mandate and Articles 8, 13, 14 and 28 of the Palestine Mandate. In each case in which a mandate terminates, the text of the relevant mandate must therefore be examined to ascertain what rights or conditions of this kind exist. A second point of great importance for the future consists in the situation of any racial, linguistic or religious minorities there may be in the territory which is a candidate for release from the mandate. While the mandate was in force,

they were under the protection of the mandatory Power and of the League. If the mandate is to come to an end, attention must be given to their situation in the future. Consideration of the events connected with minorities while the mandate was in force will show the extent of the guarantees which are necessary. These guarantees, which must be expressly laid down by law, must be solemnly proclaimed and recognised in the act which terminates the mandate. They must ensure internal peace in order to create that moral unity on which a country's life must be based.

The recognition of the rights necessary to the development of these minorities while ensuring harmonious relations with the dominating majority is often difficult. The annual reports furnish a number of observations which will often throw sufficient light on this problem. The Council can in any case employ other means to gain a clear view of all the aspects of this exceedingly delicate problem.

A third condition must also be taken into consideration—namely, the guarantee of freedom of conscience and of free worship for foreigners.

This condition was imposed on the mandatory Powers and must be enforced when the mandate concludes. Naturally, this stipulation is subject to the requirements of public order and morals.

The question of the establishment and activity of missions must also be examined, especially for certain mandates. It goes beyond the simple guarantee of freedom of conscience and worship and may, in certain cases, be of special importance.

In the fourth place, it will be necessary to consider the interests of foreigners in regard to civil and penal judicial procedure. Some mandates suspended the privileges and immunities of the nationals of certain countries while the mandate was in force, since the mandatory Power ensured them protection and justice. There are special cases provided for in these mandates which will have to be settled in agreement with those concerned. Apart from these exceptional cases, it will be necessary to examine whether the judicial organisation and the system of laws in force provide the necessary guarantees.

In the fifth place, steps will have to be taken to ensure that properly acquired rights, particularly land and mining concessions, etc., will be respected. This is a point of great importance, for it might lead to grave difficulties with other States.

The obligations entered into by the mandatory Power must be maintained and respected by a formal undertaking of the new State.

In the sixth place, it will also be necessary to provide for the recognition of the financial obligations regularly assumed by the former mandatory Power. The Council considered this point so important for the development of the territories under mandate, that on September 15th, 1925, it took the following decision:

“The cessation or transfer of a mandate cannot take place unless the Council has been assured in advance that the financial obligations regularly assumed by the former mandatory Power will be carried out and that all rights regularly acquired under the administration of the former mandatory Power will be respected. When this change has been effected the Council will continue to use all its influence to ensure the fulfilment of these obligations.”

Among the preliminary assurances which the Council must take into consideration should, in the seventh place, be included the observance of the general international conventions. These conventions constitute an important factor in the organisation of peace. The majority represent obligations which all civilised countries must assume.

It would be absurd that the cessation of the mandate, which is a consummation, should leave the new State free from these obligations, recognised and accepted by the majority of civilised countries.

As regards bilateral conventions the new States will have all the rights of the former mandatory Power, including the rights of denunciation.

Among the obligations imposed on the Mandatories in the A and B Mandates is economic, commercial and industrial equality in favour of the Members of the League. This obligation owed its origin to the desire not to permit the mandatory Power to confer advantages on its nationals in the mandated territories. After the cessation of the mandate, there would no longer be any reason for its existence, and the Government of the emancipated territory should be free to grant this equality, subject to reciprocity.

It may be asked whether the cessation of the mandate should not be accompanied by a special examination of the Mandatory's administration. In reality, this examination will have been carried out each year by means of the annual report and the observations it has called for. The examination of the last report before the termination of the mandate would however make it possible to frame a kind of summary of the Mandatory's action, which would not be devoid of interest, provided it was prepared with that purpose in view.

The general conditions to be laid down before the end of a mandate would be aimed at ensuring the peaceful exercise of free sovereignty in the mandated territory, the release of the mandatory Power from its obligations and the respect of the rights acquired by the latter and by other States.

It should not, however, be forgotten that the mandate regime exercised in the name of the League has involved rights, duties and responsibilities for the latter.

While the Council has the right to decide upon the end of a mandate, it is its duty to satisfy itself that this act will be to the benefit of the territory and of the organisation of peace.

With all the mandates, the mandatory Power is responsible for internal order and the defence of the territory. These two problems must receive special consideration when the cessation of a mandate is considered. The opinion and information given by the mandatory Power will be of the greatest importance, for the latter, in taking steps to bring about the termination of a mandate, assumes towards the League an undoubted responsibility, of which the Council's decision can only partly relieve it.

COMPETENCE AND PROCEDURE.

A. *Competence.*

The creation of the mandates affected three entities: the Supreme Council, representing the Principal Allied and Associated Powers; the League of Nations through its two organs, the Council and the Assembly, and the mandatory Powers.

The rôle of the Supreme Council was that of assignor, as it were, of the territories taken from the enemy. It assigned them in order to give effect, according to the Wilsonian principles, to Articles 118 and 119 of the Treaty of Versailles and 132 of the Treaty of Sèvres. These principles having led to the creation of the mandates system, the Supreme Council simply acted as a kind of liquidator, and its functions in the matter then came to an end, since after the assignment only the League and the mandatory Powers remained as active organs of the regime according to the terms of its constitution.

Hence competence with regard to the termination of mandates rests with the League.

The mandatory Power, as representative of the territory, cannot have competence to decide upon the termination of a legal attribution which it received from another authority. It is, nevertheless, a party to the case, either as mover of the request for the mandate's termination or as representative of the territory.

Where the League is concerned, the Council is the principal organ in this connection. Article 22 expressly says so in paragraphs 7, 8 and 9, and the practice of the mandates system has confirmed this. The Assembly only comes in later to receive, discuss and pronounce on the draft resolutions proposed to it by the Rapporteur of the competent Commission.

It is therefore on the Council that falls the duty of studying the circumstances which make it desirable to determinate a mandate and of pronouncing a decision, for it is the competent authority for these questions.

This competence appears to be still wider according to a resolution of September 15th, 1925, in which the Council reserved the right to continue to use all its influence, even after the termination of a mandate, to ensure the fulfilment of obligations regularly assumed by the former mandatory Power which remain incumbent upon the new State.

This principle, the importance of which must be emphasised, defines the legal situation of a territory under mandate even after the latter's termination. A moral tie still binds it to the Council, of which it has been, as it were, the ward, and to the League, in whose name it has been administered and brought to the stage of independence. This principle formally proclaimed by the Council gives the latter's competence a very wide range.

B. *Procedure.*

Neither Article 22 nor the texts of the mandates contain any reference to the procedure for the termination of the mandate. It would appear, however, that normally things should occur as follows: In its annual report or in a special report the mandatory Power should open proceedings before the Council for the termination of the mandate. This report would be examined by the Mandates Commission; the Council would take cognisance of it, consult any authorities it might think necessary, ask for evidence and information and even order enquiries to satisfy itself of the complete maturity of the territory which was a candidate for full sovereignty.

The question of a decision would eventually be placed on the agenda according to the usual procedure.

If the Council is favourable to the termination of the mandate, it will then have to decide upon the terms of the act of termination of the mandate and the obligations it must require the new State to assume at the moment the latter comes of age.

Once this text has been approved, it only remains for it to be signed by the legitimate representatives of the new State. The mandate will have come to an end. The Assembly in noting this fact will give the new State the *de facto* recognition of the Members of the League of Nations. The countries which are not Members will be able to do so in the usual way.

There is one country, however, the United States of America, which is in a special position. This country, although having taken part in the war and contributed to the defeat of Germany and Turkey, did not ratify the Covenant, but, when the mandates system was organised, it claimed the right to intervene. There are therefore already precedents as to procedure in the history of mandates to decide this special case. As a matter of fact, the States not Members of the League would have no reason to intervene in connection with the termination of a mandate. Once the termination has been pronounced, they will have before them a free State enjoying full sovereignty, with which they can deal in the usual conditions of international law.

CONCLUSIONS.

The termination of a mandate therefore appears to us to be the normal consequence of the events provided for in the system. It may be fairly near in the case of some mandates and distant in the case of others, for the nature and conditions of each mandate are dissimilar. Not only are there three classes of mandates, but in each class there are very different mandates. It is enough to recall that one of the mandates is exercised over a territory whose independence the mandatory had previously recognised. Each of the mandate charters must therefore be carefully considered at

the time of the termination of the mandate, for a certain number contain special provisions which must be taken into account.

The question of ability for self-government, within the scope of the organisation of peace, dominates any decision to be taken with regard to the termination of a mandate.

This is a question of fact which must be decided on the basis of the mandatory Power's reports.

There can be no improvisation in such matters. The process of evolution towards the capacity defined and provided for in Article 22 of the Covenant must be quite clear.

The form it takes will not necessarily be one belonging to a European State. It may take any form corresponding to that of one of the Members of the League.

The essential thing is that there should have been a capable Government in authority for a certain length of time, supported by the mass of the population, enjoying authority and having given proof that it is capable of governing within the framework of the organisation of peace.

Naturally there must be a certain moral unity in the territory as a whole and the degree of social development therein must be such as not to be in opposition with the general principles of human civilisation. The spirit which dominates the Government and population must give some guarantee of internal and external peace. It is also necessary that the financial and economic position of the territory should be such as to afford it a minimum of financial independence.

The laws in force must ensure to both nationals and foreigners individual rights and guarantees corresponding to the general principles of international law.

The territory must possess the necessary elements for the maintenance of public order.

Once these general conditions have been found to be well established and likely to be durable, the termination of the mandate will probably take place without obstacle or harm.

The study of the guarantees or general conditions to be provided for in respect of the termination of the mandate is also a question of fact varying according to the mandate concerned.

In this connection two of the main principles must obviously be the respect for acquired rights and the determination to maintain internal and external peace.

It would be a paradox if the League's mission of supervising the development of the territories under mandate should lead to the creation of States which were not capable of adapting themselves to the spirit of the organisation of peace.

The new State will no doubt be a sovereign State, but when the sovereignty which was divided during the existence of the mandate takes normal shape, it must naturally recognise the various provisions constituting the international obligations which govern the organisation of peace.

I do not know whether it is necessary to draw up suggestions for the Council in a summarised and precise form according to its request of January 13th, 1930, or whether it would be better to draw its attention to the documents, reports and discussions of the Mandates Commission during its nineteenth and twentieth Sessions.

I rely chiefly on my colleagues' wisdom not only to solve this important problem of the termination of mandates, but also to give a reply to this question, a reply which will no doubt emerge from the protracted discussions to which this extremely complex subject is certain to give rise.

In this report I have simply endeavoured to deal with the questions in a synthetic form, which our debates will doubtless improve and supplement.

ANNEX 4.

C.P.M.1189.

GENERAL AND SPECIAL INTERNATIONAL CONVENTIONS APPLIED IN THE TERRITORIES UNDER MANDATE.

REPORT BY M. ORTS.

1. The application in the territories under mandate of the international conventions to which the mandatory Powers are parties has been dealt with on various occasions by the Permanent Commission.

This question has been the subject of two reports by members of the Commission, submitted to the third session (Minutes, C.P.M.III, pages 194-195) and to the sixth session (Minutes, C.P.M.VI, pages 169 and 171) by M. Orts and M. Palacios, respectively. It was also dealt with at the twelfth session (Minutes, C.P.M.XII, pages 128 and 198), the fifteenth session (Minutes, C.P.M.XV, page 210) and the nineteenth session (Minutes, C.P.M.XIX, page 141).

2. At the fifteenth session, the Chairman summarised the position to date, and at the same time defined the scope of the work with which your Rapporteur was to be entrusted. His remarks are reproduced in the Minutes, as follows (page 210):

“ The Chairman said that during its twelfth session, the Permanent Mandates Commission had taken note of lists of general and special conventions applied in each territory under

mandate, drawn up by the Secretariat on the basis of information obtained from the annual reports of the mandatory Powers, or from the *Treaty Series* of the League of Nations.

“ On March 5th, 1928, the Council, in conformity with the recommendations of the Commission, had asked the mandatory Powers to revise these lists.

“ Up to the moment, lists had been received from the Union of South Africa, Belgium, New Zealand, Great Britain (in so far as Tanganyika was concerned), France (for the Cameroons and Togoland). The replies regarding the other territories: Syria, Iraq, Palestine, the Cameroons and Togoland under British mandate, the Islands under Japanese mandate, New Guinea and Nauru, were not yet forthcoming. It was, however, possible that the missing lists would reach the Secretariat before the next session of the Permanent Mandates Commission.

“ In these circumstances, the question arose *as to the action to be taken in regard to such lists*. It might, perhaps, be useful for the Permanent Mandates Commission to express the hope, at its present session, that these lists, which were of great importance from the point of view of the mandates systems, should be printed.

“ At the same time the Commission might perhaps ask M. Orts—to be assisted, if necessary by one or two of his colleagues—to *submit*, for the next session of the Commission, *observations concerning these lists*, especially in regard to the conventions not applied in the territories under mandate and the reasons given by the mandatory Powers for their action. ”

3. Since the termination of our fifteenth session, the last replies from the mandatory Powers have been received at Geneva, and thus the preliminary work of compilation carried out by the Secretariat at the request of the Permanent Mandates Commission has been revised in its entirety by the mandatory Powers, and rectified in the light of the observations submitted by them.

This preliminary work was then remodelled, and is now before us in the form of a series of synoptic tables, printed in proof, and entitled: “ Tables of International Conventions applied in the Territories under Mandate ”.

As stated in the introduction, this new document was drafted by the Secretariat, and the latter are to be congratulated on the form they have given to it; it is exactly what such a document should be, inasmuch as it contains in the smallest possible space all the information at present available on the subject. The form is the same as that of a document previously published, and approved by the Council and Assembly—namely, the “ Tables, Diagrams and Graphs showing the State of Signatures, Ratifications, and Accessions in Agreements and Conventions concluded under the Auspices of the League of Nations up to September 1st, 1930 ” (document A.20.1930.V).

4. As regards the first question raised by the Chairman at the fifteenth session, your Rapporteur should say what use he thinks should be made of the “ Tables of the International Conventions applied in the Territories under Mandates ”.

A distinction should, it seems, be made here between general conventions and bilateral or special conventions.

We know from the terms of the mandates that the mandatory Powers have undertaken to apply to the territories the tutelage of which had even entrusted to them any general conventions “ applicable to their contiguous territories ”¹ or any general conventions “ already existing, or which may be concluded hereafter, with the approval of the League of Nations ” respecting certain subjects indicated in the mandate,² as the case may be, and to “ adhere on behalf of the territory under mandate to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations ” respecting certain questions specified in the mandate.³ In this connection, the Anglo-Iraqi Treaty (Article 10) provides that “ the High Contracting Parties agree to conclude separate agreements to secure the execution of any treaties, agreements or undertakings which His Britannic Majesty is under obligation to see carried out in respect of Iraq ”.

Accordingly, the application in the territories under mandate of general international conventions, or accession, on behalf of the territories under mandate, to the general conventions to which they are Parties, constitutes for the mandatory Powers the execution of an *engagement* which they are not at liberty to evade. On the other hand, the Council and Assembly resolutions, relating to the application to the territories under mandate of certain special conventions are not of the same imperative character, but are of the nature of *recommendations*, the text of which allows considerable latitude to the mandatory Powers as regards their application.

In view of this distinction, your Rapporteur concludes that, although the publication, in the form proposed, of the list of general conventions made applicable to the territories under mandate would give rise to no objection, this might not be the case with regard to the publication of the list of special conventions which have voluntarily been made applicable by the mandatory Powers to certain territories placed under their mandate. Such publication might give rise to comparisons between the various degrees of goodwill shown by the various mandatory Powers in deferring to the wishes of the Council and Assembly, and might lead to conclusions which would

¹ See Article 9 of the Belgian Mandate for Ruanda-Urundi, Article 8 of the French Mandates for Togoland and the Cameroons, Article 8 of the British Mandates for Togoland and the Cameroons.

² See Article 9 of the British Mandate for East Africa.

³ See Article 12 of the French Mandate for Syria and Lebanon and Article 19 of the British Mandate for Palestine.

not be justified, especially as no time-limit was laid down within which these recommendations were to be put into effect. Moreover, publication in the form contemplated, without the consent of the Powers concerned being previously secured, might look like indirect pressure in a matter where the execution of the recommendations in question should depend exclusively on the inclinations of the Powers.

5. These considerations lead me to make the following proposals:

(a) The table relating to the special conventions should be kept separate from that of the general conventions, and, until further notice, the former should preserve the character of an internal document for the exclusive use of the Permanent Mandates Commission.

(b) The "Table of General International Conventions applied in the Territories under Mandate" should, without further delay, be communicated to the Council and Members of the League and published. It should be proposed to the Council that this document be regularly kept up to date, with the assistance of the data to be supplied by the mandatory Powers.

(c) The Table of special conventions should be submitted to the representatives of the mandatory Powers accredited to the Permanent Mandates Commission, when the next annual reports on the administration of the various mandates are examined. The accredited representatives should be invited to check the table and say if there is any objection to this document being published in its present form.

6. In accordance with the suggestion made by the Chairman at the fifteenth session, your Rapporteur has also been asked (with the assistance, if necessary, of one or two of his colleagues) to submit observations concerning the lists of conventions, especially in regard to the conventions not applied in the territories under mandate and the reasons given by the mandatory Powers herefor.

I may say that, generally speaking, the mandatory Powers have notified their accession to the international conventions to which they were bound under the terms of their mandates to accede, or applied to the territories under their mandate any conventions applicable to their neighbouring possessions or colonies. Should there be any exceptions, the best plan would seem to be, not to incorporate them in a general report, but to take the opportunity, when the annual reports are examined, of bringing to the notice of the representatives of the Powers concerned any omissions which might have been found, and, if necessary, of giving these Powers a chance of making them good.

The accomplishment of the last part of the work I have been asked to undertake might be left until fresh exchanges of views with the accredited representatives have made it possible to appreciate the reasons which may have led the mandatory Powers not to apply in the territories under their mandate particular special conventions, the application of which would seem calculated to further the economic development of these territories or to be in the moral, social or material interests of their inhabitants.

ANNEX 5.

IRAQ.

PETITIONS FROM THE BRITISH OIL DEVELOPMENT COMPANY, LIMITED, LONDON. ¹

C.P.M.1182.

(a) LETTER, DATED JUNE 4TH, 1931, FROM THE BRITISH GOVERNMENT TO THE SECRETARY-GENERAL REPLYING TO A QUESTION RAISED BY THE PERMANENT MANDATES COMMISSION:

London, June 4th, 1931.

In his letter No. 6A/24326/516 of February 7th last, the Acting Secretary-General of the League of Nations was so good as to inform the Secretary of State for Foreign Affairs that the Council of the League, in the course of its sixty-second session, had approved the conclusions reached by the Permanent Mandates Commission, in the course of its nineteenth session, on certain petitions submitted by the British Oil Development Company.

2. The conclusions of the Permanent Mandates Commission were to the effect that it should be ascertained from the Mandatory Power whether there exists a judicial authority competent to pass upon the matter which forms the subject of the petitions of the British Oil Development Company.

3. This enquiry has been carefully considered, and I am directed by Mr. Henderson to request you to inform the Permanent Mandates Commission that, in the opinion of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland:

1. There exists no judicial authority in Iraq other than the ordinary civil courts competent to deal with a claim by the British Oil Development Company, and an action by that Company against the Iraqi Government would lie in such courts if the Company could show a *prima facie* cause of action.

¹ See Minutes of the eighteenth and nineteenth sessions of the Permanent Mandates Commission and Minutes of the Council of January 22nd, 1931, *Official Journal*, February 1931, page 182.

2. In so far as the Company's petition raises questions concerning the interpretation of Article 94 of the Iraqi Constitution, the High Court contemplated in Article 81 of that Constitution would appear to be the competent authority to consider such questions; but under Article 83 of the Constitution that Court can only be convoked by Royal Iradah, to be issued with the concurrence of the Iraqi Council of Ministers.

(Signed) G. W. RENDEL.

C.P.M.1205.

(b) REPORT BY M. RAPPARD.

During its nineteenth session, the Commission examined the petitions of May 25th and September 17th, 1929, and June 6th, 1930, of the British Oil Development Company, Limited, London, regarding the petroleum resources of Iraq. The conclusions formulated by the Commission for submission to the Council with regard to these petitions read as follows:

" The Commission,

" Considering that it cannot examine a petition with a view to formulating recommendations to the Council so long as a legal remedy is still open to the petitioner;

" That it cannot state whether the petitioner is or is not able to bring an action against the Government of Iraq:

" Decides to request the Council to ask the mandatory Power to state whether the petition of the British Oil Development Company can be examined by some judicial authority in Iraq or Great Britain, and, if so, which. "

In accordance with our suggestion, the Council asked the mandatory Power to inform us on the point whether the subject of these petitions could be examined by any judicial authority and, if so, which.

In a letter dated June 4th, 1931¹, the text of which has been communicated to the Commission, the British Government states:

" 1. There exists no judicial authority in Iraq other than the ordinary civil courts competent to deal with a claim by the British Oil Development Company, and an action by that Company against the Iraqi Government would lie in such courts if the Company could show a *prima facie* cause of action.

" 2. In so far as the Company's petition raises questions concerning the interpretation of Article 94 of the Iraqi Constitution, the High Court contemplated in Article 81 of that Constitution would appear to be the competent authority to consider such questions; but under Article 83 of the Constitution that Court can only be convoked by Royal Iradah, to be issued with the concurrence of the Iraqi Council of Ministers. "

Since, according to the mandatory Power's reply reproduced above, the case dealt with in the British Oil Development Company's petition is capable of being judged by an Iraq Court, it must be concluded that, in accordance with the rules of procedure in force, the Commission is not competent to examine the substance of the petitions in question.

I therefore have the honour to propose to the Commission the adoption of the following conclusion:

" In view of the British Government's communication dated June 4th, 1931, from which it appears that the case dealt with in the British Oil Development Company's petition is capable of being brought before the Iraq Courts, the Commission considers that it is not competent to examine the petition in question on behalf of the Council. "

C.P.M.1136.

ANNEX 6.

IRAQ.

LETTER FROM THE BRITISH GOVERNMENT.

DATED JANUARY 12TH, 1931, TRANSMITTING THE REPORT OF THE SPECIAL COMMITTEE APPOINTED BY THE GOVERNMENT OF IRAQ TO EXAMINE THE CLAIM² OF THE BAHAI SPIRITUAL ASSEMBLY BAGHDAD, AND COMMUNICATING THE MEASURES TAKEN BY THE GOVERNMENT OF IRAQ IN EXECUTION OF THE RECOMMENDATIONS CONTAINED IN THE REPORT.

London, January 12th, 1931.

With reference to the last paragraph of your letter No. 6A/9245/516 of March 25th, 1929, in which you brought to the knowledge of His Majesty's Government in the United Kingdom the conclusions reached by the Council of the League of Nations in regard to a position from the Bahai

¹ See above-mentioned document C.P.M.1182.

² See document C.P.M.784.

Spiritual Assembly of Baghdad, I am directed by Mr. Secretary Henderson to inform you that these conclusions have received the most careful consideration by the Government of Iraq.

2. The Government of Iraq finally decided to set up a special Committee under the Chairmanship of Mr. G. Alexander, President of the Iraqi Court of Appeal, to consider the views expressed by the Bahai community in respect of certain houses in Baghdad and to formulate recommendations for an equitable settlement of this question. I am now to transmit to you the accompanying translation of the report submitted by this Committee to the Iraqi Government on August 27th, 1930, and to request that it may be communicated to the members of the Permanent Mandates Commission for their information.

3. I am to ask that the members of the Permanent Mandates Commission may at the same time be informed that the Iraqi Government have decided to accept the recommendations contained in the report, which have also been accepted in principle on behalf of the Bahai community, and have directed that detailed plans and estimates shall be prepared, with a view to carrying these recommendations into effect during the coming financial year.

(Signed) C. W. BAXTER.

Translation of Report on the Bahai Case.

In accordance with the Secretary to the Council of Ministers' letter No. 2003 dated July 12th, 1930, addressed to the Ministries of the Interior and Justice, stating that we were appointed to form a Special Committee to consider the case of the claim of the Bahai Community relating to certain houses in Baghdad and to examine the "method" which the Government should adopt for dealing with (or remedying) this question, we have held three meetings—on July 28th, 1930, August 25th, 1930, and August 27th, 1930—and, having gone through the proceedings of the Permanent Mandates Commission of the League of Nations and previous papers on the case and a note by the Chairman of our Committee notifying that the Prime Minister has authorised him to inform the Committee that the object of its formation was to find out what measures can be adopted to constitute a suitable solution of the Bahai case referred to above, having regard to existing circumstances and conditions, and after careful discussion and deliberation on the subject, we have resolved as follows:

1. The competent courts have already considered the dispute over the houses in question which arose between two Bahai individuals by the name of Muhammad Hasan and Nuri, heirs of Bahauallah, of one part, and Muhammad Jawad and Bibi, two Shias, of the other part, and issued final judgment to the effect that the first party had no right to the said houses. Therefore it is neither possible nor justifiable to consider the case from the aspect of the claim of the first party to the ownership of the houses.

2. If there be any justification at all to consider this case, it can only be on the ground of State interests and policy. On this assumption and having regard to the principles of the laws in force in this country and to present conditions and circumstances, only one course of action is possible—namely, that of appropriating the houses for purposes of public benefit by means of expropriation for such purpose of public benefit.

3. Such expropriation may be carried out either for the public benefit of the Government or for that of the municipality. As, however, the case regarding the houses has a "past reputation" (*sic*) arising from the fact that it had arisen between two parties of different creeds, and that their expropriation now is likely to be taken as a pretext for taking away the houses from those in whose possession they are at present, who belong to a special creed, and as such will give rise to public agitation among the followers of that creed, and in order to avert such risk, the operation of expropriation should be an extensive one and should cover the said houses together with other surrounding houses and properties in order to give out that the purpose is one of public benefit. Assuming that appropriation is to take place, we suggest that the operation of expropriation should be extensive so as to cover the properties surrounding the houses in question for the opening of a road or the laying out of a garden if expropriation is to be made for a municipal purpose, or for a hospital (or dispensary) or a school, to be built in the middle of a square, if the expropriation is to be on behalf of and for the Government.

It should be observed that the state of the houses at Shaikh Bashshar quarter is such as will justify Government action in opening a wide square adequate for laying out a garden, or especially a play-ground for children and a promenade ground for women. The success of the children's play-ground and women's recreation ground at North Gate furnishes the strongest proof that such a project of public benefit is essential.

As houses in Baghdad West are crowded and in a bad state and there is no play-ground for children, it appears to us that the Government will be perfectly in the right in expropriating a number of the houses surrounding the Bahai houses and in the laying out of a public garden (park). If necessary, these (? the Bahai) houses may be used for the construction of a special dispensary for women and children.

The existing dispensary to the north near Parliament House is common for both sexes. If the Bahai houses are used for a dispensary for children and women, such dispensary will be centrally situated among the crowded quarters and not on their extremity. As such, it should prove very useful for the inhabitants.

4. As will be plainly observed from the above details, the scheme will have to take financial conditions into consideration, as it will require a large provision of money. Also political considerations should be attended to, since religious feelings may be involved.

Therefore, and as the Council of Ministers are more competent to appreciate these circumstances, we leave it to them to consider what is advisable in the circumstances.

Dated August 27th, 1930.

(Signed) G. ALEXANDER.
NASRAT AL FARISI.
SUBHI AL DAFTARI.
NASHAT AS SINAWI.

ANNEX 7a.

C.P.M.1160(I).

PETITIONS REJECTED IN VIRTUE OF ARTICLE 3 OF THE RULES
OF PROCEDURE.

REPORT BY THE CHAIRMAN.

In accordance with Article 3 of the Rules of Procedure, I have the honour to submit the following report on the petitions received since our last ordinary session which I did not think required the Commission's attention.

I. Syria and Lebanon.

- I. (a) LETTER FROM THE EMIR CHÉKIB ARSLAN, M. IHSAN EL DJABRI AND M. RIAD EL SOULH, DATED JUNE 18TH, 1930, AND
(b) LETTER FROM M. IHSAN EL DJABRI, DATED JUNE 28TH, 1930.

These communications, copies of which, if I am not mistaken, were handed direct to members of the Commission at the time, set out certain arguments regarding the conditions under which the Organic Statute of Syria and the Lebanon was promulgated and the intentions which seemed to be implied by the mandatory Power's attitude in this matter.

These petitions reached me at the end of our eighteenth session. As their object was to furnish the Commission with information with a view to the preparation of its report to the Council, I did not think it necessary to forward them for observations to the mandatory Power concerned, which would not have received them until after the close of our session.

2. TELEGRAM DATED CAIRO, JUNE 27TH, 1930, FROM THE SECRETARY-GENERAL OF THE EXECUTIVE COMMITTEE OF THE SYRO-PALESTINIAN CONGRESS.

As the object of this communication was to protest in general terms against the dissolution of the Syrian Constituent Assembly, against the promulgation of the Organic Statute in Syria and the Lebanon, I did not feel that it need detain the Commission's attention.

3. COMMUNICATION DATED FEBRUARY 17TH, 1931, FROM THE CONGRESS OF "LAS ASOCIACIONES SIRO-ARABES PRO INDEPENDENCIA", BUENOS AIRES.

This petition protests against the French mandate in Syria and Lebanon, and puts forward a programme for the settlement of the Arab problem. As its object is incompatible with the provisions of the Covenant and the mandate, I felt that it could not be regarded as a receivable petition according to the normal procedure.

4. PETITION OF MAY 22ND, 1931, FROM M. HOUBRON.

The author of this communication complains that a sum of £1,000 in gold collected by the authorities of Damascus in February 1926, has not been paid to him, although he was the sole victim of the outrage which was the occasion for the collection of this fine.

In view of the fact that the petitioner was residing at the time in Syria as a soldier in the troops of the mandatory Power, the object of his request is, strictly speaking, outside the competence of the Commission.

II. Tanganyika.

COMMUNICATIONS FROM THE "COMMITTEE OF GERMAN WOMEN TO CONTEND AGAINST THE WAR GUILT LIE" AND THE "GERMAN WOMEN'S FIGHTING LEAGUE", DATED BERLIN, JANUARY 13TH AND 14TH, 1931, RESPECTIVELY.

Both these documents concern the scheme for closer union between the mandated territory of Tanganyika and the two British Colonies of Kenya and Uganda, and the concession to Germany of a mandate for one of her former colonies.

With regard to the first point, I feel that the Commission cannot discuss the intentions attributed to the mandatory Power by the petitioners, seeing that the measures with which they are concerned are still under consideration, and the mandatory Power has not yet come to any decision in the matter.

The second point—the concession of a mandate to Germany—is definitely outside the Commission's province.

I therefore felt that these communications could not be regarded as receivable.

III. Western Samoa.

PETITIONS DATED OCTOBER 6TH AND 8TH, 1930, FROM MR. E. W. GURR AND MR. W. COOPER,
OF AUCKLAND, NEW ZEALAND.

The authors of these communications ask the Council to review the political status of Western Samoa, and in particular to change the mandate for this territory from a C to an A mandate.

As the object of this petition is not connected with the administration of Western Samoa according to the terms of the Covenant and the mandate, I did not think it could be regarded as receivable.

IV. Iraq.

PETITION OF APRIL 30TH, 1931, FROM MR. MATTHEW COPE, HASETCHÉ, SYRIA.

Mr. Matthew Cope complains of his expulsion from Iraq. This petition merely reproduces the substance of a petition submitted to me previously and which was communicated to the mandatory Power for observations. It cannot be regarded as receivable within the terms of Article I, paragraph c, of the Rules of Procedure in force in regard to mandate petitions.

ANNEX 7 b.

C.P.M.1166.

PALESTINE.

VARIOUS COMMUNICATIONS.

NOTE BY THE CHAIRMAN.

During our seventeenth and nineteenth sessions in June and November 1930, I had the honour to submit to my colleagues lists of a large number of communications on the subject of Palestine—telegrams and letters from various sources submitted to me by the Secretariat in accordance with the rules laid down by the Council. These communications, mostly couched in vague and general terms, concerned the events in Palestine in 1929 and the measures subsequently taken by the mandatory Power.

The lists in question, a copy of which I forwarded at the time to the British Government for its information, have been added as an annex to the Minutes of the seventeenth and nineteenth sessions.

The Secretariat has continued to receive a large number of communications of this nature, the most recent of which are protests against the British Government's declaration of its policy in Palestine made in October 1930.

My colleagues will find below the list of these fresh communications, of which I am at the same time forwarding a copy to the British Government for its information.

Munshi Mujahid Khan Zanidar, Kharkapura Khandwa C.P., India; letter, May 21st, 1930.

Tayebbhahi-Mulla-Mohomedally-Maskati, Begumpura, Bhajiwali Pole, Surat, India; letter, May 22nd, 1930.

Mr. M. E. Captain, Honorary Secretary, "Anjumane Shaukatul Islam and Khilafat Committee", Tankaria, India; communication received June 7th, 1930.

M. Arie Lewin, Rakow; letter, September 29th, 1930.

M. Michael Alper, New York; letter, October 22nd, 1930.

M. Nathan Essell, New York; letter, October 23rd, 1930.

M. Jacobson, Jewish Community, Halifax; telegram, October 24th, 1930.

M. Nathan Gesang, President, and David Groisman, Secretary of the General Committee of Argentine Jewry, Buenos Aires; telegram, October 28th, 1930.

The Secretary of the "Union universelle de la jeunesse juive", Paris Section; communications dated September 15th, 1929, and October 30th, 1930.

- M. Cohen, President of the Jewish Community of Sofia; telegram, October 30th, 1930.
The President of the Committee of the Zionist Association "Arsenou", Salonica; letter, October 30th, 1930.
Assembly of the Jews of Cairo; telegram, November 1st, 1930.
M. Bernard Tamen, President of the Zionist Organisation, Mexico; telegram, November 1st, 1930.
M. Tschammer Rasslan, Berlin; telegram, November 2nd, 1930.
Union of the Jewish Communities of Greece, Salonica; telegram, November 3rd, 1930.
M. A. Mallah, President of the Zionist Federation of Greece, Salonica; letters, October 26th and November 3rd, 1930.
M. Bernhardt, President of the Zionist Organisation of Roumania, Bucarest; letter, November 3rd, 1930.
President of the Zionist Organisation of Bucovina, Cernauti; letter, November 3rd, 1930.
M. Moses I. Azancot, "Keren Kayémeth Le-Israël", Tangier; letter, November 4th, 1930.
President of the Committee of the Organisation Misrachi of Greece, Salonica; letter, November 5th, 1930.
Rabbi Samuel Wohl, President of "Palestine Emergency Council", Cincinnati; letter November 5th, 1930.
Mrs. R. E. Toeg, President of the Zionist Association of Shanghai; letter, November 5th, 1930.
Secretary-General of the Association of the Zionist Revisionists, Salonica; letter, November 6th, 1930.
Dr. Eppstein, President of the "Comission Emergencias", Havana; telegram, November 8th, 1930.
President of the Israelite Assembly of Vidine, letter, November 8th, 1930.
M. H. Stier, Cernauti; communications, October 22nd, and November 9th, 1930.
President of the Zionist Organisation of Sofia; letter, November 9th, 1930.
M. Kobrin and M. Berland, Montevideo; telegram, November 10th, 1930.
M. A. Jossischoff, President of the Israelite Agency, Plevna; letter, November 10th, 1930.
M. Ab. P. Alter, Zoppot; letter, November 10th, 1930.
South African Moslem Conference, Johannesburg; telegram, November 10th, 1930.
"Collectivité israélite" of La Paz; telegram, November 11th, 1930.
M. Moissis, President of the Communal Assembly, Israelite Community, Salonica; letter, November 11th, 1930.
M. David O. Kurliand, Secretary-General of the "Union Zionista de Cuba"; letter, November 11th, 1930.
M. Félix Green, President of the Zionist Organisation, Alexandrie; telegram and letter, November 2nd and 12th, 1930.
M. Rosenfeld, Zionist Federation of Luxemburg; letter, November 13th, 1930.
M. Chalom, President of the Israelites of Varna, telegram, November 16th, 1930.
Dr. B. Knöpfler, Union of Zionist Revisionists, Cluj; letter, November 17th, 1930.
M. S. H. Markowitz, Rabbi, Fort Wayne, Indiana; letter, November 18th, 1930.
M. Alfred Cohen, President of the "Bnai Brith Jewish International Fraternity", Cincinnati; telegram, November 20th, 1930.
M. de Donder, Secretary of the "Comité Belgique-Palestine", Brussels; letter, November 26th, 1930.
M. Jafar el Askari, President of the Iraq Chamber of Deputies, Bagdad; telegram, November 29th, 1930.
M. Altmann, Bureau of the Jewish Community of Katowitz; letter, December 1st, 1930.
Young Moslem Society, Mosul; telegram, December 3rd, 1930.
M. Nicolas Hirmas, President of the "Sociedad Juventud Palestina", Santiago de Chile; letter, January 3rd, 1931.
M. Omar El Djabry, Secretary of the Association of Arab Students, Toulouse; letter, April 2nd, 1931.
"Centro Arabe de Conception", telegram, June 16th, 1931.

ANNEX 8.

C.P.M. 1208(1).

IRAQ.

PETITIONS DATED SEPTEMBER 23RD AND DECEMBER 9TH, 1930, FROM
CAPTAIN HORMUZD RASSAM.¹

REPORT BY M. ORTS.

I.

My colleagues will recollect that, at its November 1930 session, the Mandates Commission already considered the preliminary question as to whether Captain Hormuzd Rassam's petition of September 23rd, 1930, relating to the situation of the non-Moslem minorities in Iraq could be accepted, and resolved on November 8th 1930, to forward the petition to the mandatory Power in view of the allegations which it contained regarding the present situation of non-Moslem

¹ See documents C.P.M.1108, C.P.M.1108(a) and C.P.M.1156.

minorities in Iraq. This first petition was followed by a further communication from Captain Rassam, dated December 9th, 1930, which was similarly forwarded to the mandatory Power. In a letter of May 6th, 1931, the British Government forwarded a memorandum containing its observations on these two petitions.

The petition in question, as well as the British Government's observations, are too lengthy to permit of detailed analysis being made here. I shall therefore merely indicate briefly the subjects dealt with.

The petitions are submitted on behalf of the Christian and non-Moslem minorities in Iraq with a view to obtaining the assistance of the League for securing a "permanent solution of the question of the settlement of Christian and other non-Moslem minorities in Iraq before the mandatory Powers is released from its mandate". The petitioner annexed to his petition a large number of letters, some of them from notabilities religious as well as lay, residing in Iraq, and apparently qualified to speak on behalf of religious or racial groups.

The petitioner points out that in present circumstances non-Moslem minorities can appeal to a Christian Power to protect them against the oppression of the Moslem authorities, but, once Great Britain has been released from its mandate, the said minorities will be entirely at the mercy of an Arab Government. This possibility with the perils it appears to involve justifies the Christian minorities appealing to the Mandates Commission in order that the League Council may take steps to protect the said minorities, before Iraq is finally emancipated and admitted to the League of Nations.

The petitioner proposes that a special Commission of Enquiry should be sent to Iraq to report to the League Council on the situation described in the petition.

With regard to the settlement of Christian refugees, while recognising that the mandatory Power has made considerable efforts in this direction, the petitioner suggests that the problem should be entrusted to the League's High Commission for Refugees, to be solved by the method which has proved successful elsewhere.

The petitioner claims to be authorised to speak on behalf of the Christians comprising the "Assyro-Chaldean" nation, which, in Iraq, includes the following Christian communities: Assyrians, Chaldeans, Jacobites, Protestants, Syrian Catholics, Armenian refugees and the Yezidi. He points out that it is the duty of the mandatory Power to ensure, in accordance with the Mandate, freedom of conscience and the free exercise of all forms of religion, and to protect the minorities. Furthermore, in accordance with the suggestions of the Mosul Commission set up by the Council resolution of September 30th, 1924, Great Britain admitted that it was its duty to secure the settlement of Assyrian Christians in accordance with the reasonable claims and aspirations of their race. By reason, however, of the Arab Government's influence, the mandatory Power has found it impossible to guarantee adequate protection to that minority. He contends, further, that the mandatory Power, in spite of the recommendations of the Mosul Commission and the corresponding Council resolutions, has failed to take advantage of the conclusion of the Anglo-Iraqi Treaty of June 30th, 1930, to ensure, as it was bound to do, the protection of the non-Moslem minorities in Iraq and the Christian refugees from Turkey.

The writer justifies the despatch of his petition to the Mandates Commission by the fear of reprisals on the part of the authorities of the country against Christians who make complaints. He reproaches both the mandatory Power and the Iraq Government with the material and physical impoverishment of the Assyrians due to their settlement in the worst districts of the Mosul vilayet and to lack of any assistance, financial or otherwise, from the Government; the failure to settle Assyrians on lands where they could live without interference from Moslems, a point on which the mandatory Power has not kept its promises; the denial of local autonomy to Assyrians in spite of the recommendations of the so-called "Mosul" Commission of the League of Nations; the curtailment of religious freedom and refusal to open schools as recommended by the said Commission; insecurity of life and property; inadequate representation of minorities in the Government, administration and courts of law; failure to supply any substitute for the previously existing right of Christians to appeal to foreign consuls for protection, and, finally, the general regime of persecution and oppression from which the Christian minority is suffering.

In conclusion, the petitioner renews his request that the Permanent Mandates Commission should advise the Council of the League of Nations, before the expiry of the Iraq mandate, to set up a special Commission of Enquiry to determine to what extent the recommendations of the Mosul Commission have been carried out.

II.

In its observations the British Government has replied to all the points raised in the petitions. It refers to the information on minorities contained in the Special Report on the Progress of Iraq during the Period 1920-1931. Further, the accredited representatives of His Majesty's Government gave the Commission additional particulars during its present session.

The Commission will, I feel sure, be grateful to the British Government for the great care with which it has considered these petitions.

As regards the general question, the mandatory Power states that, until the publication of the terms of the Treaty of Alliance of 1930, no representation had been made to the High Commissioner in Iraq or to the British Government that the minorities were dissatisfied with their

present position. Instances have, it is true, occurred of representations having been made on specific points and in individual cases; but, until the petitioner arrived in Iraq in January 1930 and during the five months that he remained in the country, there was no reason to believe that the minorities, whose situation is sufficiently guaranteed by the Iraq Constitution, were in general dissatisfied. It was not until the terms of the Anglo-Iraqi Treaty were published and it was seen that no special provision was made in it for the protection of the minorities concerned after the admission of Iraq to membership of the League, that a campaign was organised with the intention of bringing pressure to bear in order to ensure that the League should consider the minorities question before agreeing to the termination of the mandate in Iraq. In the British Government's opinion the documents submitted by the petitioner were not spontaneously produced, nor were they prompted by any real dissatisfaction of the minorities concerned but were deliberately collected. However, it recognises that, as soon as the Treaty of Alliance became known, representations were made by the most important Christian communities with a view to some guarantees being given by the Iraq Government to safeguard their future.

Moreover, the British Government points out that though the petitioner was authorised by the Assyrian Patriarch to represent the case of the Assyrians, he has no real claim to represent the other minorities.

The specific points mentioned in the petition are disputed by the British Government in certain cases; in other cases—and these would not appear to be permanent in character or of real gravity—their accuracy is admitted.

III.

On the subject of the petitioner's allegations, the British Government has given explanations which, generally speaking, would appear to give satisfaction as regards both the past and the present. However, I cannot but refer to the general apprehension for their future felt by the minorities. This apprehension is to be observed not only among the non-Moslem minorities, but also among other minorities as appears from certain other petitions with which the Permanent Mandates Commission has had to deal and from the mandatory Government's Special Report on the Progress of Iraq during the Period 1920-1931. It is stated in this document:

"As soon as it became known that the Treaty of 1930 contained no special provision for the treatment of racial and religious minorities upon the admission of Iraq to membership of the League of Nations, representations were made by the most important of them with a view to some guarantees being given by the Iraqi Government to safeguard their future."

Account should be taken of this state of mind which is so universal as to lead to the belief that there must be good reasons for its growth.

I accordingly consider that the Commission should suggest to the Council that the mandatory Power's attention be drawn:

1. To the necessity of not relaxing its supervision over the situation of these minorities;
2. To the necessity of obtaining from the Iraqi Government, as regards the treatment of racial and religious minorities and before the termination of the mandate, guarantees which, according to the statement of the mandatory Power already mentioned in the Commission's report on its nineteenth session, the Iraqi Government is prepared to give.

3. Further I consider that the Commission should recommend that the Council inform the petitioner that his petition has been considered and that the League will continue to see that the rights of the minorities are respected and will do so all the more sympathetically if it is convinced of the goodwill of the minorities to promote the security and prosperity of the Iraqi State.

For the rest, I am of opinion that the Commission need not recommend that the Council take any particular action on this petition.

ANNEX 9.

C.P.M.1207(1).

IRAQ.

PETITION, DATED APRIL 20TH, 1931, FROM M. YUSUF MALEK.

REPORT BY M. ORTS.

The petition from M. Yusuf Malek, a Chaldean Iraqi, dated April 20th, 1931, was communicated to us by the British Government on June 2nd, 1931.

The petitioner protests in general terms against alleged arbitrary action by the Iraq Government which, he states, took reprisals against him and other persons because they were suspected

¹ See document C.P.M.1179.

of having informed Captain Rassam and the League of Nations of the Chaldeo-Assyrian nation's fears for its future. The petitioner complains that after thirteen years' service with the British Government, he was transferred in 1930 by order of the Iraq Minister of the Interior. Not wishing to comply with this order, he resigned, and thus suffered material loss.

The British Government observed that the case of M. Yusuf Malek was dealt with in the observations submitted on May 6th, 1931, regarding Captain Rassam's petition of September 23rd, 1930. It considers that the action taken against the petitioner was justified. The British Adviser to the Iraq Ministry of the Interior was, moreover, consulted, and did not think it advisable to intervene as the case was dealt with in accordance with existing regulations.

This petition does not appear sufficiently important to call for a recommendation by the Commission to the Council.

ANNEX 10.

C.P.M.1198(1).

IRAQ.

PETITIONS¹ EMANATING: (a) FROM KURDS OF IRAQ TRANSMITTED BY THE BRITISH GOVERNMENT ON FEBRUARY 20TH, 1931; (b) FROM TAWFIQ WAHBI BEG, DATED APRIL 19TH, 1931.

REPORT BY M. RAPPARD.

In accordance with the desires of our Chairman I have the honour to submit to my colleagues the following observations which have occurred to me after reading the various Kurdish petitions which I was instructed to examine and the mandatory Power's comments upon them.

Though the material put before me was very voluminous, my observations will be extremely brief. I consider it unnecessary to give an account, in the course of these remarks, of the contents of all these petitions and of the mandatory Power's comments upon them, as this would entail much useless repetition and as the original documents have all been placed at my colleagues' disposal. I will confine myself therefore to:

1. Giving a list of the Petitions with particulars of date and source;
2. Mentioning the petitioners' principal grievances;
3. Summarising the petitioners' demands;
4. Summarising the observations of the mandatory Power;
5. Submitting to my colleagues certain brief conclusions.

1. *List of Petitions.*

	Letter	Date	Source
Documents C.P.M.1140 and 1151.	A	August 24th, 1930	Chiefs of the Dauda tribe.
	B	August 31st, 1930	Central National Committee of the inhabitants of Southern Kurdistan.
	C	September 7th, 1930	Naqibzadah Hafsah.
	D	October 9th, 1930	Chiefs of the Mariwan and Fatali Begi tribes.
	E	October 9th, 1930	Leading Kurdish Chiefs.
	F	October 9th, 1930	Shaikh Mahmud and thirty Pizhder Chiefs
Document C.P.M.1192.	G	October 14th, 1930	Ja'far Sultan and nineteen other Kurdish notables.
	H	April 19th, 1931	Tawfiq Wahbi Beg.

2. *Grievances of the Petitioners.*

Although the various petitions examined vary in length, tone and content, they all give expression to the discontent of the Kurdish elements inhabiting Iraq. The petitioners and those whom they champion all deplore in varying degrees the policy which they believe to be that of the Government of Iraq and the mandatory Power—namely, to assimilate them to the rest of the population of the mandated territory.

As the Kurds differ from the inhabitants of the plains in race, language, manner of life and political aspirations, and as they appear to be conscious of a certain community of interests with

¹ See documents C.P.M.1140, 1151, 1184, 1192 and 1192(a).

the Kurds living outside Iraq, I feel that there can be no doubt that we have to do with ethnical groups having the characteristics of what is usually termed a minority.

Some of the petitioners' complaints are very vague—cruel and ruthless treatment at the hands of the Iraqi authorities—but others are much more precise. Thus several petitions complain that, in spite of assurances to the contrary, the non-Kurdish element among the officials responsible for the administration of their territory is still preponderant. Others complain of the imposition of excessive taxes on their flocks and herds and their crops. Several protest against the fact that the last treaty of alliance between Great Britain and Iraq contains no clause guaranteeing the special rights of the Kurds. Several denounce the intimidation and acts of violence to which the mass of the Kurdish population and, still more, the chiefs are alleged to have been subjected at the time of the elections in Sulaimaniya. Lastly, two petitions couched in almost identical terms complain that complaints sent to the High Commissioner have remained unanswered.

3. *Demands of the Petitioners.*

In addition to the reasons for discontent summarised above, the petitions contain definite demands for the future. These demands, which refer to the political and administrative organisation of that part of Iraq which is inhabited by the Kurds, vary greatly, sometimes irreconcilably.

Some demand the establishment of an independent Kurdish State placed under the protection of the British Mandatory, or of another Mandatory selected by the League. Others demand that this territory should be made an independent State to be governed by Shaikh Mahmud under British protection.

Tawfiq Wahbi Beg, on the other hand, confines himself in his various letters and petitions to demanding a liberal measure of autonomy for the Kurdish part of Iraq.

In addition to these general demands for the future organisation of the Kurdish territory, the petitions contain, *inter alia*, two definite demands, the liberation of persons imprisoned or deported at the time of the Sulaimaniya disturbances and the transfer of all Kurdish officials from the Arab to the Kurdish districts.

4. *Comments of the Mandatory Power.*

The mandatory Power, through whom these various petitions have reached us, has had them examined and minutely analysed. The mandatory Power's attitude to these petitions has been defined in the observations it has appended thereto,¹ in various passages of the report which it issued on the progress of Iraq from 1920-1931, and also in the statements of its accredited representative.

Without going into the details of the various points in dispute, we may note that the mandatory Power is inclined to deny the right which the petitioners claim faithfully to represent the opinions of the mass of the Kurdish population. It denies that the treaties in force contain promises of independence or autonomy to the Kurds. Nor were any such promises made at the time when the mandatory system was established in Iraq. The mandatory Power admits having guaranteed to the Kurds the right to employ their own language and the appointment of Kurdish officials, but it considers that the State of Iraq has already given, or is about to give, effect to these undertakings as far as is compatible with public policy, and denies that there is any general discontent among the Iraqi Kurds. It is entirely confident that, thanks to the moderation and prudence of the Arab majority in Iraq, the rights and position of the Kurdish minority will always be respected, even after the entry of Iraq into the League of Nations as an independent State, a step which it warmly recommends.

5. *Conclusion.*

Since the governmental system of Iraq is probably on the eve of profound modification, it would be useless to attempt to formulate a definite recommendation on each of the demands put forward by the petitioners. The most numerous and the most important of these demands, moreover, are for the establishment of a regime for which neither the Covenant nor the Anglo-Iraqi-Treaties, taking the place of the mandate, provide. These petitions, therefore, are by their very nature inadmissible and call for no comment on the part of the Commission.

As regards those referring to the free use of the Kurdish language, the mandatory Power states that they are about to be satisfied as far as considerations of public policy allow.

My colleagues will have been interested to note the Iraqi Government's resolution, approved by the mandatory Power, on the subject of its attitude to the Kurdish problem.

As the Minister acting as President of the Council of Ministers declared on August 19th, 1930, the Iraqi Government has decided that in future it will meet the Kurdish claims by insisting that its officials, of whatever race, shall be familiar with the Kurdish language, rather than by entrusting the administration of Kurdish districts to Kurdish officials.

In so far as this resolution is the expression of a desire to ease relations between the Kurdish population and the Administration, and to open up the possibility of careers to officials of Kurdish

¹ See documents C.P.M.1140, 1151, 1184, 1192 and 1192(a).

race in the non-Kurdish territories of the country, the Commission is bound to approve. On the other hand, the Commission could in no sense welcome this policy if, irrespective of its aims, it were to lead in practice to depriving the Kurds of the presence of officials whose attitude would be sympathetic to their legitimate aspirations.

The mandatory Power asserts, on the other hand, that the acts of injustice and violence from which the petitioners and those whose interests they claim to defend are said to have suffered are either imaginary or justified by the culpable behaviour of the victims.

The multiplicity of these various petitions, emanating from the most part from persons whose status it is impossible to ascertain, together with the detailed and convincing explanations of the mandatory Power, places the Commission in an extremely difficult situation. Never have I more keenly felt the weakness of the Mandates Commission's procedure in the matter of petitions than in struggling through this jungle of assertions, denials and explanations.

In the absence of all possibility of conducting an impartial investigation, the Commission is bound to accept the reassuring statements of the mandatory Power. In this case it can do so without hesitation, since the petitioners' complaints have obviously been carefully investigated and since, as they refer much more to the actions of Iraq than of Great Britain, they have been examined by an authority whose responsibility for the alleged abuses would seem to be minimised by the very fact with which it has intervened in administrative affairs.

Should the Commission therefore non-suit the petitioners purely and simply, and declare itself entirely satisfied by the observations of the mandatory Power? I think not. In spite of the criticisms to which these various petitions may legitimately be subjected, both on account of the uncertain standing of their authors and of the frequently unreliable nature of their contents, no impartial observer can avoid the feeling that the Kurdish question in Iraq is a real one. Even if the discontent of the Kurds were much less deep-seated and general than the petitioners claim, it is obvious that it exists. The mandatory Power has, moreover, never denied it.

If then discontent has never ceased to make itself felt throughout the prolonged period during which Great Britain, despite its tact, nevertheless exercised a real influence in the cause of justice, is it not to be feared that such discontent will become general when the Government of Iraq, left to its own resources, is more exposed both to outbreaks of this discontent, which are always possible, and to the aggressive promptings of the nationalism of its Arab subjects?

If my colleagues share the opinions at which I have arrived through study of the above-mentioned documents and which I have briefly outlined, they might record this fact by adopting the following draft resolution for submission to the Council:

“ The Mandates Commission, having examined the following petitions:

Letter	Date	Source
A	August 24th, 1930	Chiefs of the Dauda tribe,
B	August 31st, 1930	Central National Committee of the Inhabitants of Southern Kurdistan,
C	September 7th, 1930	Naqibzadah Hafsah,
D	October 9th, 1930	Chiefs of the Mariwan and Fatali Begi tribes,
E	October 9th, 1930	Leading Kurdish Chiefs,
F	October 9th, 1930	Shaikh Mahmud and thirty Pizhder Chiefs,
G	October 14th, 1930	Ja'far Sultan and nineteen other Kurdish notables,
H	April 19th, 1931	Tawfiq Wahbi Beg,

emanating from various Kurdish personages and groups in Iraq, together with the observations which the mandatory Power has been good enough to make on this subject, has the honour to recommend the Council:

“ 1. To thank the mandatory Power for the care with which it has carried out its enquiries on the spot and prepared its observations arising out of these various petitions;

“ 2. To request the mandatory Power to impress upon the Government of Iraq that it should be guided, in its dealings with its Kurdish subjects, by a spirit of broad toleration towards a minority worthy of respect, whose loyalty will grow in proportion as it is freed from all fear of danger to its natural rights, as explicitly recognised by the mandatory Power and the League of Nations;

“ 3. To inform the petitioners that the League of Nations will continue to ensure that their rights are respected; it will do so with the greater zeal and sympathy if it is convinced that the Kurds are loyally contributing to the security and prosperity of the State of Iraq;

“ 4. To give close attention to the uneasiness undoubtedly prevalent among the Kurdish population and which is caused by uncertainty as to the fate which awaits them if the moral protection of Great Britain, of which they have had the benefit for more than ten years is to be withdrawn.”

ANNEX 11.

C.P.M.1190.

PALESTINE.

MEMORANDUM,¹ OF DECEMBER 1930, FROM THE ARAB EXECUTIVE COMMITTEE
ON THE BRITISH GOVERNMENT'S STATEMENT OF OCTOBER 1930 (Cmd.3692).

REPORT BY M. PALACIOS.

In a letter dated May 11th, 1931, the British Government forwarded to the Commission a memorandum, dated December 30th, 1930, from the Arab Executive Committee relating to the statement published in the White Paper of October 1930. This memorandum was accompanied by the observations of the mandatory Power.

In his covering letter, the President of the Arab Executive Committee begins by putting forward claims incompatible with the terms of the mandate for Palestine (abrogation of the Balfour Declaration and the mandate as being contradictory to the pledges given to the Arabs, and to Article 22 of the Covenant, and as being in violation of the natural and national rights of the Arabs). He then demands the establishment of a Government responsible to an elected representative Council. He further asserts that it is the British Government's duty to prohibit at once the transfer to non-Arabs of Arab lands, and to stop immigration definitely. Finally, he emphasises the necessity for promoting the welfare of the fellahin, especially such of them as were dispossessed by the Jews, and urges that this class of the fellahin should be given land, especially in the Huleh area, should the concessionaire fail to carry out the terms of the concession.

The British Government points out that the memorandum was written before the issue of the British Prime Minister's letter to Dr. Weizmann, dated February 13th, 1931, and that it does not therefore take account of the interpretations and explanations given of certain matters dealt with in the statement of October 1930.

The Arab memorandum itself, to which the British Government replies point by point, though without going into detail, deals with the following questions: the interpretation given by the British Government to the expression "Jewish National Home", the right of the Arabs to the establishment of a national Government, and, finally, economic and social problems, including the immigration and land problems.

In the Arab memorandum the contention is made that the British interpretation given in 1922 goes beyond the Balfour Declaration, inasmuch as it contemplates the facilitation by the British Government of the further development, and not merely the establishment, of the Jewish National Home. The memorandum deals with the safeguarding by the Mandatory of the interests and rights of the two sections of the population—Jews and Arabs—and with the development of self-governing institutions for the Arabs.

The British Government states that it is unable to find in this part of the memorandum any grounds for amending the interpretation given in its statement of 1922 and reaffirmed in paragraph 6 of the statement made in October 1930.

As regards the constitutional demands, the British Government likewise states that it is unable to find in the memorandum any ground for modifying its policy as set out in paragraphs 11 and 12 of the 1930 statement.

In relation to the land question, the memorandum refers, *inter alia*, to the meaning to be attached to the words "rights and position of others sections of the population", occurring in Article 6 of the Palestine mandate. In reply, the British Government refers to paragraph 7 of the British Prime Minister's letter to Dr. Weizmann, dated February 13th, 1931. With regard to the distribution of land, the mandatory Power refers to Sir John Hope Simpson's report and observes that steps have already been taken to secure the settlement of Arabs on the only State lands available.

Dealing with the demands for an improvement in the machinery for the control of immigration, the British Government refers to paragraphs 14 to 17 of the letter to Dr. Weizmann, and to the British statement of 1930.

Inasmuch as the various questions raised by the petition are intimately linked with the subjects dealt with by the Mandates Commission during its examination of the annual reports on Palestine, I am of opinion that, apart from the force of some of the petitioners' arguments and the interest they present, it is superfluous to make them the subject of a special examination separate from that in which the Commission is already engaged.

¹ See document 1169.

ANNEX 12.

C.P.M.1193.

PALESTINE.

MEMORANDUM, DATED APRIL 30TH, 1931, SUBMITTED BY THE JEWISH AGENCY ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN 1930.

REPORT BY M. RUPPEL.

The mandatory Power has by a letter dated June 4th, 1931, transmitted to the Permanent Mandates Commission a letter of the President of the Jewish Agency of April 30th, 1931, to the High Commissioner for Palestine, and a Memorandum by the same Agency on the Development of the Jewish National Home in Palestine in the year 1930.¹

This Memorandum gives as usual a detailed account of the activities of the Zionist Organisation and of the Jewish Community of Palestine, dealing in nine sections with the population and vital statistics, immigration and the labour market, agricultural colonisation, urban development, industry, public health, education, organisation of the Jewish community, finance.

It appears that during the period under review, notwithstanding the abnormal character of Palestine conditions to which the Memorandum draws attention, further progress has been made in the development of the Jewish National Home.

In his covering letter to the Memorandum, the President of the Jewish Agency refers to the attitude taken by the Agency in regard to the mission of Sir John Hope Simpson, the statement of policy issued by the British Government in October 1930, and the letter of the British Prime Minister to Dr. Weizmann of February 13th, 1931. To the letter of the Agency, the following documents emanating from persons connected with the Zionist Organisation are attached:

1. A Memorandum on Palestine Land Settlement, Urban Development and Immigration, in which the information, supplied to Sir John Hope Simpson during his stay in Palestine, has been summarised;
2. A Memorandum on the Statistical Bases of Sir John Hope Simpson's report on Immigration, Land Settlement and Development in Palestine, in which the data on which this report has based its main conclusions are analysed;
3. A Memorandum on the Palestine White Paper of October 1930, by Leonard Stein, in which the objections of the Jewish Agency on the White Paper are placed on record;
4. A Statement issued by Dr. Weizmann on February 13th, 1931, in which he expressed his personal opinion on the Prime Minister's letter of the same date.

The British Government further communicated to the Permanent Mandates Commission, by letter dated June 10th, 1931², a memorandum containing their observations upon the Jewish Agency's memorandum. After having made a general reservation regarding the figures, statements or opinions contained or expressed in the latter, which they had not been able to examine in detail, the British Government refer, in regard to certain matters (suspension of part of the immigration certificates for the half-year May-October 1930, Jewish unemployment figures, employment of Jews on public works), to their own corresponding statements made in the annual report, to the White Paper of October 1930 and to the Prime Minister's letter to Dr. Weizmann, of February 13th, 1931.

Neither the memorandum of the Jewish Agency nor the observations of the mandatory Power seem to give occasion for a recommendation to the Council.

ANNEX 13.

C.P.M.1203.

SYRIA AND THE LEBANON.

PETITION, DATED JUNE 9TH, 1930, FROM M. SAADEDDINE JABRI, M. EDMOND RABBATH, AND M. NAZEM EL KODZI OF ALEPPO, AND PETITION, DATED JUNE 16TH, 1930, FROM 184 INHABITANTS OF DAMASCUS.³

REPORT BY M. SAKENOBE.

In the first petition the petitioners strongly protest against the promulgation of the Organic Law, Article 116 of which they refuse to recognise. Then, stating how they suffer under the

¹ See document C.P.M.1178.

² See document C.P.M.1187.

³ See document C.P.M.1174.

mandatory regime, they request that the League of Nations should appoint a Commission of Enquiry to examine the state of affairs in Syria.

The second petition is merely a repetition of the telegram of Jamil Mordam Bey, dated June 11th, 1930, protesting against the promulgation of the Organic Law, which was addressed to M. Ponsot and was brought to the notice of the Permanent Mandates Commission at its eighteenth session. M. Ponsot made special comment on this telegram (see Minutes, page 125).

The Mandatory Government, in its letter dated June 4th, 1931, with which it transmitted the petitions, observes that, as the one is supporting the petition transmitted by the High Commissioner to the Mandates Commission at its eighteenth session, and the other deals with the same subject, no observation is called for, save that which was given by the High Commissioner at the eighteenth session of the Permanent Mandates Commission, in connection with the elaboration and promulgation of the Organic Law in Syria.

The Permanent Mandates Commission at its eighteenth session, with the assistance of M. Ponsot, examined at length, and satisfied itself as to, the circumstances in which the Organic Law of Syria was enacted, and addressed its observations to the Council of the League of Nations (see Minutes, pages 120-128).

I think, therefore, that no action is required on these petitions.

ANNEX 14.

C.P.M.1204.

SYRIA AND THE LEBANON.

PETITION¹, DATED MAY 7TH, 1929, FROM M. AHMED MOUKTAR EL KABBANI AND TWENTY OTHER SIGNATORIES.

REPORT BY M. SAKENOBE.

This petition is dated May 7th, 1929, and is signed by Ahmed Mouktar and twenty other pensioners.

The petitioners, who were apparently pensioners in the Lebanon under the Turkish regime and who are now paid by the Lebanese Government, complain that they have sustained loss through being paid in Lebano-Syrian paper money fixed at an inadequate rate, and demand redress for the wrong they have so sustained, and that payment should be made in Turkish gold pounds.

The Mandatory Government, in its letter dated June 4th, 1931, with which it transmitted the petition, observes that this is a case for the application of the Pension Law, duly passed by both Chambers and promulgated (October 30th, 1927) by the President of the Republic of the Lebanon.

The mandatory Power further observes that the petitioners, although they did suffer, like all officials of the Administration, from the depreciation of the currency were nevertheless better treated by the Law than the officials in active service and the post-war pensioners, owing to the fact that their pensions are converted into Lebano-Syrian money at the rate of 70 piastres per Turkish pound, while the post-war pensions and the salaries of all officials in active service are converted at the rate of only 55 piastres, and that ample allowance has thus been given to them in consideration of the higher cost of living.

It is further stated that, from the legal point of view, the pension for services under the Turkish regime does not constitute a debt for mandated territories, there being no mention of such an obligation in the Treaty of Lausanne, and that Article 19 of the mandate, to which the petitioners refer, does not apply in this case, as it concerns only the financial obligations assumed during the period of the mandate and the guarantee thereof on the termination of the mandate.

In these circumstances, it seems to me that the petitioners' claim cannot be entertained, and I propose that the Permanent Mandates Commission should take no action in the matter, and that the petitioners should be informed accordingly.

¹ See document 1175.

ANNEX 15.

C.P.M.1194.

PALESTINE AND SYRIA.

PETITION¹, DATED DECEMBER 12TH, 1930, FROM MRS. EVELYN EVANS, LONDON.

REPORT BY M. RUPPEL.

I. The substance of the complicated case brought by the petitioner before the Permanent Mandates Commission is in short as follows:

The Syria Ottoman Railway Company was granted in the year 1891 by the Turkish Government a concession for the construction and working of a railway from Akka to Damascus.

In 1902 the Company sold the Concession back to the Turkish Government. The price of £155,000 was paid to the Company. The Agreement was sanctioned by the Supreme Court of England.

In 1904 an Order was made by an English Court for the compulsory liquidation of the Company in England.

A series of legal proceedings took place before English Courts in connection with this affair.

A certain John Pilling, of whom the petitioner is the executrix, was one of the founders and principal shareholders and also a secured creditor of the Company.

Pilling protested against the surrender of the concession to the Turkish Government and the liquidation in England of the Company, which in his opinion was an Ottoman Company, as illegal, and considered both actions invalid, alleging irregularities committed by the English Courts and by the Administrators of the Company.

Pilling having been declared bankrupt in 1904 his trustee received out of the price paid by the Turkish Government a sum of about £42,000.

The Turkish Courts subsequently refused to recognise the validity of the Order for the liquidation of the Company in England, and in 1908 the winding-up of the Company was ordered by a Court in Constantinople. Pilling was later on appointed liquidator.

The liquidation in Turkey was still going on at the outbreak of the war and was then interrupted. Pilling died in 1919.

The petitioner claims that the Railway concession is still the property of the Syria Ottoman Railway Company and that this Company is still existing.

The demand of the petitioner is held in very general terms and runs as follows:

“ That the League of Nations by its Mandates Commission or such other body or tribunal as may be deemed expedient: shou'd examine the matter set forth in the petition, and make such representations or otherwise take such steps as may be fitting. ”

II. The petition has been transmitted for observations to the British and French Government, because it deals with a matter concerning both Palestine and Syria.

III. The British Government in its observations dated April 29th, 1931,² informed the Commission that the matter had been thoroughly examined by them on several occasions in the past, when attempts had been made to induce them to make the case the basis of a claim, first against the Turkish Government and subsequently against the French Government as Mandatory for Syria, and that they had persistently refused to take up the claim. As to the reasons for doing so, the observations refer to a letter addressed by the Foreign Office on May 29th, 1922, to the solicitors acting for the claimants, of which a copy forms an annex to the said observations.

From the letter appears the fact, not mentioned in the petition, that the Concession was already forfeited in 1898, because the work of construction was far from being completed at the end of the already extended period fixed in the Concession. The British Government further pointed out that all the parties to the legal proceedings in England were British subjects and therefore bound by those proceedings, and that, the allegation being that a Turkish Company had been wrongfully deprived of its concession by the Turkish Government, the matter would appear to be one for proceedings in a Turkish Court. It was also set out that the British Government was unable to perceive that the claim possessed any merits whatever, the conduct of the Turkish Government having been perfectly proper throughout.

At the meeting of the Permanent Mandates Commission, held on June 16th, 1931, the accredited representative of the British Government was asked to amplify the observations transmitted by his Government. His attention was drawn to the fact that the letter attached to the observations was written before the conclusion of the Treaty of Lausanne, which contains special clauses regarding concessions in territories detached from Turkey under this treaty. Asked whether the

¹ See document C.P.M.1141.

² See document C.P.M.1152.

British Government as mandatory Power for Palestine recognised the validity of any claim whatever which the Syria Ottoman Railway Company or the petitioner might make against the mandated territory of Palestine or the Mandatory with regard to the Turkish Railway concession, the accredited representative answered in the negative. He declared further that it would be open for the petitioner to take legal proceedings in the matter in the Courts of Palestine.

IV. The French Government answered by a letter dated June 1st, 1931.¹ It is stated therein that the French Government could not make other observations than those brought forward by the British Government, which had been communicated to them by that Government. From the above-mentioned letter of the British Foreign Office (May 22nd, 1922) the conclusion is drawn that the concession had become invalid through the non-execution of the work in due time and the payment by the Turkish Government to the concessionaires of the sum of £155,000 for the renunciation of all rights whatever.

One is entitled to presume that the French Government would give, as regards Syria, the same answer as the British accredited representative has given to the questions put to him as to the validity of the claim made by the petitioner and her right to bring the matter before a legal court.

V. It has been stated under I that the demand of the petitioner is formulated in very general terms. She carefully avoids defining the nature of her claim (restoration of the concession or compensation) and indicating the Government which, in her opinion, would be liable for the satisfaction of her claim. Obviously the Mandates Commission has nothing to do with the Turkish Government which has granted the concession. The British and French Governments, on behalf of the Mandated territories of Palestine and Syria, in which a railway line from Akka to Damascus would have to be constructed now, do not recognise any claim whatever on the part of the petitioner.

As, on the other hand, the matter which forms the subject of the petition might be laid by the petitioner before some court of law, the Commission is prevented, by the general rules governing its practice in regard to petitions, from examining the merits of the case.

I therefore recommend to the Commission not to consider the petition, on the ground that it concerns a dispute with which the courts have competence to deal.

ANNEX 16.

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION.

The Permanent Mandates Commission met at Geneva from June 9th to June 27th, 1931, for its twentieth session, and held twenty-nine meetings, one of which was public.

The annual reports² were considered in the following order with the assistance of the representatives of the mandatory Powers:

New Guinea, 1929-30.

Accredited Representative:

Mr. J. R. COLLINS, C.M.G., C.B.E., Official Secretary and Financial Adviser at Australia House, London.

Nauru, 1930.

Accredited Representative:

Mr. J. R. COLLINS, C.M.G., C.B.E.

Syria, 1930.

Accredited Representative:

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

¹ See document C.P.M.1176.

² The examination of the annual reports on Tanganyika, Togoland and the Cameroons under French mandate has been postponed to the autumn session.

South West Africa, 1930.

Accredited Representatives:

Mr. Charles T. TE WATER, High Commissioner for the Union of South Africa, London;
Major F. F. PIENAAR, D.T.D., O.B.E., accredited representative of the Union of South Africa to the League of Nations.

Palestine, 1930.

Accredited Representatives:

Dr. T. Drummond SHIELS, M.C., M.P., Parliamentary Under-Secretary of State for the Colonies;
Mr. M. A. YOUNG, Chief Secretary to the Palestine Government;
Mr. R. V. VERNON, C.B., of the Colonial Office.
Mr. O. G. R. WILLIAMS, of the Colonial Office.

For the examination of the special report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the progress of Iraq during the period 1920-1931, the mandatory Power was represented by:

Lt.-Colonel Sir Francis H. HUMPHRYS, G.C.V.O., K.C.M.G., K.B.E., C.I.E., High Commissioner for Iraq;
Major H. W. YOUNG, C.M.G., D.S.O., Counsellor to the High Commissioner for Iraq;
Mr. R. V. VERNON, C.B., of the Colonial Office.
Mr. T. H. HALL, D.S.O., of the Colonial Office.

A. GENERAL QUESTIONS.

I. GENERAL CONDITIONS WHICH MUST BE FULFILLED BEFORE THE MANDATE REGIME CAN BE BROUGHT TO AN END IN RESPECT OF A COUNTRY PLACED UNDER THAT REGIME
(Pages 12, 13, 113, 149-156, 177-179, 179-186, 189).¹

The task assigned to the Permanent Mandates Commission was defined by the Council resolution of January 13th, 1930, in the following terms:

"Being anxious to determine what general conditions must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime, and with a view to such decisions as it may be called upon to take on this matter, the Council, subject to any other enquiries it may think necessary, requests the Mandates Commission to submit any suggestions that may assist the Council in coming to a conclusion."

In response to a request for an interpretation from the Permanent Mandates Commission, the Council, on January 22nd, 1931, confirmed its former resolution, emphasising the fact that it referred "to the examination of the general problem and not the particular case in regard to which the question was raised", and invited the Commission to pursue its study of the general aspect of this problem.

Further, it is clear from the statements made by its Rapporteur that the Council does not expect the Mandates Commission to offer suggestions as to the conditions that might be imposed for the admission to the League of a State formerly under mandate.

Within these limits the Commission has investigated the question, to which it has devoted several meetings at its nineteenth and twentieth sessions. The considerations which led the members of the Commission to agree on the suggestions formulated hereunder are set out in the Minutes of those two sessions and in the reports and notes appended thereto.

* * *

The Mandates Commission is of opinion that the emancipation of a territory under the mandate regime should be made dependent on two classes of preliminary conditions:

(1) The existence in the territory concerned of *de facto* conditions which justify the presumption that the country has reached the stage of development at which a people has become able, in the words of Article 22 of the Covenant, "to stand by itself under the strenuous conditions of the modern world";

(2) *Certain guarantees* to be furnished by the territory desirous of emancipation to the satisfaction of the League of Nations, in whose name the mandate was conferred and has been exercised by the Mandatory.

I.

Whether a people which has hitherto been under tutelage has become fit to stand alone without the advice and assistance of a mandatory is a question of fact and not of principle. It can only be settled by careful observation of the political, social and economic development of each territory. This observation must be continued over a sufficient period for the conclusion

¹ The page numbers given are those of the Minutes of the Session.

to be drawn that the spirit of civic responsibility and social conditions have so far progressed as to enable the essential machinery of a State to operate and to ensure political liberty.

There are, however, certain conditions the presence of which will in any case indicate the ability of a political community to stand alone and maintain its own existence as an independent State.

Subject to these general considerations, the Commission suggests that the following conditions must be fulfilled before a mandated territory can be released from the mandatory regime — conditions which must apply to the whole of the territory and its population:

- (a) It must have a settled Government and an administration capable of maintaining the regular operation of essential Government services;
- (b) It must be capable of maintaining its territorial integrity and political independence;
- (c) It must be able to maintain the public peace throughout the whole territory;
- (d) It must have at its disposal adequate financial resources to provide regularly for normal Government requirements;
- (e) It must possess laws and a judicial organisation which will afford equal and regular justice to all.

II.

The Commission suggests that the guarantees to be furnished by the new State before the mandate can be brought to an end should take the form of a declaration binding the new State to the League of Nations, or of a treaty or a convention or of some instrument formally accepted by the Council of the League as equivalent to such an undertaking.

The Commission suggests that, without prejudice to any supplementary guarantees which might be justified by the special circumstances¹ of certain territories or their recent history, the undertakings of the new State should ensure and guarantee:

- (a) The effective protection of racial, linguistic and religious minorities;
- (b) The privileges and immunities of foreigners (in the Near Eastern territories), including consular jurisdiction and protection as formerly practised in the Ottoman Empire in virtue of the capitulations and usages, unless any other arrangement on this subject has been previously approved by the Council of the League of Nations in concert with the Powers concerned;
- (c) The interests of foreigners in judicial, civil and criminal cases, in so far as these interests are not guaranteed by the capitulations;
- (d) Freedom of conscience and public worship and the free exercise of the religious, educational and medical activities of religious missions of all denominations, subject to such measures as may be indispensable for the maintenance of public order, morality and effective administration;
- (e) The financial obligations regularly assumed by the former mandatory Power;
- (f) Rights of every kind legally acquired under the mandate regime;
- (g) The maintenance in force for their respective duration and subject to the right of the denunciation by the parties concerned of the international conventions, both general and special, to which, during the mandate, the mandatory Power acceded on behalf of the mandated territory.

In addition to the foregoing essential clauses, the Permanent Mandates Commission considers that it would be desirable that the new State, if hitherto subject to the Economic Equality Clause, should consent to secure to all States Members of the League of Nations the most-favoured-nation treatment as a transitory measure on condition of reciprocity.

II. GENERAL AND SPECIAL INTERNATIONAL CONVENTIONS APPLIED TO MANDATED TERRITORIES (Pages 14, 160, 188).

The Permanent Mandates Commission has studied the replies to the Council's resolution of March 5th, 1928, submitted by the mandatory Powers.

These replies have been grouped in two separate tables, the first devoted to the general international conventions and the second to the special conventions applied in the territories under mandate.

The Commission noted that, generally speaking, the Powers have notified their accession to the international conventions to which the terms of the mandates obliged them to accede, or have extended to the territories under their mandate the Conventions which they applied in their neighbouring possessions or colonies.

Should there be any exceptions, the Commission considers that the opportunity should be taken, when examining the annual reports, of drawing the attention of the representatives of the Powers concerned to any omissions which might have been noted, and of enabling these Powers to make good such omissions.

¹ As, for example, those which enforce recognition of the rights referred to in Articles 13 and 14 of the Palestine mandate.

The Commission has the honour to propose to the Council that it should decide:

(a) That the "table of *general international conventions* applied in the territories under mandate" should, without further delay, be distributed to the Members of the Council and to the Members of the League of Nations and published, and that this document should be constantly kept up to date with the help of the particulars which it is incumbent on the mandatory Powers to supply;

(b) That the table relating to *special conventions* should, until further notice, retain the character of a private document for the exclusive use of the Permanent Mandates Commission.

B. SPECIAL QUESTION.

PIPE-LINE OF THE IRAQ PETROLEUM COMPANY (Pages 47, 96-99, 144-149, 161, 163-177).

The Permanent Mandates Commission has carefully considered whether two agreements, worded in almost identical terms, concluded by the Iraq Petroleum Company with the British High Commissioner in Palestine on January 5th, 1931, and with the Lebanese and Syrian Governments on March 25th, 1931, were compatible with Article 18 of the Palestine Mandate and Article 11 of the Mandate for Syria and the Lebanon respectively.

From this examination, it was concluded that the provisions contained in the above-mentioned articles of the two mandates did not constitute an obstacle to the granting of the advantages conferred by the said agreements on the company, which has received a concession for the construction of a pipe-line both in Palestine and in Syria and the Lebanon.

The Commission feels bound to inform the Council, however, that during its discussions on this question doubts were expressed by certain of its members as to whether some of the clauses of the agreements in question kept the necessary balance between the advantages and privileges granted to the concessionary company and the advantages which would accrue to the two territories.

C. OBSERVATIONS CONCERNING THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted 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, as usual, be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.¹

TERRITORIES UNDER A MANDATE.

Palestine.

GENERAL OBSERVATIONS.

In addition to the annual report for 1930, the Commission noted the declaration by the British Government, dated October 1930 (Cmd. 3692), and the text of the letter from the British Prime Minister to Dr. Weizmann, dated February 13th, 1931, which, according to a statement by the British Government, is to be read as the authoritative interpretation of the White Paper on the matter with which the letter deals. Furthermore, the mandatory Power communicated to it Sir John Hope Simpson's report on immigration, colonisation and agricultural development, Mr. C. F. Strickland's report on the possibility of introducing a system of agricultural co-operation in Palestine, and the report submitted by a committee appointed by the High Commissioner on the economic condition of agriculturists in Palestine and the fiscal measures of government in relation thereto.

The Commission was glad to note that order has been maintained in Palestine during the year 1930, thanks to a series of measures taken by the mandatory Power, and the re-organisation of the police force. The year 1930 was marked by a series of enquiries, studies and pourparlers from which it will be possible to draw useful lessons and they will no doubt be translated into concrete measures.

The Commission noted a statement by the accredited representative to the effect that the British Government was endeavouring to facilitate Jewish immigration without prejudicing the Arab majority by increasing Palestine's economic capacity to absorb immigrants. It also noted that the preparation of a systematic plan of agricultural development was to be entrusted to a special commissioner. Lastly, the Commission welcomed the recognition by the accredited representative of the fact that the improvement of relations between the Arabs and Jews depended

¹ The page numbers given at the end of each observation are those of the Minutes of the session.

on a just settlement founded on a detailed study of a series of questions of an economic nature, for which the mandatory Power was asking the assistance of the population.

The Mandates Commission, which has followed, not without some uneasiness, the fluctuations of the mandatory Power's policy in Palestine, earnestly hopes that the new endeavours to solve the problem of the relations between the Arabs and Jews will be crowned with success.

SPECIAL OBSERVATIONS.

I. *Legislative Council.*

The Commission welcomed the statement by the accredited representative that the mandatory Power, in accordance with the declaration of October 1930, intended to set up a Legislative Council. It took note of the fact that a departure from that declaration would be made as regards various matters which had not been provided for by the Order-in-Council of 1922 and would no doubt be determined by a new Order-in-Council (Pages 81-82).

2. *Local Autonomy.*

The Commission hopes that the mandatory Power will soon give effect to its intention to re-organise the municipal authorities and to confer on them as wide powers as possible. (Page 83).

3. *Public Finance.*

The British Government, in its comments upon the Mandates Commission's report on its seventeenth session, states that it has spent over £9,000,000 sterling in Palestine since 1921, including the costs of defending the territory. Since there is no indication in the annual report for 1930 that any part of this grant has been employed otherwise than in military and police expenditure, the Commission would be glad if the next report would give detailed figures as to the amount assigned from this sum to the civil administration and economic development of the territory. (Page 81).

4. *Immigration and Emigration.*

The Commission considers that the periodical compilation of more accurate statistics on unemployment will be of the greatest value both in determining the annual quotas of labour contingents to be admitted into Palestine and in satisfying public opinion as to the decision arrived at. (Pages 86-87).

5. *Wailing Wall.*

The Commission hopes that the report by the International Commission which, in accordance with the Council's resolution of January 14th, 1930, has finally determined the rights and claims of the Jews and Moslems with regard to the Wailing Wall at Jerusalem, will put an end to the past controversies. (Pages 95-96).

Syria and the Lebanon.

GENERAL OBSERVATIONS.

The Commission noted a declaration by the accredited representative of the mandatory Power to the effect that the Organic Statute promulgated in May 1930 has begun to be applied. It recorded the mandatory Power's intention of concluding in the near future treaties with the Governments of Syria and the Lebanon taking into account the evolution which has taken place and the progress which has been achieved. The accredited representative informed it that the present process of evolution points to the termination of the mandate for Syria and the Lebanon at a not very distant date, and that, consequently, the treaty to be concluded with the Governments of these countries would relate not only to the carrying out of the mandate but to its replacement by a new regime.

The Commission will follow with interest this evolution, and the stages leading up to the point at which Syria and the Lebanon will no longer need the advice and assistance of the Mandatory, by which they have so far benefited for only a short space of time.

It expresses the hope that, in the agreements preparing the way for the new regime in Syria and the Lebanon, the mandatory Power will endeavour to ensure the maintenance of certain rights and interests, the safeguarding of which was specially entrusted to the Mandatory until the termination of the mandate.

It trusts that it will be kept regularly informed of the various phases of this evolution. (Pages 32-38, 162-163).

SPECIAL OBSERVATIONS.

I. *General Administration.*

The Commission noted the accredited representative's statement to the effect that the Conference of Common Interests provided for in the Organic Statute had already held a meeting.

The Commission hopes to find in the next annual report as complete information as possible on the work of this Conference. (Pages 33, 39).

2. *Public Finance.*

The Commission would be glad to find in the next annual report more exact details as to the system of allocating the receipts and expenditure of the joint budget between the different political units of the territory. (Page 48).

3. *Land Credit.*

The Commission would like to find in the next annual report more detailed information regarding the operation of the land credit system. (Page 43).

4. *Labour.*

The Commission has noted with much satisfaction that a first measure of labour legislation has been adopted in the State of Syria in the form of an order regulating the age for admission of children to industrial employment and night-work for young persons. The Commission would be glad to be informed in the next report that consideration is being given to the adoption in Syria of further legislation—*e.g.*, regulating female labour—and to the promulgation of labour legislation in the other political units of the territory. (Page 50).

TERRITORIES UNDER C MANDATE.

Nauru.

1. *Liquor Traffic.*

The Commission notes that, in spite of the fact that the supply of liquor to the natives is prohibited, the consumption of alcoholic liquor, and especially of spirits, has increased. It requests that further information on this subject may be given in the next report. (Page 30).

2. *Public Health.*

The Commission is glad to note the progress made in the campaign against leprosy. (Page 30).

New Guinea.

1. *Social Conditions of the Natives.*

The Commission has noted with great interest the report by the official anthropologist Mr. Chinnery. Further information as to the authority exercised by the chiefs over their people will be welcomed. It would also be glad to hear whether the system of indentured labour has had harmful consequences on the social life of the natives, and whether the absence of a large proportion of the men for the plantations or the mines has had a prejudicial effect on village life. With regard to the proportion of the population under indenture, the Commission has noted that the Administration of New Guinea lays down in practice that an approximate proportion of males and females should remain in the villages, regard being had to local conditions. The Commission would like to find in the next report some indication in figures of the proportions thus laid down. (Pages 15, 19-23).

2. *Labour.*

The Commission welcomes the evidence in the report of the perseverance of the mandatory Power in seeking to improve the conditions of indentured labour—in particular, by providing for the further consideration of reforms of the recruiting system, for increased inspection, and for the better safeguarding of the interests of time-expired labourers travelling home. It has also been glad to note that proposals are under consideration for facilitating the extension of the use of non-indentured labour. The Commission would be glad to find in the next report further information as to the various proposals for reform now under consideration. (Pages 19-23).

3. *Commerce.*

The Commission would be glad to have further information as to the amount of the bounties granted on products exported from New Guinea to Australia. (Pages 18, 23-24).

South West Africa.

GENERAL OBSERVATIONS.

The Commission would like to know in particular whether the mandatory Power holds itself responsible for the budget of the mandated territory voted by the local legislature, and, if so, how it carries out its duties in this respect. (Pages 57-60).

SPECIAL OBSERVATIONS.

I. *Public Finance.*

The Commission noted that the budget deficit and the debt of the territory were assuming considerable proportions. It would like to find detailed information in the next report with regard to the measures it is proposed to take in view of this situation.

The Commission would further be glad to receive in the next report more detailed information with regard to the recovery of sums expended by the mandatory Power in respect of the "Angola farmers" (see text of South African Union Law No. 34). (Pages 62-63).

2. *Agriculture.*

The Commission was glad to hear from the accredited representative that the period of drought which had sorely tried the mandated territory during the year 1930 had come to an end. It noted with satisfaction the efforts made by the mandatory Power to relieve the victims of the drought. It would be glad to obtain supplementary information in the next annual report with regard to the measures taken to make good the losses in live-stock. (Pages 53,55-56).

3. *Labour.*

The Commission has been happy to note the success of the measures taken by the mandatory Power in obtaining a steady decrease in the death rate among mine labourers. Nevertheless, the death rate among the "Angola Ovambos" remains high, and the Commission would like to find in the next report information regarding the further measures the Administration proposes to take to deal with this problem. (Pages 66-67).

4. *Education.*

The Commission has noted with satisfaction the growing interest taken by the Administration in native education and the co-operation established with the missions in this respect. (Pages 53, 56-57, 66).

D. SPECIAL REPORT BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE COUNCIL OF THE LEAGUE OF NATIONS ON THE PROGRESS OF IRAQ DURING THE PERIOD 1920-1931.

(Pages 12-13, 113-140, 142-144, 157-160.)

In the course of this session, the Commission had occasion to examine the mandatory Power's report on the progress made by Iraq between 1920 and the present day. This examination was of particular interest, inasmuch as the Commission enjoyed the help of Sir Francis Humphrys, the High Commissioner, and his chief assistant, Major H. W. Young, who gave very valuable particulars supplementary to those contained in the report.

So far as its normal sources of information permit, the Commission is thus now in a position, to the extent compatible with the nature of its functions and its procedure, and subject to the information which has been promised to it, to express its views on the mandatory Power's proposal for the termination of the Iraq mandate. As soon as the Council has reached a decision as to the general conditions which must be fulfilled before a mandate can be brought to an end, the Commission will be ready to submit to the Council its opinion on the British proposal regarding Iraq, after examining that proposal in the light of the Council's resolution.¹

E. OBSERVATIONS ON PETITIONS.

At its twentieth session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Powers. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the conclusions hereunder were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes.²

¹ "One of the members of the Commission, who was unable to support these views, expressed his own views at the nineteenth and twenty-second meetings (*Vide Minutes*, pp. 142-144 and 157-160)."

² The Commission recommends that copy of the petitions and observations of the mandatory powers relating thereto should be kept in the Library of the League of Nations.

Iraq.

- (a) *Petitions dated September 23rd and December 9th, 1930, from M. A. Hormud Rassam* (documents C.P.M.1108, 1108(a) and 1156). (Pages 122-123, 125-126, 134, 187.)

Observations from the British Government dated May 6th, 1931 (document C.P.M.1156).
Report (see Minutes, Annex 8).

CONCLUSIONS.

The Commission suggests that the Council should draw the mandatory Power's attention:

- (1) To the necessity of not relaxing its supervision over the situation of the minorities in Iraq;
- (2) To the necessity of securing from the Iraqi Government the guarantees for the treatment of racial and religious minorities which, according to the mandatory Power's statement already mentioned in the report of the Commission on its nineteenth session, the Iraqi Government was prepared to give.

The Commission further suggests that the Council inform the petitioner that his petition has been considered, and that the League of Nations will continue to ensure that the rights of the minorities are respected, will all the greater zeal and sympathy if it is convinced that these minorities are loyally contributing to the security and prosperity of the State of Iraq.

The Commission considers, moreover, that it does not require to recommend the Council to take any special action on this petition.

- b) *Petition from M. Yusuf Malek, dated April 20th, 1931* (document C.P.M.1179) (Pages 14, 187).

Observations from the British Government, dated June 2nd, 1931 (document C.P.M.1179).
Report (see Minutes, Annex 9).

CONCLUSIONS.

The Commission is of opinion that this petition is not sufficiently important to form the object of a recommendation to the Council.

- (c) *Petitions emanating* (1) *from Kurds of Iraq, transmitted by the British Government on February 20th, 1931* (document C.P.M.1140) (Pages 119-122, 125-128, 161), and
(2) *from Tawfiq Wahbi Beg, dated April 19th, 1931* (documents C.P.M.1192 and 1192(a)) (Pages 123-124, 161).

Observations from the British Government, dated February 20th, April 27th, June 8th and June 13th, 1931 (documents C.P.M.1140, 1151, 1184 and 1192).
Report (see Minutes, Annex 10).

CONCLUSIONS.

The Commission, having examined eight petitions emanating from various Kurdish personages and groups in Iraq, together with the observations which the mandatory Power has been good enough to make on this subject, has the honour to recommend the Council:

- (1) To thank the mandatory Power for the care with which it has carried out its enquiries on the spot and prepared its observations arising out of these various petitions;
- (2) To request the mandatory Power to impress upon the Government of Iraq that it should be guided, in its dealings with its Kurdish subjects, by a spirit of broad toleration towards a minority worthy of respect, whose loyalty will grow in proportion as it is freed from all fear of danger to its natural rights, as explicitly recognised by the mandatory Power and the League of Nations;
- (3) To inform the petitioners that the League of Nations will continue to ensure that their rights are respected with all the greater zeal and sympathy if it is convinced that the Kurds are loyally contributing to the security and prosperity of the State of Iraq;
- (4) To give its closest attention to the uneasiness undoubtedly prevalent in the Kurdish population, which is caused by uncertainty as to the fate which awaits them if the moral protection of Great Britain, of which they have had the benefit for more than ten years, is to be withdrawn.

- (d) *Petition of the British Oil Development Company, Limited. Conclusions to be drawn from the British Government's communication dated June 4th, 1931* (document C.P.M.1182) (Page 187).
Report (see Minutes, Annex 5b).

CONCLUSIONS.

In view of the British Government's communication dated June 4th, 1931, from which it appears that the case dealt with in the British Oil Development Company's petition is capable

of being brought before the Iraqi courts, the Commission considers that it is not competent to examine the petition in question on behalf of the Council.

Palestine.

- (a) *Memorandum by the Arab Executive Committee, dated December 1930, on the Statement of Policy issued by His Majesty's Government in October 1930* (Cmd. 3692) (document C.P.M.1169). (Pages 15, 82, 141.)

Observations from the British Government, dated May 11th, 1931 (document C.P.M.1169). Report (see Minutes, Annex 11).

CONCLUSIONS.

The Commission, considering that the questions raised by this petition have already been dealt with, on the occasion of the examination of the annual report on Palestine for 1930, believes that there is no need to express an opinion on this petition, and would refer to the Minutes of the present session.

- (b) *Memorandum by the Jewish Agency, dated April 30th, 1931, on the Development of the Jewish National Home in Palestine during 1930* (document C.P.M.1178). (Pages 15, 161).

Observations from the British Government, dated June 10th, 1931 (document C.P.M.1187). Report (see Minutes, Annex 12).

CONCLUSIONS.

The Commission considers that neither the memorandum nor the observations of the mandatory Power would seem to give occasion for a recommendation to the Council.

Syria and the Lebanon.

- (a) *Petition, dated June 9th, 1930, signed by Three Inhabitants of Aleppo, and Petition, dated June 16th, 1930 signed by 184 Inhabitants of Damascus* (Document C.P.M.1174). (Pages 14, 187.)

Observations from the French Government, dated June 4th, 1931 (document C.P.M.1174). Report (see Minutes, Annex 13).

CONCLUSIONS.

The Commission is of opinion that these petitions do not call for any action on its part.

- (b) *Petition, dated May 7th, 1929, from M. Ahmed Muktar el Kabbani* (document C.P.M.1175) (Pages 14, 187).

Observations from the French Government, dated June 4th, 1931 (document C.P.M.1175). Report (see Minutes, Annex 14).

CONCLUSIONS.

The Commission is of opinion that this petition does not call for any action on the part of the Council.

Syria and Palestine.

Petition, dated December 12th, 1930, from Mrs. Evelyn Evans (document C.P.M.1141) (Pages 95, 161).

Observations from the British Government, dated April 29th, 1931 (document C.P.M.1152).
Observations from the French Government, dated June 4th, 1931 (document C.P.M.1176).
Report (see Minutes, Annex 15).

CONCLUSIONS.

The Commission, having examined the petition from Mrs. Evelyn Evans and the observations of the mandatory Powers concerned, is of opinion that this is a case which can be dealt with by the courts of law and is therefore not within the Commission's competence.

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF
THE PERMANENT MANDATES COMMISSION.

The accredited representatives for New Guinea, Nauru, Syria and the Lebanon, South West Africa and Palestine have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

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Western Samoa

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Geneva, December 10th, 1931.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES OF THE TWENTIETH SESSION

Held at Geneva from June 9th to June 27th, 1931.

- I. On page I of the *Index*, second column, 20th line from the bottom, the words:
“Deportation of Captain Rassam and Mr. Cope”,

should read as follows:

“Deportation of Mr. Cope”.

2. On page II of the *Index*, first column, end of fourteenth line, for 243, read 234.

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Geneva, August 19, 1931.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

TWENTIETH SESSION OF THE COMMISSION

(Geneva, June 9th-27th, 1931.)

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION.

The Permanent Mandates Commission met at Geneva from June 9th to June 27th, 1931, for its twentieth session, and held twenty-nine meetings, one of which was public.

The annual reports¹ were considered in the following order with the assistance of the representatives of the mandatory Powers:

New Guinea, 1929-30.

Accredited Representative:

Mr. J. R. COLLINS, C.M.G., C.B.E., Official Secretary and Financial Adviser at Australia House, London.

Nauru, 1930.

Accredited Representative:

Mr. J. R. COLLINS, C.M.G., C.B.E.

Syria, 1930.

Accredited Representative:

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

South West Africa, 1930.

Accredited Representatives:

Mr. Charles T. TE WATER, High Commissioner for the Union of South Africa, London;
Major F. F. PIENAAR, D.T.D., O.B.E., accredited representative of the Union of South Africa to the League of Nations.

¹ The examination of the annual reports on Tanganyika, Togoland and the Cameroons under French mandate has been postponed to the autumn session.

Palestine, 1930.

Accredited Representatives:

Dr. T. Drummond SHIELS, M.C., M.P., Parliamentary Under-Secretary of State for the Colonies;
Mr. M. A. YOUNG, Chief Secretary to the Palestine Government;
Mr. R. V. VERNON, C.B., of the Colonial Office.
Mr. O. G. R. WILLIAMS, of the Colonial Office.

For the examination of the special report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the progress of Iraq during the period 1920-1931, the mandatory Power was represented by:

Lt.-Colonel Sir Francis H. HUMPHRYS, G.C.V.O., K.C.M.G., K.B.E., C.I.E., High Commissioner for Iraq;
Major H. W. YOUNG, C.M.G., D.S.O., Counsellor to the High Commissioner for Iraq;
Mr. R. V. VERNON, C.B., of the Colonial Office.
Mr. T. H. HALL, D.S.O., of the Colonial Office.

A. GENERAL QUESTIONS.

I. GENERAL CONDITIONS WHICH MUST BE FULFILLED BEFORE THE MANDATE REGIME CAN BE BROUGHT TO AN END IN RESPECT OF A COUNTRY PLACED UNDER THAT REGIME
(Pages 12, 13, 113, 149-156, 177-179, 179-186, 189).¹

The task assigned to the Permanent Mandates Commission was defined by the Council resolution of January 13th, 1930, in the following terms:

" Being anxious to determine what general conditions must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime, and with a view to such decisions as it may be called upon to take on this matter, the Council, subject to any other enquiries it may think necessary, requests the Mandates Commission to submit any suggestions that may assist the Council in coming to a conclusion."

In response to a request for an interpretation from the Permanent Mandates Commission, the Council, on January 22nd, 1931, confirmed its former resolution, emphasising the fact that it referred " to the examination of the general problem and not the particular case in regard to which the question was raised ", and invited the Commission to pursue its study of the general aspect of this problem.

Further, it is clear from the statements made by its Rapporteur that the Council does not expect the Mandates Commission to offer suggestions as to the conditions that might be imposed for the admission to the League of a State formerly under mandate.

Within these limits the Commission has investigated the question, to which it has devoted several meetings at its nineteenth and twentieth sessions. The considerations which led the members of the Commission to agree on the suggestions formulated hereunder are set out in the Minutes of those two sessions and in the reports and notes appended thereto.

* * *

The Mandates Commission is of opinion that the emancipation of a territory under the mandate regime should be made dependent on two classes of preliminary conditions:

(1) The existence in the territory concerned of *de facto* conditions which justify the presumption that the country has reached the stage of development at which a people has become able, in the words of Article 22 of the Covenant, " to stand by itself under the strenuous conditions of the modern world ";

(2) *Certain guarantees* to be furnished by the territory desirous of emancipation to the satisfaction of the League of Nations, in whose name the mandate was conferred and has been exercised by the Mandatory.

I.

Whether a people which has hitherto been under tutelage has become fit to stand alone without the advice and assistance of a mandatory is a question of fact and not of principle. It can only be settled by careful observation of the political, social and economic development of each territory. This observation must be continued over a sufficient period for the conclusion

¹ The page numbers given are those of the Minutes of the Session.

to be drawn that the spirit of civic responsibility and social conditions have so far progressed as to enable the essential machinery of a State to operate and to ensure political liberty.

There are, however, certain conditions the presence of which will in any case indicate the ability of a political community to stand alone and maintain its own existence as an independent State.

Subject to these general considerations, the Commission suggests that the following conditions must be fulfilled before a mandated territory can be released from the mandatory regime — conditions which must apply to the whole of the territory and its population:

- (a) It must have a settled Government and an administration capable of maintaining the regular operation of essential Government services;
- (b) It must be capable of maintaining its territorial integrity and political independence;
- (c) It must be able to maintain the public peace throughout the whole territory;
- (d) It must have at its disposal adequate financial resources to provide regularly for normal Government requirements;
- (e) It must possess laws and a judicial organisation which will afford equal and regular justice to all.

II.

The Commission suggests that the guarantees to be furnished by the new State before the mandate can be brought to an end should take the form of a declaration binding the new State to the League of Nations, or of a treaty or a convention or of some instrument formally accepted by the Council of the League as equivalent to such an undertaking.

The Commission suggests that, without prejudice to any supplementary guarantees which might be justified by the special circumstances¹ of certain territories or their recent history, the undertakings of the new State should ensure and guarantee:

- (a) The effective protection of racial, linguistic and religious minorities;
- (b) The privileges and immunities of foreigners (in the Near Eastern territories), including consular jurisdiction and protection as formerly practised in the Ottoman Empire in virtue of the capitulations and usages, unless any other arrangement on this subject has been previously approved by the Council of the League of Nations in concert with the Powers concerned;
- (c) The interests of foreigners in judicial, civil and criminal cases, in so far as these interests are not guaranteed by the capitulations;
- (d) Freedom of conscience and public worship and the free exercise of the religious, educational and medical activities of religious missions of all denominations, subject to such measures as may be indispensable for the maintenance of public order, morality and effective administration;
- (e) The financial obligations regularly assumed by the former mandatory Power;
- (f) Rights of every kind legally acquired under the mandate regime;
- (g) The maintenance in force for their respective duration and subject to the right of the denunciation by the parties concerned of the international conventions, both general and special, to which, during the mandate, the mandatory Power acceded on behalf of the mandated territory.

In addition to the foregoing essential clauses, the Permanent Mandates Commission considers that it would be desirable that the new State, if hitherto subject to the Economic Equality Clause, should consent to secure to all States Members of the League of Nations the most-favoured-nation treatment as a transitory measure on condition of reciprocity.

II. GENERAL AND SPECIAL INTERNATIONAL CONVENTIONS APPLIED TO MANDATED TERRITORIES (Pages 14, 160, 188).

The Permanent Mandates Commission has studied the replies to the Council's resolution of March 5th, 1928, submitted by the mandatory Powers.

These replies have been grouped in two separate tables, the first devoted to the general international conventions and the second to the special conventions applied in the territories under mandate.

The Commission noted that, generally speaking, the Powers have notified their accession to the international conventions to which the terms of the mandates obliged them to accede, or have extended to the territories under their mandate the Conventions which they applied in their neighbouring possessions or colonies.

Should there be any exceptions, the Commission considers that the opportunity should be taken, when examining the annual reports, of drawing the attention of the representatives of the Powers concerned to any omissions which might have been noted, and of enabling these Powers to make good such omissions.

¹ As, for example, those which enforce recognition of the rights referred to in Articles 13 and 14 of the Palestine mandate.

The Commission has the honour to propose to the Council that it should decide:

(a) That the "table of *general international conventions* applied in the territories under mandate" should, without further delay, be distributed to the Members of the Council and to the Members of the League of Nations and published, and that this document should be constantly kept up to date with the help of the particulars which it is incumbent on the mandatory Powers to supply;

(b) That the table relating to *special conventions* should, until further notice, retain the character of a private document for the exclusive use of the Permanent Mandates Commission.

B. SPECIAL QUESTION.

PIPE-LINE OF THE IRAQ PETROLEUM COMPANY (Pages 47, 96-99, 144-149, 161, 163-177).

The Permanent Mandates Commission has carefully considered whether two agreements, worded in almost identical terms, concluded by the Iraq Petroleum Company with the British High Commissioner in Palestine on January 5th, 1931, and with the Lebanese and Syrian Governments on March 25th, 1931, were compatible with Article 18 of the Palestine Mandate and Article 11 of the Mandate for Syria and the Lebanon respectively.

From this examination, it was concluded that the provisions contained in the above-mentioned articles of the two mandates did not constitute an obstacle to the granting of the advantages conferred by the said agreements on the company, which has received a concession for the construction of a pipe-line both in Palestine and in Syria and the Lebanon.

The Commission feels bound to inform the Council, however, that during its discussions on this question doubts were expressed by certain of its members as to whether some of the clauses of the agreements in question kept the necessary balance between the advantages and privileges granted to the concessionary company and the advantages which would accrue to the two territories.

C. OBSERVATIONS CONCERNING THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted 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, as usual, be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.¹

TERRITORIES UNDER A MANDATE.

Palestine.

GENERAL OBSERVATIONS.

In addition to the annual report for 1930, the Commission noted the declaration by the British Government, dated October 1930 (Cmd. 3692), and the text of the letter from the British Prime Minister to Dr. Weizmann, dated February 13th, 1931, which, according to a statement by the British Government, is to be read as the authoritative interpretation of the White Paper on the matter with which the letter deals. Furthermore, the mandatory Power communicated to it Sir John Hope Simpson's report on immigration, colonisation and agricultural development, Mr. C. F. Strickland's report on the possibility of introducing a system of agricultural co-operation in Palestine, and the report submitted by a committee appointed by the High Commissioner on the economic condition of agriculturists in Palestine and the fiscal measures of government in relation thereto.

The Commission was glad to note that order has been maintained in Palestine during the year 1930, thanks to a series of measures taken by the mandatory Power, and the re-organisation of the police force. The year 1930 was marked by a series of enquiries, studies and pourparlers from which it will be possible to draw useful lessons and they will no doubt be translated into concrete measures.

The Commission noted a statement by the accredited representative to the effect that the British Government was endeavouring to facilitate Jewish immigration without prejudicing the Arab majority by increasing Palestine's economic capacity to absorb immigrants. It also noted that the preparation of a systematic plan of agricultural development was to be entrusted to a special commissioner. Lastly, the Commission welcomed the recognition by the accredited representative of the fact that the improvement of relations between the Arabs and Jews depended

¹ The page numbers given at the end of each observation are those of the Minutes of the Session.

on a just settlement founded on a detailed study of a series of questions of an economic nature, for which the mandatory Power was asking the assistance of the population.

The Mandates Commission, which has followed, not without some uneasiness, the fluctuations of the mandatory Power's policy in Palestine, earnestly hopes that the new endeavours to solve the problem of the relations between the Arabs and Jews will be crowned with success.

SPECIAL OBSERVATIONS.

1. *Legislative Council.*

The Commission welcomed the statement by the accredited representative that the mandatory Power, in accordance with the declaration of October 1930, intended to set up a Legislative Council. It took note of the fact that a departure from that declaration would be made as regards various matters which had not been provided for by the Order-in-Council of 1922 and would no doubt be determined by a new Order-in-Council (Pages 81-82).

2. *Local Autonomy.*

The Commission hopes that the mandatory Power will soon give effect to its intention to re-organise the municipal authorities and to confer on them as wide powers as possible. (Page 83).

3. *Public Finance.*

The British Government, in its comments upon the Mandates Commission's report on its seventeenth session, states that it has spent over £9,000,000 sterling in Palestine since 1921, including the costs of defending the territory. Since there is no indication in the annual report for 1930 that any part of this grant has been employed otherwise than in military and police expenditure, the Commission would be glad if the next report would give detailed figures as to the amount assigned from this sum to the civil administration and economic development of the territory. (Page 81).

4. *Immigration and Emigration.*

The Commission considers that the periodical compilation of more accurate statistics on unemployment will be of the greatest value both in determining the annual quotas of labour contingents to be admitted into Palestine and in satisfying public opinion as to the decision arrived at. (Pages 86-87).

5. *Wailing Wall.*

The Commission hopes that the report by the International Commission which, in accordance with the Council's resolution of January 14th, 1930, has finally determined the rights and claims of the Jews and Moslems with regard to the Wailing Wall at Jerusalem, will put an end to the past controversies. (Pages 95-96).

Syria and the Lebanon.

GENERAL OBSERVATIONS.

The Commission noted a declaration by the accredited representative of the mandatory Power to the effect that the Organic Statute promulgated in May 1930 has begun to be applied. It recorded the mandatory Power's intention of concluding in the near future treaties with the Governments of Syria and the Lebanon taking into account the evolution which has taken place and the progress which has been achieved. The accredited representative informed it that the present process of evolution points to the termination of the mandate for Syria and the Lebanon at a not very distant date, and that, consequently, the treaty to be concluded with the Governments of these countries would relate not only to the carrying out of the mandate but to its replacement by a new regime.

The Commission will follow with interest this evolution, and the stages leading up to the point at which Syria and the Lebanon will no longer need the advice and assistance of the Mandatory, by which they have so far benefited for only a short space of time.

It expresses the hope that, in the agreements preparing the way for the new regime in Syria and the Lebanon, the mandatory Power will endeavour to ensure the maintenance of certain rights and interests, the safeguarding of which was specially entrusted to the Mandatory until the termination of the mandate.

It trusts that it will be kept regularly informed of the various phases of this evolution. (Pages 32-38, 162-163).

SPECIAL OBSERVATIONS.

1. *General Administration.*

The Commission noted the accredited representative's statement to the effect that the Conference of Common Interests provided for in the Organic Statute had already held a meeting.

The Commission hopes to find in the next annual report as complete information as possible on the work of this Conference. (Pages 33, 39).

2. *Public Finance.*

The Commission would be glad to find in the next annual report more exact details as to the system of allocating the receipts and expenditure of the joint budget between the different political units of the territory. (Page 48).

3. *Land Credit.*

The Commission would like to find in the next annual report more detailed information regarding the operation of the land credit system. (Page 43).

4. *Labour.*

The Commission has noted with much satisfaction that a first measure of labour legislation has been adopted in the State of Syria in the form of an order regulating the age for admission of children to industrial employment and night-work for young persons. The Commission would be glad to be informed in the next report that consideration is being given to the adoption in Syria of further legislation—*e.g.*, regulating female labour—and to the promulgation of labour legislation in the other political units of the territory. (Page 50).

TERRITORIES UNDER C MANDATE.

Nauru.

1. *Liquor Traffic.*

The Commission notes that, in spite of the fact that the supply of liquor to the natives is prohibited, the consumption of alcoholic liquor, and especially of spirits, has increased. It requests that further information on this subject may be given in the next report. (Page 30).

2. *Public Health.*

The Commission is glad to note the progress made in the campaign against leprosy. (Page 30).

New Guinea.

1. *Social Conditions of the Natives.*

The Commission has noted with great interest the report by the official anthropologist Mr. Chinnery. Further information as to the authority exercised by the chiefs over their people will be welcomed. It would also be glad to hear whether the system of indentured labour has had harmful consequences on the social life of the natives, and whether the absence of a large proportion of the men for the plantations or the mines has had a prejudicial effect on village life. With regard to the proportion of the population under indenture, the Commission has noted that the Administration of New Guinea lays down in practice that an approximate proportion of males and females should remain in the villages, regard being had to local conditions. The Commission would like to find in the next report some indication in figures of the proportions thus laid down. (Pages 15, 19-23).

2. *Labour.*

The Commission welcomes the evidence in the report of the perseverance of the mandatory Power in seeking to improve the conditions of indentured labour—in particular, by providing for the further consideration of reforms of the recruiting system, for increased inspection, and for the better safeguarding of the interests of time-expired labourers travelling home. It has also been glad to note that proposals are under consideration for facilitating the extension of the use of non-indentured labour. The Commission would be glad to find in the next report further information as to the various proposals for reform now under consideration. (Pages 19-23).

3. *Commerce.*

The Commission would be glad to have further information as to the amount of the bounties granted on products exported from New Guinea to Australia. (Pages 18, 23-24).

South West Africa.

GENERAL OBSERVATIONS.

The Commission would like to know in particular whether the mandatory Power holds itself responsible for the budget of the mandated territory voted by the local legislature, and, if so, how it carries out its duties in this respect. (Pages 57-60).

SPECIAL OBSERVATIONS.

I. *Public Finance.*

The Commission noted that the budget deficit and the debt of the territory were assuming considerable proportions. It would like to find detailed information in the next report with regard to the measures it is proposed to take in view of this situation.

The Commission would further be glad to receive in the next report more detailed information with regard to the recovery of sums expended by the mandatory Power in respect of the "Angola farmers" (see text of South African Union Law No. 34). (Pages 62-63).

2. - *Agriculture.*

The Commission was glad to hear from the accredited representative that the period of drought which had sorely tried the mandated territory during the year 1930 had come to an end. It noted with satisfaction the efforts made by the mandatory Power to relieve the victims of the drought. It would be glad to obtain supplementary information in the next annual report with regard to the measures taken to make good the losses in live-stock. (Pages 53,55-56).

3. *Labour.*

The Commission has been happy to note the success of the measures taken by the mandatory Power in obtaining a steady decrease in the death rate among mine labourers. Nevertheless, the death rate among the "Angola Ovambos" remains high, and the Commission would like to find in the next report information regarding the further measures the Administration proposes to take to deal with this problem. (Pages 66-67).

4. *Education.*

The Commission has noted with satisfaction the growing interest taken by the Administration in native education and the co-operation established with the missions in this respect. (Pages 53, 56-57, 66).

D. SPECIAL REPORT BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE COUNCIL OF THE LEAGUE OF NATIONS ON THE PROGRESS OF IRAQ DURING THE PERIOD 1920-1931.

(Pages 12-13, 113-140, 142-144, 157-160.)

In the course of this session, the Commission had occasion to examine the mandatory Power's report on the progress made by Iraq between 1920 and the present day. This examination was of particular interest, inasmuch as the Commission enjoyed the help of Sir Francis Humphrys, the High Commissioner, and his chief assistant, Major H. W. Young, who gave very valuable particulars supplementary to those contained in the report.

So far as its normal sources of information permit, the Commission is thus now in a position, to the extent compatible with the nature of its functions and its procedure, and subject to the information which has been promised to it, to express its views on the mandatory Power's proposal for the termination of the Iraq mandate. As soon as the Council has reached a decision as to the general conditions which must be fulfilled before a mandate can be brought to an end, the Commission will be ready to submit to the Council its opinion on the British proposal regarding Iraq, after examining that proposal in the light of the Council's resolution.¹

E. OBSERVATIONS ON PETITIONS.

At its twentieth session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Powers. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the conclusions hereunder were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes.²

¹ "One of the members of the Commission, who was unable to support these views, expressed his own views at the nineteenth and twenty-second meetings (*Vide Minutes*, pp. 142-144 and 157-160)."

² The Commission recommends that copy of the petitions and observations of the mandatory powers relating thereto should be kept in the Library of the League of Nations.

Iraq.

- (a) *Petitions dated September 23rd and December 9th, 1930, from M. A. Hormud Rassam* (documents C.P.M.1108, 1108(a) and 1156). (Pages 122-123, 125-126, 134, 187.)

Observations from the British Government dated May 6th, 1931 (document C.P.M.1156).
Report (see Minutes, Annex 8).

CONCLUSIONS.

The Commission suggests that the Council should draw the mandatory Power's attention:

- (1) To the necessity of not relaxing its supervision over the situation of the minorities in Iraq;
- (2) To the necessity of securing from the Iraqi Government the guarantees for the treatment of racial and religious minorities which, according to the mandatory Power's statement already mentioned in the report of the Commission on its nineteenth session, the Iraqi Government was prepared to give.

The Commission further suggests that the Council inform the petitioner that his petition has been considered, and that the League of Nations will continue to ensure that the rights of the minorities are respected, with all the greater zeal and sympathy if it is convinced that these minorities are loyally contributing to the security and prosperity of the State of Iraq.

The Commission considers, moreover, that it does not require to recommend the Council to take any special action on this petition.

- (b) *Petition from M. Yusuf Malek, dated April 20th, 1931* (document C.P.M.1179) (Pages 14, 187).

Observations from the British Government, dated June 2nd, 1931 (document C.P.M.1179).
Report (see Minutes, Annex 9).

CONCLUSIONS.

The Commission is of opinion that this petition is not sufficiently important to form the object of a recommendation to the Council.

- (c) *Petitions emanating* (1) *from Kurds of Iraq, transmitted by the British Government on February 20th, 1931* (document C.P.M.1140) (Pages 119-122, 125-128, 161), and
(2) *from Tawfiq Wahbi Beg, dated April 19th, 1931* (documents C.P.M.1192 and 1192(a)) (Pages 123-124, 161).

Observations from the British Government, dated February 20th, April 27th, June 8th and June 13th, 1931 (documents C.P.M.1140, 1151, 1184 and 1192).
Report (see Minutes, Annex 10).

CONCLUSIONS.

The Commission, having examined eight petitions emanating from various Kurdish personages and groups in Iraq, together with the observations which the mandatory Power has been good enough to make on this subject, has the honour to recommend the Council:

- (1) To thank the mandatory Power for the care with which it has carried out its enquiries on the spot and prepared its observations arising out of these various petitions;
- (2) To request the mandatory Power to impress upon the Government of Iraq that it should be guided, in its dealings with its Kurdish subjects, by a spirit of broad toleration towards a minority worthy of respect, whose loyalty will grow in proportion as it is freed from all fear of danger to its natural rights, as explicitly recognised by the mandatory Power and the League of Nations;
- (3) To inform the petitioners that the League of Nations will continue to ensure that their rights are respected with all the greater zeal and sympathy if it is convinced that the Kurds are loyally contributing to the security and prosperity of the State of Iraq;
- (4) To give its closest attention to the uneasiness undoubtedly prevalent in the Kurdish population, which is caused by uncertainty as to the fate which awaits them if the moral protection of Great Britain, of which they have had the benefit for more than ten years, is to be withdrawn.

- (d) *Petition of the British Oil Development Company, Limited. Conclusions to be drawn from the British Government's communication dated June 4th, 1931* (document C.P.M.1182) (Page 187)
Report (see Minutes, Annex 5b).

CONCLUSIONS.

In view of the British Government's communication dated June 4th, 1931, from which it appears that the case dealt with in the British Oil Development Company's petition is capable

of being brought before the Iraqi courts, the Commission considers that it is not competent to examine the petition in question on behalf of the Council.

Palestine.

- (a) *Memorandum by the Arab Executive Committee, dated December 1930, on the Statement of Policy issued by His Majesty's Government in October 1930* (Cmd. 3692) (document C.P.M.1169). (Pages 15, 82, 141.)

Observations from the British Government, dated May 11th, 1931 (document C.P.M.1169). Report (see Minutes, Annex 11).

CONCLUSIONS.

The Commission, considering that the questions raised by this petition have already been dealt with, on the occasion of the examination of the annual report on Palestine for 1930, believes that there is no need to express an opinion on this petition, and would refer to the Minutes of the present session.

- (b) *Memorandum by the Jewish Agency, dated April 30th, 1931, on the Development of the Jewish National Home in Palestine during 1930* (document C.P.M.1178). (Pages 15, 161).

Observations from the British Government, dated June 10th, 1931 (document C.P.M.1187). Report (see Minutes, Annex 12).

CONCLUSIONS.

The Commission considers that neither the memorandum nor the observations of the mandatory Power would seem to give occasion for a recommendation to the Council.

Syria and the Lebanon.

- (a) *Petition, dated June 9th, 1930, signed by Three Inhabitants of Aleppo, and Petition, dated June 16th, 1930 signed by 184 Inhabitants of Damascus* (Document C.P.M.1174). (Pages 14, 187.)

Observations from the French Government, dated June 4th, 1931 (document C.P.M.1174). Report (see Minutes, Annex 13).

CONCLUSIONS.

The Commission is of opinion that these petitions do not call for any action on its part.

- (b) *Petition, dated May 7th, 1929, from M. Ahmed Muktar el Kabbani* (document C.P.M.1175) (Pages 14, 187).

Observations from the French Government, dated June 4th, 1931 (document C.P.M.1175). Report (see Minutes, Annex 14).

CONCLUSIONS.

The Commission is of opinion that this petition does not call for any action on the part of the Council.

Syria and Palestine.

Petition, dated December 12th, 1930, from Mrs. Evelyn Evans (document C.P.M.1141) (Pages 95, 161).

Observations from the British Government, dated April 29th, 1931 (document C.P.M.1152).
Observations from the French Government, dated June 4th, 1931 (document C.P.M.1176).
Report (see Minutes, Annex 15).

CONCLUSIONS.

The Commission, having examined the petition from Mrs. Evelyn Evans and the observations of the mandatory Powers concerned, is of opinion that this is a case which can be dealt with by the courts of law and is therefore not within the Commission's competence.

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF
THE PERMANENT MANDATES COMMISSION.

The accredited representatives for New Guinea, Nauru, Syria and the Lebanon, South West Africa and Palestine have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

Genève, le 1^{er} octobre 1931.

SOCIÉTÉ DES NATIONS

TABLEAUX
DES
CONVENTIONS INTERNATIONALES GÉNÉRALES
APPLIQUÉES DANS LES TERRITOIRES SOUS MANDAT

Note du Secrétaire général: Conformément à la résolution du Conseil du 4 septembre 1931, le Secrétaire général a l'honneur de communiquer ci-joint au Conseil et aux Membres de la Société des Nations des Tableaux des Conventions internationales générales appliquées dans les territoires sous mandat.

Ce document a été rédigé comme suite à la résolution du Conseil du 5 mars 1928 invitant les Puissances mandataires à vérifier une liste provisoire des conventions qui avait été préparée par le Secrétariat à la demande de la Commission permanente des mandats.

* Une épreuve de ce document a été publiée sous le n^o C.592.M.229.1930.VI. (C.P.M. 1131.)

LEAGUE OF NATIONS

TABLES
OF
GENERAL INTERNATIONAL CONVENTIONS
APPLIED TO THE MANDATED TERRITORIES

Note by the Secretary-General: In conformity with the Council resolution of September 4th, 1931, the Secretary-General has the honour to circulate herewith to the Council and to the Members of the League tables of general international conventions, applied to the mandated territories.

This document has been drawn up as a result of the Council's resolution of March 5th, 1928, which requested the Mandatory Powers to revise a provisional list of conventions prepared by the Secretariat at the request of the Permanent Mandates Commission.

* A proof of this document was issued under No. C.592.M.229.1930.VI (C.P.M. 1131).

Série de Publications de la Société des Nations

VI.A MANDATS ✓
1931. VI. A. 2.

INTRODUCTION

Lors de sa douzième session, la Commission permanente des mandats a pris connaissance de listes provisoires de conventions appliquées aux territoires sous mandat. Ces listes avaient été établies, à sa demande, par le Secrétariat, sur la base des renseignements figurant, soit dans le *Recueil des Traités* publié par le Secrétariat, soit dans les rapports annuels des Puissances mandataires.

Sur la proposition de la Commission, le Conseil a demandé, le 5 mars 1928, aux Puissances mandataires de vérifier ces listes, de les compléter le cas échéant et de faire figurer désormais, dans leurs rapports annuels, les données permettant au Secrétariat de tenir ces listes à jour.

Le 4 septembre 1931, le Conseil a invité le Secrétaire général à distribuer et à publier le tableau des Conventions internationales générales appliquées aux territoires sous mandat, conformément à la suggestion présentée par la Commission des mandats.

Le présent document, qui a été élaboré par le Secrétariat, contient les corrections qui ont été adressées par les Puissances mandataires à la suite de la résolution du Conseil du 5 mars 1928, en même temps que des renseignements extraits des rapports annuels des Puissances mandataires. Ce document est présenté de façon à donner le maximum de renseignements sous le volume le plus réduit.

OBSERVATIONS

Pour chaque matière, les conventions sont classées par sujet, dans l'ordre chronologique.

A chaque pays sous mandat correspond une colonne verticale. Les divisions horizontales correspondent à chaque convention. La case à l'intersection des deux colonnes contient le signe «●» qui indique qu'*en fait*, ladite convention est appliquée dans le territoire sous mandat y relatif.

Ces renseignements sont tirés notamment des rapports annuels des Puissances mandataires et des renseignements concernant les conventions générales conclues par la Société des Nations, qui parviennent à la Section juridique. Lorsque la date de l'application d'une convention à un territoire sous mandat déterminé a été indiquée, mention en est faite dans la case correspondante par des chiffres représentant en abrégé la date. Toute case blanche indique que l'application de ladite convention n'a pas été étendue audit territoire sous mandat ou qu'elle ne le concerne pas.

Pour chaque convention, les renseignements suivants sont donnés:

La date et le lieu de signature;

Le titre abrégé de la convention;

Les références, afin de faciliter la consultation du texte de l'accord (numéro d'enregistrement et volume du *Recueil des Traités* de la Société des Nations, *British and Foreign State Papers*, le *Nouveau Recueil général de Traités de Martens*, *American Journal of International Law*).

INTRODUCTORY NOTE

At its twelfth session, the Permanent Mandates Commission took note of provisional lists of conventions applied to mandated territories. These documents had been compiled at its request by the Secretariat on the basis of information given in the Treaty Series, published by the Secretariat, and in the annual reports of the mandatory Powers.

On the proposal of the Commission, the Council, on March 5th, 1928, asked the mandatory Powers to revise these lists, to complete them if necessary, and to insert in future annual reports the data necessary to enable the Secretariat to keep these lists up to date.

On September 4th, 1931, the Council instructed the Secretary-General to distribute and publish the table of general international conventions applied in the territories under mandate, in accordance with the suggestion put forward by the Mandates Commission.

The present document, which has been drawn up by the Secretariat, embodies the corrections forwarded by the mandatory Powers in reply to the Council's Resolution, dated March 5th, 1928, and also information drawn from the annual reports of the mandatory Powers. It is presented in such a form as to give the maximum of information in the minimum of space.

OBSERVATIONS

For each question, the conventions are classified, according to subject matter, in chronological order.

A vertical column corresponds to each mandated territory. The horizontal divisions correspond to each convention. The compartment where the two columns intersect contains the symbol • showing that the convention in question is *actually* in force in the mandated territory concerned.

These particulars are chiefly taken from the annual reports of the mandatory Powers and from the information received by the Legal Section concerning general conventions concluded by the League of Nations. When the date on which a convention came into force in a certain mandated territory is indicated, this is mentioned in the corresponding compartment by means of figures. A blank compartment shows that the convention has not been applied in that territory, or that it does not concern the mandated territory in question.

The following particulars are given in regard to each convention:

Date and place of signature;

The abbreviated title of the convention;

References to facilitate the consultation of the text of the convention (registration number and volume in the *Treaty Series* of the League of Nations, *British and Foreign State Papers*, *le Nouveau Recueil général de Traités de Martens*, *American Journal of International Law*).

TEXTES DES MANDATS. — TEXTS OF THE MANDATES.

DOCUMENTS

A.	Grande-Bretagne et Irlande du Nord	Irak Iraq	C.216.M.77.1926.VI.
	Great Britain and Northern Ireland	Palestine et Transjordanie Palestine and Trans-Jordan	C.P.M.269.
	France	Syrie et Liban Syria and Lebanon	C.528.M.313.1922.VI.
B.	Belgique	Ruanda-Urundi	C.449(1).f.M.345(f).1922.VI.
	Belgium		
	Grande-Bretagne et Irlande du Nord	Cameroun Cameroons.	C.449(1).c.M.345(c).1922.VI.
	Great Britain and Northern Ireland	Togo Togoland	C.449(1).b.M.345(b).1922.VI.
	France	Territoire du Tanganyka Tanganyika Territory	C.449(1).a.M.345(a).1922.VI.
		Cameroun Cameroons	C.449(1).e.M.345(e).1922.VI.
		Togo Togoland	C.449(1).d.M.345(d).1922.VI.
C.	Union Sud-Africaine	Sud-Ouest africain South West Africa	21/31/14 D
	Union of South Africa		
	Australie	Nouvelle-Guinée New Guinea	21/31/14 C
	Australia		
	Empire britannique	Nauru	21/31/14 A
	British Empire		
Japon	Iles sous mandat japonais Islands under Japanese Man- date	21/31/14 E	
Japan			
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New Zealand			

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ÉTABLISSEMENT — RESIDENCE 1922, Juil. 5, Genève. Arrangement relatif à la délivrance des certificats d'identité aux réfugiés russes. Arrangement with respect to the Issue of Certificates of Identity to Russian Refugees.					
1923, Juil. 24, Lausanne. Convention entre l'Empire britannique, la France, l'Italie, etc., et la Turquie, relative à l'établissement de la compétence judiciaire. Convention between the British Empire, France, Italy, etc., and Turkey, respecting Conditions of Residence and Business and Jurisdiction.		•			
GUERRE — WARFARE 1906, Juil. 6, Genève. Convention pour l'amélioration du sort des blessés et malades dans les armées en campagne. Convention for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field.					•
1907, Oct. 18, La Haye. Convention concernant les lois et usages de guerre sur terre. Convention concerning Laws and Customs of War on Land.					•

* Conformément à un arrangement intervenu entre la Grande-Bretagne, la Nouvelle-Zélande et l'Australie, le mandat est actuellement exercé par le Gouvernement australien. Les rapports annuels relatifs à ce territoire sont, toutefois, transmis à la Société des Nations par le Gouvernement britannique, auquel est toujours adressée la correspondance officielle concernant Nauru.

MANDATES								References
B			C					
Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland			Union de l'Afrique du Sud Union of South Africa	Australie Australia	Empire britannique* British Empire*	Japon Japan	Nouvelle- Zélande New Zealand	
Cameroun Cameroons	Togo Togoland	Territoire du Tanganyka Tanganyika Territory	Sud-Ouest africain South West Africa	Nouvelle- Guinée New Guinea	Nauru	Iles sous mandat japonais Islands under Japanese Mandate	Samoa occidentale Western Samoa	
						•		Rec. Tr. N° 355, V. 13, p. 237.
• 6.8.24	• 6.8.24	•		•		•	•	Rec. Tr. N° 704, V. 28, p. 152.
								Rec. Tr. N° 23a. V. 11, p. 441.
								Rec. Tr. N° 68a.

* In accordance with an arrangement made between Great Britain, New Zealand and Australia, the mandate is at present exercised by the Australian Government. The annual reports on this territory are, however, transmitted to the League by the British Government, to whom official correspondence concerning Nauru is always addressed.

	MANDATS					
	A			B		
	Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland		France	France		Belgique Belgium
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<p>1919, S-pt. 10, St-Germain-en-Laye. Convention concernant le contrôle des armes et munitions et protocole. Convention for the Control of the Trade in Arms and Ammunition, and Protocol.</p>		•			•	
<p>1925, Juin 17. Convention concernant le contrôle du commerce international des armes et munitions et des matériels de guerre. Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War.</p>			•	•		
<p>1925, Juin 17. Protocole concernant la prohibition d'emploi à la guerre de gaz asphyxiants, toxiques ou similaires et de moyens bactériologiques. Protocol for the Prohibition of the Use in War of Asphyxiating Poisonous or Other Gases, and of Bacteriological Methods of Warfare.</p>	•	•	•	•		
<p>1925, Juin 17. Déclaration concernant le Territoire d'Ifni. Declaration regarding the Territory of Ifni.</p>			•	•		
TRANSIT						
<p>1921, Avril 20, Barcelone. Convention et statut sur la liberté du transit. Convention and Statute on Freedom of Transit.</p>	•	• 28.1.24	•	•	•	
<p>1921, Avril 20, Barcelone. Convention et statut sur le régime des voies navigables d'intérêt international. Convention and Statute on the Regime of Navigable Waterways of International Concern.</p>		• 28.1.24	•			
<p>1921, Avril 20, Barcelone. Protocole additionnel à la Convention sur le régime des voies navigables d'intérêt international. Additional Protocol to the Convention on the Regime of Navigable Waterways of International Concern.</p>		• 28.1.24				

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	Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland	France	France	Belgique Belgium		
TRANSIT (<i>suite — continued</i>)	Irak	Palestine et Trans- jordanie	Syrie et Liban	Cameroun	Togo	
	Iraq	Palestine and Trans- Jordan	Syria and Lebanon	Cameroons	Togoland	Ruanda- Urundi
1921, Avril 20, Barcelone. Déclaration portant reconnaissance du droit au pavillon des Etats dépourvus de littoral maritime. Declaration recognising the right to a flag of States having no sea-coast.						•
1923, Dec. 9, Genève. Convention et statut sur le régime international des ports maritimes et protocole de signature. Convention and Statute on the Inter- national Regime of Maritime Ports and Protocol of Signature.	• 30.7.29	• 22.9.25				
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1923, Dec. 9, Genève. Convention relative à l'aménagement des forces hydrauliques intéressant plu- sieurs Etats et protocole de signature. Convention relating to the Develop- ment of Hydraulic Power affecting more than one State and Protocol of Signature.		• 22.9.25				
1923, Dec. 9, Genève. Convention et statut sur le régime international des voies ferrées et pro- tocole de signature. Convention and Statute on the Inter- national Regime of Railways and Protocol of Signature.		• 22.9.25				
1926, Avril 24, Paris. Convention internationale relative à la circulation routière. International Convention relating to Road Traffic.	• 4.12.30					
NAVIGATION AÉRIENNE — AIR NAVIGATION						
1919, Oct. 13, Paris. Convention portant réglementation de la navigation aérienne et protocole additionnel. Convention relating to the Regula- tion of Aerial Navigation and Addi- tional Protocol.		•				•

MANDATES								References
B			C					
Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland			Union de l'Afrique du Sud Union of South Africa	Australie Australia	Empire britannique British Empire	Japon Japan	Nouvelle-Zélande New Zealand	
Cameroun Cameroons	Togo Togoland	Territoire du Tanganyika Tanganyika Territory	Sud-Ouest africain South West Africa	Nouvelle-Guinée New Guinea	Nauru	Iles sous mandat japonais Islands under Japanese Mandate	Samoa occidentale Western Samoa	
						•		Rec. Tr. N° 174, V. 7, p. 73. C. 479. M. 327. 1921.
• 22.9.25	• 22.9.25	• 22.9.25				•		Rec. Tr. N° 1379, V. 43, p. 285. C. 686. M. 246. 1924.
• 22.9.25	• 22.9.25	• 22.9.25						Rec. Tr. N° 1380, V. 58, p. 315. C. 687. M. 247. 1924. Ann,
• 22.9.25	• 22.9.25	• 22.9.25					• 1.4.25	Rec. Tr. N° 905, V. 36, p. 75. C. 688. M. 248. 1924.
• 22.9.25	• 22.9.25	• 22.9.25						Rec. Tr. N° 1129, V. 47, p. 55. C. 685. M. 245. 1924.
								Rec. Tr. N° 2220, V. 97, p. 83.
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Irak	Palestine et Trans- jordanie	Syrie et Liban	Cameroun	Togo	Ruanda- Urundi	
Iraq	Palestine and Trans- Jordan	Syria and Lebanon	Cameroons	Togoland		
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Cameroun Cameroons	Togo Togoland	Territoire du Tanganyka Tanganyika Territory	Sud-Ouest africain South West Africa	Nouvelle-Guinée New Guinea	Nauru	Iles sous mandat japonais Islands under Japanese Mandate	Samoa occidentale Western Samoa	
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• 22.9.25	• 22.9.25	• 22.9.25				•		Rec. Tr. N° 1379, V. 58, p. 285.
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	A			B		
	Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland		France	France		Belgique Belgium
	Irak Iraq	Palestine et Trans- jordanie Palestine and Trans- Jordan	Syrie et Liban Syria and Lebanon	Cameroun Cameroons	Togo Togoland	Ruanda- Urundi
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Cameroun Cameroons	Togo Togoland	Territoire du Tanganyka Tanganyika Territory	Sud-Ouest africain South West Africa	Nouvelle- Guinée New Guinea	Nauru	Iles sous mandat japonais Islands under Japanese Mandate	Samoa occidental Western Samoa	
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	Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland		France	France		Belgique Belgium
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Cameroun Cameroons	Togo Togoland	Territoire du Tanganyika Tanganyika Territory	Sud-Ouest africain South West Africa	Nouvelle-Guinée New Guinea	Nauru	Iles sous mandat japonais Islands under Japanese Mandate	Samoa occidentale Western Samoa	
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	Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland		France	France		Belgique Belgium
	Irak Iraq	Palestine et Trans- jordanie Palestine and Trans- Jordan	Syrie et Liban Syria and Lebanon	Cameroun Cameroons	Togo Togoland	Ruanda- Urundi
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Cameroun Cameroons	Togo Togoland	Territoire du Tanganyika Tanganyika Territory	Sud-Ouest africain South West Africa	Nouvelle-Guinée New Guinea	Nauru	Iles sous mandat japonais Islands under Japanese Mandate	Samoa occidentale Western Samoa	
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	A			B		
	Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland		France	France		Belgique Belgium
	Irak Iraq	Palestine et Trans- jordanie Palestine and Trans- Jordan	Syrie et Liban Syria and Lebanon	Cameroun Cameroons	Togo Togoland	Ruanda- Urundi
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Cameroun Cameroons	Togo Togoland	Territoire du Tanganyika Tanganyika Territory	Sud-Ouest africain South West Africa	Nouvelle-Guinée New Guinea	Nauru	Iles sous mandat japonais Islands under Japanese Mandate	Samoa occidentale Western Samoa	
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	A		B		
	Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland	France	France		Belgique Belgium
	Irak Iraq	Palestine et Trans- jordanie Palestine and Trans- Jordan	Syrie et Liban Syria and Lebanon	Cameroun Cameroons	Togo Togoland
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Cameroun Cameroons	Togo Togoland	Territoire du Tanganyka Tanganyika Territory	Sud-Ouest africain South West Africa	Nouvelle- Guinée New Guinea	Nauru	Îles sous mandat japonais Islands under Japanese Mandate	Samoa occidental Western Samoa	
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	Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland		France	France		Belgique Belgium
	Irak Iraq	Palestine et Trans- jordanie Palestine and Trans- Jordan	Syrie et Liban Syria and Libanon	Cameroun Cameroons	Togo Togoland	Ruanda- Urundi
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Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland			Union de l'Afrique du Sud Union of South Africa	Australie Australia	Empire britannique British Empire	Japon Japan	Nouvelle-Zélande New Zealand	
Cameroun Cameroons	Togo Togoland	Territoire du Tanganyka Tanganyika Territory	Sud-Ouest africain South West Africa	Nouvelle-Guinée New Guinea	Nauru	Iles sous mandat japonais Islands under Japanese Mandate	Samoa occidental Western Samoa	
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	A		B			
	Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland		France	France		Belgique Belgium
	Irak Iraq	Palestine et Trans- jordanie Palestine and Trans- Jordan	Syrie et Liban Syria and Lebanon	Cameroun Camerouns	Togo Togoland	Ruanda Urundi
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MANDATES								References
B			C					
Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland			Union de l'Afrique du Sud Union of South Africa	Australie Australia	Empire britannique British Empire	Japon Japan	Nouvelle- Zélande New Zealand	
Cameroun Cameroons	Togo Togoland	Territoire du Tanganyika Tanganyika Territory	Sud-Ouest africain South West Africa	Nouvelle- Guinée New Guinea	Nauru	Iles sous mandat japonais Islands under Japanese Mandate	Samoa occidentale Western Samoa	
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• 9.10.28	• 9.10.28	• 9.10.28		•				Rec. Tr. N° 1793, V. 78, p. 22.

¹ Collection of Draft Conventions and Recommendations adopted by the International Labour Conference at its fourteen sessions held 1919-1930.

	MANDATS					
	A			B		
	Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland		France	France		Belgique Belgium
	Irak Iraq	Palestine et Trans- jordanie Palestine and Trans- Jordan	Syrie et Liban Syria and Lebanon	Cameroun Cameroons	Togo Togoland	Ruanda- Urundi
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MANDATES								References
B			C					
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						•		Rec. Tr. N° 70, V. 2 (3), p. 241.
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	MANDATS					
	A		B			
	Grande-Bretagne et Irlande du Nord Great Britain and Northern Ireland		France	France		Belgique Belgium
	Irak Iraq	Palestine et Trans- jordanie Palestine and Trans- Jordan	Syrie et Liban Syria and Lebanon	Cameroun Cameroons	Togo Togoland	Ruanda- Urundi
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Geneva, December 29th, 1931

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

of the

TWENTY-FIRST SESSION

Held at Geneva from October 26th to November 13th, 1931,

including the

REPORT OF THE COMMISSION TO THE COUNCIL

on the Ordinary Work of the Session,

the Comments by the Accredited Representatives of the Mandatory Powers,

and the

SPECIAL REPORT OF THE COMMISSION TO THE COUNCIL

on the Proposal of the British Government

with regard to

THE EMANCIPATION OF IRAQ.

Series of League of Nations Publications

VI. A. MANDATES ✓

1931. VI. A. 3.

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LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES OF THE TWENTY-FIRST SESSION

Held at Geneva from October 26th to November 13th, 1931.

All the members of the Commission took part in the work of the twenty-first session — namely :

Marquis THEODOLI (*Chairman*) ;
M. VAN REES (*Vice-Chairman*) ;
Mlle. DANNEVIG ;
Lord LUGARD ;
M. MERLIN ;
M. ORTS ;
M. PALACIOS ;
COUNT DE PENHA GARCIA ;
M. RAPPARD ;
M. RUPPEL ;
M. SAKENOBE.

Also present : Mr. C. W. H. WEAVER, Representative of the International Labour Organisation.

Secretary : M. V. CATASTINI, Director of the Mandates Section.

M. DE AZCARATE, Director of the Administrative Commissions and Minorities Questions Section, and Mr. MCKINNON WOOD, Member of the Legal Section, were, at the Commission's request, present at several meetings during the session.

The following members were unable to attend certain meetings : the Marquis Theodoli, the seventeenth meeting ; M. Merlin, the first five and the last three meetings ; M. Orts, the last eight meetings ; the Count de Penha Garcia the twenty-second, twenty-third, twenty-eighth and twenty-ninth meetings.

In the absence of the Marquis Theodoli, M. VAN REES (*Vice-Chairman*) acted as Chairman during the seventeenth meeting.

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

Lieutenant-Colonel Sir Francis H. HUMPHRYS, G.C.V.O., K.C.M.G., K.B.E., C.I.E.,
High Commissioner for Iraq ;
Mr. J. H. HALL, D.S.O., M.C., O.B.E., of the Colonial Office ;
M. MARCHAND, Commissioner of the French Republic for the Cameroons ;
M. M. BESSON, Chief of the First Bureau of the Political Department at the French
Ministry for the Colonies ;
Mr. G. S. BROWNE, C.M.G., Senior Resident in Nigeria ;
Mr. H. W. THOMAS, Provincial Commissioner, Gold Coast ;
Mr. D. J. JARDINE, O.B.E., Chief Secretary to the Government of Tanganyika
Territory ;
M. HALEWYCK DE HEUSCH, Director-General in the Belgian Ministry for the Colonies ;
Sir Thomas Mason WILFORD, K.C.M.G., High Commissioner for New Zealand in
London ;
M. N. ITO, Deputy Director of the Imperial Japanese Bureau accredited to the
League of Nations.

All the meetings of the Commission, with the exception of part of the first, were private.

FIRST MEETING.

Held on Monday, October 26th, 1931, at 3 p.m.

Opening Speech by the Chairman.

THE CHAIRMAN spoke as follows :

I have the honour to declare the twenty-first session of the Permanent Mandates Commission open.

As on previous occasions, I propose to give you a brief outline of the proceedings of the Council and the Assembly with regard to the mandates question, the records of which have been communicated to you by the Secretariat.

The Commission's report on its twentieth session was examined by the Council at its meeting on September 4th, 1931, at which our Vice-Chairman, M. Van Rees, was good enough to represent the Commission. The Council requested the Secretary-General to communicate the Commission's observations on the annual reports to the Governments of the mandatory Powers concerned, with the request that they should take action upon them as desired by the Commission. With regard to petitions, the conclusions of the Commission were approved by the Council.

The Council also took note of the observations of the Commission on the British Government's special report on the progress of Iraq during the period 1920-1931, and requested the Secretary-General to communicate those observations to the mandatory Power for Iraq. In connection with the agreements relating to the pipe-lines linking the Mosul area with the Mediterranean, the Council took note of the Commission's discussions and the statements made before the Commission by the accredited representatives of the mandatory Powers. It requested the Secretary-General to transmit this information to the Governments of the mandatory Powers for Syria and Lebanon and for Palestine for the necessary action. The Council further requested the Secretary-General to distribute and publish the tables of general international conventions applied in the territories under mandate, in accordance with the suggestions put forward by the Commission.

I should like to call special attention to the Council's resolution regarding the general conditions which must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime. After noting the conclusions at which the Mandates Commission had arrived on that question, the Council specifically stated that, in view of the responsibilities devolving upon the League, the degree of maturity of mandated territories which it might in future be proposed to emancipate should be determined in the light of the principles laid down in those conclusions, though only after a searching investigation of each particular case. The resolution further states that the Council will have to examine with the utmost care all undertakings given by the countries under mandate to the mandatory Power in order to satisfy itself that they are compatible with the status of an independent State, and more particularly that the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission. You will doubtless have read with the keenest interest the reports of the important discussions which preceded the adoption of this resolution by the Council and will have found therein useful indications as to its interpretation.

Lastly, in response to a request from the representative of Great Britain for the emancipation of Iraq, the Council passed a resolution requesting the Permanent Mandates Commission to submit its opinion on this request after consideration of the same in the light of the Council's resolution of September 4th, 1931, with regard to the general conditions to be fulfilled before a mandate can be brought to an end.

I now pass to the proceedings of the twelfth Assembly. In accordance with the precedent established for several years past, the Assembly referred to its Sixth Committee, on September 10th, 1931, the annual reports of the mandatory Powers, the reports of the Permanent Mandates Commission, and all other documents relating to the mandate question which had been distributed to the Members of the League since the Assembly's last session. The Sixth Committee discussed mandates questions at its meetings on September 17th, 18th, and 21st.

In the report adopted by the Assembly on the proposal of the Sixth Committee, it is noted that, thanks to the efforts of the Council, the Mandates Commission and the Mandatory Powers, the essentially humanitarian experiment instituted by Article 22 of the Covenant has, after only a short period, been crowned with indisputable success. It records the praises received by the Mandates Commission from several delegations. The Assembly approved the rules laid down in the Council's resolution of September 4th, 1931, with regard to the general conditions for the cessation of a mandate. It stated emphatically that the emancipation of the territories covered by Article 22 of the Covenant should be made dependent on the fulfilment of certain *de facto* conditions, and on the existence of certain guarantees stipulated in the interests both of the territories concerned and of the international community. The guarantees relating to the safeguarding of the rights of foreigners, the effective protection of racial, linguistic and religious minorities, and the maintenance of the principle of economic equality, were, in its opinion, of quite special importance.

In the resolution it adopted on September 23rd, 1931, the Assembly renewed the expression of its confidence in the mandatory Powers, the Mandates Commission and the Council, and again expressed its gratification at what had been achieved through co-operation between them.

The Sixth Committee's report to the Assembly also takes up recommendations of the Mandates Commission, which were endorsed by the Council, regarding the development of public health services as being likely to contribute largely to the success of the work of civilisation undertaken in the mandated territories. In conclusion, the Sixth Committee notes in its report that order has not been disturbed in Palestine since the regrettable incidents of 1929, and associates itself with the hope expressed by the Mandates Commission and the Council that the efforts made by the mandatory Power to facilitate Jewish immigration without infringing the rights of the Arab population may be crowned with success.

Statement by the Director of the Mandates Section.

M. CATASTINI made the following statement : — The work of the Mandates Section has proceeded normally since the last session of the Mandates Commission in June. The Minutes, together with the report of the Commission on its twentieth session, which closed on June 27th, 1931, were circulated and published on August 20th, 1931. Documents and information were communicated to the members of the Commission as in the past, except that the *Arab Press Review* was discontinued, in conformity with a decision of the Commission in June 1931. Records of the discussions which took place last month concerning mandates, both in the Council and in the Assembly, have been sent to each member of the Commission.

A list of the official documents (Annex 1) sent in by the mandatory Powers has, as usual, been drawn up for each of the territories the administration of which will be examined at the present session. This list will shortly be distributed to members of the Commission.

The annual reports reached the Secretariat in the following order :

Territory.	Administrative period.	Date of receipt.
Western Samoa	1930-31	August 14th, 1931
Islands under Japanese mandate	1930	August 27th, 1931
Ruanda-Urundi	1930	August 31st, 1931
Iraq	1930	September 2nd, 1931
Togoland under British mandate	1930	September 4th, 1931
Cameroons under British mandate	1930	September 4th, 1931
Togoland under French mandate	1930	September 4th, 1931
Cameroons under French mandate	1930	September 4th, 1931
Tanganyika	1930	September 14th, 1931

GENERAL QUESTIONS. — PRESENT POSITION.

Liquor Traffic. — General Memorandum revised by the Mandatory Powers and Delimitation of Prohibition Zones in Central Africa.

On September 1st, 1928, the Council, on the Commission's recommendation, communicated to the Powers holding B and C mandates a memorandum, drawn up by the Secretariat, summarising various particulars on the liquor traffic in those territories, and requested them to revise the contents. A document containing the particulars, as revised by the mandatory Powers, was distributed in proof to the members of the Commission during the nineteenth session ; it was circulated to the Council and the Members of the League and published in January 1931. This memorandum reproduces, in tabular form, the statistical data for each of the territories under mandate. It also contains a summary of legislative measures and miscellaneous information regarding the liquor traffic in the territories under B and C mandates.

During its nineteenth session, the Commission, considering that the conclusions should be drawn from the particulars contained in the memorandum, which Lord Lugard had kindly undertaken to revise with the assistance of two experts, decided to examine it during the twentieth session. The same applies to the document containing the information given by the mandatory Powers on the subject of prohibition zones in Central Africa, in accordance with the Council's decision of September 1st, 1928.

In June last, the Commission adjourned the examination of this question until the present session.

Economic Equality. — Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates, either for their own Use or for Public Works.

During its nineteenth session, the Commission finished collecting the data which it considered necessary in order to supplement its findings on this question. In June last, the examination of the matter was adjourned until the present session.

Statistical Information regarding Mandated Territories.

Several additional communications have been made by the mandatory Powers regarding the tables of general statistics on the territories under mandate published in 1928 in accordance with the Council's resolution of March 5th, 1928. Further, with the help of the annual reports for the last few years, the Secretariat has been able to bring up to date certain of the particulars contained in these tables. The Secretariat proposes to submit to the Commission at its present session a revised version of the tables, which could be sent to the mandatory Powers for the purpose of being verified.

Adoption of the Agenda and of the Programme of Work.

The CHAIRMAN opened the discussion on the provisional revised agenda (Annex 2).

M. PALACIOS said that the question of closer administrative union between Tanganyika territory on the one hand and Kenya and Uganda on the other, which had been successively adjourned at the last three sessions of the Commission, had been included in the provisional agenda of the present session.

The discussions of the nineteenth session clearly showed that the Commission did not wish to take up this question again until the British Government had communicated to it the terms of its decision in conformity with its promise, which the Council had noted on September 6th, 1929.

As the decision of the British Government had not yet been communicated to the Commission, he proposed that the question should be struck off the agenda of the present session.

M. Palacios' proposal was adopted.

The revised provisional agenda was adopted with this modification.

The programme of work proposed by the Chairman was adopted.

Economies affecting the Budget of the Mandates Commission.

The CHAIRMAN assumed that all the members of the Commission had read the report which the twelfth Assembly had adopted on September 29th, 1931, on the proposal of its Fourth Committee, as the Secretariat had sent copies to them. His colleagues would note that, in the budget economies effected by the Assembly, the credits for the Mandates Commission had not been spared.

These measures of economy meant that, in addition to a reduction of the daily and annual allowances for members of the Commission, the Commission would only be able to hold one session in 1932. He did not ask his colleagues to fix the date of that session immediately, but desired to draw their attention to the fact that it could not take place before the beginning of October 1932. Some of the annual reports which the Commission would have to examine next year would not, under the Commission's rules of procedure, reach the Secretariat before September 1st, 1932. As the Commission could not possibly meet during the Assembly session, and as its printed report to the Council had to be distributed at the beginning of January 1933, the choice of dates for the twenty-second session was restricted to the months of October and November 1932.

The discussions of the Assembly showed that, if a deficit at the end of 1931 were to be avoided, the organs of the League would have to limit their expenditure as drastically as possible.

The Mandates Commission could only reduce its cost to the budget during the present year by reducing to a strict minimum the length of its discussions and consequently the printing of its Minutes. He therefore appealed to his colleagues to be very brief in their speeches and in the reports submitted on general questions and petitions. He was sure that, if a sincere effort were made, the members of the Commission would also be able to make fewer corrections in their speeches as set out in the provisional Minutes.

The discussion of the questions of principle involved by the budgetary economies effected by the Assembly was adjourned to a later meeting.

(The Commission went into private session.)

Ruanda-Urundi: Examination of the Annual Report for 1930.

M. Halewyck de Heusch, Director-General in the Belgian Ministry for the Colonies, accredited representative of the mandatory Power, took his seat at the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative of the mandatory Power.

TRANSFER OF THE CAPITAL OF THE TERRITORY.

The CHAIRMAN recalled the fact that, at its sixteenth session, the Mandates Commission had heard a very interesting statement from the Governor of Ruanda-Urundi on the general principles of the administrative policy of the mandatory Power. In this it was said, *inter alia*, that Usumbura was separated from the interior by a climatic barrier, and was therefore not capable of becoming a centre of civilising influence, and that it had been decided to abandon that town, the provisional capital of the territory, and that all necessary preparatory work had been done for constructing in the heart of the country the definitive capital in which would be centred all the scientific, charitable and educational institutions. This capital was to be Astrida. The Commission had heard with considerable interest the statement of the advantages for the territory which would follow from the moving of the capital from Usumbura to Astrida. In its observations, the Commission even took note of the mandatory Power's decision to form at Astrida a centre of civilising influence, and had expressed the hope that this proposal might soon be carried out.

During its nineteenth session, the Commission dealt with the transfer of the capital of the territory and asked the accredited representative if this proposal had been abandoned. The accredited representative had replied that it was rather a question of making a division between Usumbura and Astrida, the first of these towns remaining the administrative capital and the second becoming the important centre of civilising institutions. The maintenance of the administrative capital at Usumbura would be explained by the necessity for compulsory expropriation of 8,000 natives from Astrida.

According to declarations made by the Colonial Minister in the Belgian Senate, the proposed transfer of the capital to Astrida was practically abandoned — in the first place, according to him, owing to the bad situation of that town, which rendered relations with the local and European authorities difficult; from the economic point of view, owing to the lack of water and the necessity that would arise for costly engineering work; and, lastly, from the social point of view, owing to the fundamental inconvenience involved in the forced expropriation of eight to ten thousand natives who would have to be removed in order to instal the administrative services.

According to Press commentaries, the local authority had abandoned the idea of making Astrida the capital at the request of the Chamber of Commerce of Usumbura. This assertion was even found in the report on the activities of the Chamber of Commerce in 1930. "Satisfaction" is there expressed "that the local Government had been induced to abandon the disadvantageous proposal to transfer the capital to Astrida, a proposal which was prejudicial to its interests".

Could the accredited representative give the Commission any additional information on the subject? It was to be noted that the report for 1930 entirely passed over this important question. Information would be all the more necessary, as the reasons given for stating that Astrida was badly situated from the point of view of its relations with the interior and exterior seemed to be somewhat in contradiction with previous declarations. Was so long a time necessary to realise that water was lacking at Astrida? Was it true that the necessary daily supply for that place would be 2,000 cubic metres, whereas Elisabethville had only a daily supply of 1,500 cubic metres? On the other hand, was it true that at Usumbura there was a high sickness and death rate, that consequently labour was very scarce, and that the natives of the interior refused to go there? The Commission would be grateful if the accredited representative would give detailed information on the foregoing points so as to allay its anxieties, and inform it whether any schemes had been adopted with regard to the situation of the new capital.

M. HALEWYCK DE HEUSCH replied that the Chamber of Commerce of Usumbura had been wrong in thinking that a decision taken some time previously had been the result of its own representations. Naturally, commercial interests had had to be taken into account; but there were other very important interests to consider, and the officials of the mandated territory who had assumed the responsibility of suggesting the solution had given due weight, without discrimination, to every kind of interest. No final decision had yet been taken. The new Minister for the Colonies had wished to re-examine this question of the transfer of the capital, and he was still considering it. A final decision would only be taken when the Minister had obtained all the information he required regarding the grounds for the hesitancy which had been explained to the Commission in the previous year.

The CHAIRMAN was glad that the Belgian Colonial Minister was personally dealing with the matter.

WORK OF THE SURVEY COMMISSION.

The CHAIRMAN recalled that, during the examination of the report for 1929, he had observed that the work of the Survey Commission had been interrupted at the end of 1928 to permit the Commission to carry out in 1929 certain important work in the Congo. The accredited representative had informed the Mandates Commission that the work of the Survey Mission would be very shortly resumed in Ruanda-Urundi, and that it was hoped that it would be finished towards the end of 1931.¹

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, pages 124-125.

In the report for 1930 (page 7), it was said that the Survey Commission had been able to resume its work in the mandated territory. Had this work been resumed in 1931 and, if so, when could it be finished ?

M. HALEWYCK DE HEUSCH stated that the work of the Survey Commission had, in fact, been delayed but had been resumed in Ruanda-Urundi at the beginning of 1931 and would end probably in 1932.

PROGRAMME DRAWN UP BY THE GOVERNOR REGARDING THE GENERAL POLICY
TO BE FOLLOWED IN THE TERRITORY.

The CHAIRMAN said that he had read with much interest the statement (page 5 of the report) of the "main outlines of general policy to be followed in Ruanda-Urundi", which had been sent by the Governor to all officials of the territory. He desired particularly to emphasise the passages in that report relating to such subjects as means of remedying malnutrition in the natives by the intensification of traditional cultivation, research in experimental farms, the obligation on every native to cultivate and maintain a sufficient plantation of manioc, the means of improving sanitation, native medical aid schools, and the systematic afforestation of the territory.

M. RAPPARD asked at what moment "the programme of the main lines of general policy to be followed" was drafted. Was it a new programme or a codification based on past experience ?

M. HALEWYCK DE HEUSCH stated that this programme must be regarded as a summary of experience gained. Successive Governors of Ruanda-Urundi had held the view that the activity of the Administration must be concentrated on certain definite questions, and it was these which had been brought out in the programme sent to all officials in the territory. There was, therefore, no question of a change of policy with regard to the population, but a codification, so to speak, of the views of the Government.

Mlle. DANNEVIG thought that the statement by the Belgian Government of the "main lines of general policy to be followed" in Ruanda-Urundi was full of interest, especially as regards the material well-being of the people. She referred to the passage in which it was said that it was desirable "to induce . . . the natives to improve their moral conditions of existence, to overcome superstition and to instruct them in the principles of Christian morality indispensable for 'adapting them to our civilisation'". This was no doubt a commendable policy, which must be favourable to native as well as European interests; but she was disappointed to find in this policy no thought of maintaining their own civilisation for the inhabitants of the territory. Was it solely proposed to lead them to European civilisation ?

The inhabitants of Ruanda-Urundi had developed very remarkable social institutions, an African civilisation in many respects different from and higher than that of any other native community, and she hoped it would be safeguarded when the natives were "adapted to our civilisation". She remembered the photograph published one year of the old Kwam in his picturesque native clothes and the young Kwam in plain European dress.

M. HALEWYCK DE HEUSCH replied that the Administration was extremely anxious to maintain native customs and traditions in so far as these were not contrary to the rules of public order and morality. Certain customs and traditions were opposed to the essential rules of civilisation. As regarded the dispensation of justice, in particular, many native chiefs had shown themselves to be venal, with a regrettable tendency to oppress the weak and spare the strong. In such cases, action had to be taken, and native civilisation had obviously to be brought into line with the healthy principles of European civilisation. That policy was beneficial both to Europeans and natives — whose interests, after all, were identical. It should not be imagined that the Administration was endeavouring to destroy native customs and Europeanise the natives. On the contrary, it was endeavouring to develop the natives within the framework of their own institutions and traditional groupings.

COUNT DE PENHA GARCIA also expressed his satisfaction at seeing in the report the "programme summarising the guiding principles of the general policy to be followed in the future". He understood that this was in no way a statement of new methods, but a document intended to ensure the continuity of the Administration's policy in the mandated territory.

He asked to what extent the effective occupation of the territories mentioned under Point V of this programme had been carried out.

M. HALEWYCK DE HEUSCH replied that, at the present time, this occupation was ensured by nineteen posts established at the centre of nineteen territories. When it was realised that Ruanda-Urundi was not twice as large as Belgium, and that the latter only comprised nine provinces, this sub-division would certainly appear adequate. It enabled the authorities to take effective action. The officials attached to the posts visited the territories of the various chiefs at least two or three times a year for the purpose of giving instructions, supervising their execution, controlling the actions of the native authorities and putting down abuses.

In reply to another question by Count de Penha Garcia, M. Halewyck de Heusch explained that the civil occupation was not accompanied in the various territories by military occupation. The armed forces of Ruanda-Urundi only comprised about 600 men, stationed at Kigali (one company of infantry) and at Usumbura (one company of infantry and one machine-gun company). After Dungutse's rebellion, a post of twenty soldiers had been maintained in the north of the territory of Gatsibu. At the present moment this post was not used for keeping down the rebels, who had been completely overcome, but for preventing the possible dissemination of cattle plague, which had been raging on the other side of the frontier in the neighbourhood of the district where the soldiers were stationed.

COUNT DE PENHA GARCIA expressed his satisfaction at learning that there was no intention of reinforcing the troops stationed in Ruanda-Urundi. Even at their present strength, this force represented a heavy charge upon the territory's budget.

M. HALEWYCK DE HEUSCH intimated that this charge should really be regarded as a kind of insurance premium, which guaranteed the maintenance of order in the territory.

AFFORESTATION.

Replying to a question by Count de Penha Garcia, M. HALEWYCK DE HEUSCH said that the fact that the replanting of forests had not been begun in 1930 was to be attributed, not to climatic difficulties, but to administrative reasons.

IMMIGRATION.

M. RUPPEL desired to know what provisions governed the entry of foreigners into Ruanda-Urundi at the present time. Did these provisions admit of any discrimination on the grounds of the nationality of persons desiring to settle in Ruanda-Urundi? Were they always applied in a spirit of perfect equality? It was sometimes stated in the Press that German nationals were regularly refused admission to the territory. M. Ruppel hastened to add that he had had no occasion to verify the truth of such assertions.

M. HALEWYCK DE HEUSCH said that immigration into the mandated territory was governed by an ordinance-law of 1922 or 1923, originally signed for the Congo and subsequently extended to Ruanda-Urundi. According to the rules for the application of this ordinance-law, no foreigner could take up residence in the mandated territory unless he had a passport visaed by the competent Belgian authority, a certificate of good health and a certificate of good conduct. These three documents were generally required for admission into Ruanda-Urundi. But the applicant had also to comply with other requirements set out in the rules. The rules did not draw any distinction between various nationalities.

As regards the application of the provisions in question, M. Halewyck de Heusch had never heard that the local administration had made any distinction owing to the nationality of the immigrants; if there were abuses, the Belgian Government would be glad to have them pointed out and would not fail to enquire into them and take all necessary steps.

M. RUPPEL said that M. Halewyck de Heusch's declarations gave him full satisfaction.

DEPOSITION OF CERTAIN CHIEFS AND POLICY ADOPTED FOR REPLACING THEM: REGROUPING OF CERTAIN "CHEFFERIES".

M. ORTS had noted (see pages 57 *et seq.* of the report) that native chiefs — who could only be petty chiefs in view of the number of the cases — had frequently been deposed. Was that a sign of resistance on the part of these chiefs to the application of measures laid down by the mandatory Administration, or of a certain degree of impatience on the part of the Administration? A chief should clearly not be deposed the first time he was guilty of negligence. That being so, what was the explanation of so many depositions?

M. Orts assumed that these petty chiefs were appointed by the native authorities. Were they selected on account of their social rank? Were their functions hereditary? Again, when a petty chief had to be replaced, did the European authorities endeavour to provide a successor of the same social rank who, having been chosen in conformity with tradition, stood a chance of being tacitly accepted by the population?

M. HALEWYCK DE HEUSCH said that the reasons for these depositions were very serious. It was not merely that the chiefs in question had adopted a hostile attitude towards the Administration or had shown a certain degree of indolence in carrying out their administrative duties with regard to collecting taxes, police work, etc. They had been deposed because they refused openly or covertly, but in any case systematically, to apply the programme laid down by the European authorities for preventing food shortage and famine by developing the cultivation of foodstuffs. The sad experience of the famine in 1928-29 showed that the extension

and improvement of the crops were a question of life and death for Ruanda-Urundi. In its work in this connection the Belgian Administration had met with the opposition of certain chiefs who refused to carry out its orders, to authorise sowing, to co-operate in drainage work, etc. In such cases the authorities of the mandated territory could not and did not hesitate; they exacted immediate punishment by deposing the chiefs who refused loyal assistance and covertly opposed their action. This was a question of public safety.

In reply to the second question, the accredited representative explained that the chiefs were generally Watutsi; there were some Bahutu among them, but very few. The Watutsi were very capable in administrative work; they had an open and progressive mind, much political experience, skill and sense of command. The functions of chief were not hereditary; chiefs were appointed at the Mwami's will. As a matter of fact, Musinga had promoted to the rank of chief certain favourites, persons who had no other merit than that of having basely flattered him. They had carried out their work very badly and the Administration was endeavouring to remove them.

In reply to the third question, when a chief had to be replaced he was generally succeeded by a native of the same social rank and of the Watutsi race. The Administration often endeavoured to choose a member of the chief's family. Thus, the reports for previous years, including 1930, mentioned various cases in which chiefs had been succeeded by close relatives.

M. ORTS thought that this question was very intimately connected with the system of administration adopted by the mandatory Power. He wondered whether the Administration was certain to be able to discover among the Watutsi alone a sufficient number of reliable persons to fill all the vacant chieftainships. Had it already been necessary to depose new chiefs appointed to replace others who had been found incompetent? Had the co-operation of the populations with the mandatory administration come up to the expectations of the latter?

M. HALEWYCK DE HEUSCH replied that, in some cases, though very rarely, it had been necessary to depose chiefs belonging to the same family one after the other in the same district. He confirmed that the Watutsi had a very open mind and were accessible to civilising ideas.

With regard to the first question put by M. Orts, a distinction must be drawn between Ruanda and Urundi.

In Ruanda, Watutsi elements provided a sufficient number of men qualified to act as chiefs. There was at Nyanza a school in which sons of chiefs were prepared for these duties. When they left the school, these young men worked for a certain time as native secretaries of various chieftains' areas and thus acquired administrative experience. The new chiefs were selected, in particular, from among their numbers. The Nyanza school must have already trained more than two hundred chiefs sub-chiefs and native secretaries. There had only been two or three cases in which complaints had been made of chiefs trained by the Nyanza school.

In Urundi, the position was not so satisfactory. The school at Kitega was still in its initial stage and was not meeting with much success among the Watutsi. The native chiefs were showing unwillingness to send their sons to it. In this territory, and despite the fact that the Administration attempted to fill these posts with men of a thoroughly progressive turn of mind and willing to co-operate with it, the deposed chiefs had frequently had to be replaced by natives imbued with old-fashioned ideas.

Mlle. DANNEVIG said that she was surprised that such opposition was met with amongst the natives in regard to the fight against famine. She asked for information on the attitude of the young men educated in the schools at Nyanza and Kitega towards the native civilisation. She was more especially anxious to know whether the education these young men received stressed Western culture or taught them respect for that of the country itself.

M. HALEWYCK DE HEUSCH explained that the opposition to which Mlle. Dannevig had referred grew out of the old-fashioned conception which many of the older chiefs kept alive. Their primary object was to take every advantage of their position, which gave them sufficient means so that they need never suffer from food shortage or famine, while they showed complete indifference and ferocious egoism in respect of the needs of their subjects. Dominated by these ideas, the chiefs of the former regime, of whom the Mwami Musinga was a typical example, scarcely gave a thought to the feeding of their people and to the privations by which they were threatened; their cattle placed them beyond the reach of necessity. When the famine was at its height, Musinga asked the officials of the Belgian Administration to force the population, who were particularly affected and were literally dying of hunger, to supply the usual contributions of foodstuffs. When this permission was refused, he took offence and asked to what extent his powers were being reduced.

With regard to the second question, the accredited representative stated that it could not be said that, in the schools at Nyanza and Kitega, the future chiefs were too deeply imbued with European civilisation to the detriment of the maintenance of native customs and traditions. On the contrary, care was taken to make them understand the social interest and usefulness of native customs and the fact that different ways of life suited people of different development. But attempts were made to show them the harmful elements in their ancient customs, to divert them from everything that was contrary to the higher principles of civilisation and to acquaint them with ideas of justice and equity. The future chiefs were being educated with the greatest care.

COUNT DE PENHA GARCIA asked what means the Belgian Administration had at its disposal for bringing recalcitrant Mwami, such as Musinga, to reason.

M. HALEWYCK DE HEUSCH stated that the measures to be taken against Musinga formed a very difficult question, and one to which the Belgian Government was giving very close attention. He asked Count de Penha Garcia not to insist on his question for the moment, since he could only reply by describing proposals which it was essential not to disclose in advance to the party concerned.

COUNT DE PENHA GARCIA asked how the people received chiefs whose training had been to some extent influenced by Western civilisation, and who might perhaps have lost some of the habits of their tribes.

M. HALEWYCK DE HEUSCH replied that these chiefs, who had been brought up to respect native customs, had, nevertheless, acquired certain new ideas and had changed some of their habits. But they continued to be looked up to by the population, over which the Watutsi exercised very great influence. The Watutsi were regarded in Ruanda-Urundi as superior beings, and, even until recent times, their orders had to be obeyed without question, even when they were extremely unjust. At the beginning of the Belgian occupation, the authorities of the mandatory Power had observed that the natives submitted without complaint to all the exactions of certain Watutsi. In view of this mentality, it was not surprising that the Bahutu easily adopted the new ideas of their chiefs.

M. RAPPARD was not quite clear as to the manner in which native chiefs were appointed and deposed. The chiefs were appointed by the Mwami, but when they proved unsatisfactory it was the Administration which removed them from their positions. The Mwami, however, nominated their successors. Moreover, the Mwami attempted to find among the members of the deposed chief's family a person capable of taking his place. The office of chief, however, was not hereditary. The system, therefore, was rather a curious one, and apparently contradictory.

M. HALEWYCK DE HEUSCH explained that the system of appointments and depositions was based on the methods followed in countries under a Protectorate, in which the authority was exercised by the sovereign, who was directed by the advice of the protecting Power. In theory, and in the eyes of the population, the Mwami was responsible, not only for the appointments, but also for the depositions. In practice, he followed the instructions of the European administration.

In certain cases, Musinga had divided up the authority over the hill country of his own accord when such action was unnecessary from an administrative point of view, with the sole object of giving a command, and the advantages connected therewith, to one or other of his favourites. As this excessive sub-division imposed heavy burdens on the natives subject to forced levies, the Belgian authorities had intervened and put a check on such practices.

M. HALEWYCK DE HEUSCH repeated that the rank of chief was not hereditary, but that, whenever circumstances permitted, the Belgian authorities endeavoured to appoint new chiefs from members of the families of their predecessors, in order to take advantage of the prestige enjoyed by these families among the population. This prestige was not lost when the former chief had been deposed.

M. RAPPARD considered that at one time Musinga had succeeded in shaking off the influence of the Administration, as he had proceeded to certain appointments which were not officially approved. Was this a case of insubordination or was it a mere administrative accident?

M. HALEWYCK DE HEUSCH pointed out, in the first place, that the appointments in question were of small importance, and related to the grant of power over the small portions of the hill districts. He added that, in making these appointments, Musinga was really guilty of insubordination, as he was well aware of the Administration's wishes in the matter. Some of the small districts in the hill country handed over to favourites did not include more than thirty or forty taxpayers. The Administration considered that, if the customary levies were to be bearable, the district should include not less than one hundred natives subject to forced levies.

In reply to a further question by M. Rappard, M. HALEWYCK DE HEUSCH intimated that a territorial administrator exercised his functions in the district where Musinga lived; but, naturally, he could not be aware of every small resolution secretly adopted by the Mwami in his discussions with his courtiers.

M. RUPPEL saw an element of contradiction in the policy of the mandatory Power. The latter desired to abolish the feudal system in the territory and at the same time govern through the medium of the chiefs.

M. HALEWYCK DE HEUSCH stated that the mandatory Power's policy was not at all directed at the abolition of the feudal system of Ruanda-Urundi, which, with its hierarchy of chiefdoms and sub-chiefdoms, could quite well be adapted to the government of the territory. The aim of the mandatory Power was to regroup the territories dependent on one chiefdom, which had not previously been united. He explained that, when Musinga was free to follow his own inclinations, he scattered the fiefs allotted to each chief in every corner of the territory. This was to prevent the chiefs from concentrating their power so as to become a menace to the Mwami himself. This policy on the part of Musinga had, however, led to a sort of dismemberment of the communities, and was not at all in the interests of efficient administration. The Belgian authorities therefore aimed at maintaining the chiefdoms, while regrouping their lands through exchange and compensation, either by acting in accord with the chiefs concerned or by taking advantage

of deaths and depositions. It should be noted that the Mwami need no longer have recourse to the exaggerated subdivision mentioned by M. Halewyck de Heusch, as he was now supported by a strong administration.

M. SAKENOBE remarked that this process of regrouping had been going on for some years, and asked whether its completion was not yet in sight.

M. HALEWYCK DE HEUSCH said he could not give details, as too many different circumstances were involved. He could state that the mandatory Power would make every effort towards the concentration in question. Moreover, the hill districts would be joined together so as to include at least one hundred taxpayers, thus avoiding excessive burdens on the inhabitants. The ideal arrangement would be that the land of each Chief should include at least 300 taxpayers; it was hoped to reach this situation in due course.

In reply to a further question by M. Sakenobe, M. Halewyck de Heusch explained that, if the report made little reference to the regrouping of chiefs' lands in Urundi, this was because that territory was placed under the authority of the young Mwami Mwambutsa, who had just been emancipated, and because the Council of Regency which had exercised authority during his minority had not the same reasons as Musinga to divide up the influence of the chiefs.

Lord LUGARD asked whether native laws and customs were taught in the schools in which the sons of chiefs were educated.

M. HALEWYCK DE HEUSCH replied in the negative, and explained that the reason for this was that the members of chiefs' families were sufficiently instructed in native laws and customs in their traditional environment.

Lord LUGARD pointed out that this might not be true, as the young men in question were educated far from their family homes.

M. HALEWYCK DE HEUSCH replied that they visited their families at stated intervals.

Mlle. DANNEVIG found it difficult to understand these replies in the light of M. Halewyck de Heusch's statement that the schools scrupulously respected native customs and traditions.

M. HALEWYCK DE HEUSCH replied that there was no contradiction between his two statements. When he had told Mlle. Dannevig that at the schools for the sons of chiefs the pupils were taught to respect and esteem the customs and traditions of the country, that did not imply that the rules underlying those customs and traditions were taught in detail, or that lessons were given on every single native custom or tradition.

Lord LUGARD reminded the Commission that, in Tanganyika, such instruction had been given by native elders, selected for the purpose, with the greatest success.

Mlle. DANNEVIG pointed out that the sons of chiefs were sent to boarding schools at a very early age and did not leave before the age of 18 years. The influence of their families was thus almost reduced to nothing, and she did not understand when they were able to learn about native customs and traditions. The idea put forward by Lord Lugard might therefore be very advantageously adopted.

M. HALEWYCK DE HEUSCH undertook to bring it to the notice of his Government.

In reply to M. Ruppel, he intimated that the Mwami Musinga received a yearly income of slightly more than 200,000 francs, one-half of which was paid in money and the other half in kind; what he received in kind was the product of native contributions.

M. RUPPEL suggested that this figure was rather low, especially in comparison with the allowances made in Tanganyika to chiefs of much lower rank. This fact might, perhaps, explain Musinga's discontent.

M. HALEWYCK DE HEUSCH pointed out that, if the Mwami's cultural level were taken into account, the salary he received was amply sufficient for his requirements. That was clear from the Mwami's refusal to accept a good house made of durable materials which the Belgian authorities had proposed to build for him. Musinga had preferred to live in his native hut and did not know how to use his money, which he distributed to his favourites.

Replying to a further question, the accredited representative stated that the remuneration of chiefs other than the Mwami took the form of a percentage on taxes (see page 40 of report, Item 32 of the budget), and that they were also entitled to labour service.

PUBLIC FINANCE : TAXATION.

M. RAPPARD asked the mandatory Power's opinion of the series of deficits in the territory's annual accounts.

M. HALEWYCK DE HEUSCH replied that the mandatory Power was congratulating itself on the fact that, despite the further economic depression, the deficit had fallen from eight millions in 1929 to three and a half millions in 1930.

M. RAPPARD noted a statement on page 28 of the report that the head tax had been raised. He asked whether this increase was expedient at a time when the population was impoverished owing to the difficulty of disposing of colonial products.

M. HALEWYCK DE HEUSCH explained that the rate of the tax had not been very considerably raised, except in the case of communities not performing labour services. In such communities, the tax had, indeed, been raised from 25 francs to 40.75 francs; the inhabitants in those settlements, however, were not peasants but qualified artisans, drawing monthly salaries of 400 francs and over. The population in those communities was fairly well off.

M. RAPPARD asked why the Waswahilis only were liable to the polygamy tax.

M. HALEWYCK DE HEUSCH explained that the Waswahilis were originally immigrants and that they had introduced customs which the mandatory Power desired to discourage. In point of fact, it had been anxious also to abolish polygamy, which was practised to a certain extent in Ruanda-Urundi. The polygamous natives scattered throughout the territory were less easy to discover, however, than the Waswahilis, who were concentrated in the non-contributing centres (*centres extra-coutumiers*). It had been thought wiser accordingly to refrain from imposing a special tax on polygamists born in the territory until the result of the systematic census was known.

The accredited representative then replied as follows to various other questions of M. Rappard :

The Decree of December 24th, 1929, mentioned on page 29 of the report, applied, not merely to Ruanda-Urundi, but also to the Congo, where certain private companies imported locomotives, carriages, trucks, etc., and were accordingly granted reduced tariff rates.

The difference noted (page 37 of the report, Item 21 of the budget) between the revenue estimates and the revenue actually received in respect of the various incidental products might be explained by the fact that, during the financial year 1930, Ruanda-Urundi's share in the profits of the Bank of the Belgian Congo (approximately 238,000 francs) and the value on inventory of the Usumbura pharmacy, under new management (over one million francs), had been taken into account.

No expenditure had been incurred and no revenue had been received in respect of the Dar-es-Salaam and Kigoma bases between the time when the budget was drawn up and the time when it was carried out. The building of the superstructures and the upkeep of the two ports had been entrusted to the *Agence belge de l'Est africain* which, in return for its services and expenditure, had been given the right to collect dues.

Expenditure in respect of public work appeared in the ordinary budget when it concerned the upkeep of roads, buildings, etc., and in the extraordinary budget when it related to undertakings constituting an addition to the wealth of the territory.

The white personnel on the public works service was paid out of the ordinary budget, it was true, and if it were employed on works paid for out of the extraordinary budget a transfer was made from the latter to the former.

JUDICIAL ORGANISATION.

M. RUPPEL asked that, in the statistics, a distinction should be made between the trials of natives and of Europeans respectively.

M. HALEWYCK DE HEUSCH promised to bring the suggestion to the notice of his Government.

M. RUPPEL asked why, in the statistics of cases brought before the courts, crimes and other offences were not subdivided into categories, as the Commission had requested.¹

M. HALEWYCK DE HEUSCH promised to ask his Government to see that subsequent reports should, if possible, contain the classification suggested.

M. RUPPEL drew attention to the fact that the number of cases dealt with by the police courts and the number of inmates in the prisons had greatly increased. Last year it had been explained that the scarcity of food had led to a recrudescence of crime. What was the reason for the increase of crime in 1930 ?

M. HALEWYCK DE HEUSCH replied that there were two reasons. In the first place, the organisation of the territory was becoming daily more efficient and offenders found it more and more difficult to escape from justice. In the second place, the natives were becoming reassured by the firmness and fairness of the European authorities and were less afraid to complain and appeal to the courts for redress against improper proceedings.

M. RUPPEL was gratified to learn that, thanks to the measures taken by the Administration, prison deaths were decreasing. He expressed the hope that the Administration would continue to give its attention to prison conditions.

M. HALEWYCK DE HEUSCH informed the Commission that this decrease was due, not merely to the measures mentioned by M. Ruppel, but also to the improved general conditions after the famine period. He had received confirmation from Africa of the fact that, in 1929, many of the deaths had been due to the physical debility of the prisoners, who had been weakened by the famine.

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, pages 131-132.

POLICE AND MILITARY ORGANISATION.

In reply to a question by M. Ruppel, M. HALEWYCK DE HEUSCH explained that the reduction in the numbers of the native police was to be attributed to the fact that a number of members of the Government police force had been seconded. It had been thought that the latter, with their good training and discipline, would make excellent instructors, and they had accordingly been sent to the various centres where there was a native police detachment. They were, however, still kept under military discipline.

Replying to further questions by M. Ruppel, the accredited representative agreed that the expenses arising out of the military occupation were heavy; that was, however, in his view, an essential measure of security. The increase in expenditure in 1930 was due to the fact that the pay of the men, which had been found insufficient, had been considerably increased, and to the further fact that their rations cost more than in former years. At the present time, no unrest appeared to exist, and peace was established everywhere, the mere presence of military forces playing a part in public order and security, as was the case in any other country.

DISTURBANCES IN THE PROVINCE OF BUMBOGO.

In reply to a question by M. Sakenobe, M. HALEWYCK DE HEUSCH gave certain particulars regarding the incidents which occurred in the province of Bumbogo (report, page 57).

ACCLIMATISATION AND COLONISATION SCHEMES IN KATANGA AND KIVU.

LORD LUGARD asked if the acclimatisation scheme in Katanga and the colonisation scheme in Kivu had been carried out.

M. HALEWYCK DE HEUSCH replied that the scheme for Katanga had fallen through, as described on page 91 of the report. The Kivu scheme, for which the studies were not so advanced, had been abandoned on account of the failure of the other.

LABOUR.

LORD LUGARD asked whether the Mandatory would consider the desirability of abolishing the forced labour exacted by chiefs and substituting a salary to the chiefs from which they would pay for labour for road-making, building chiefs' houses, etc.

M. HALEWYCK DE HEUSCH explained that the number of days' compulsory labour that chiefs could claim had been reduced to thirteen per annum per healthy adult male inhabitant. On the other hand, the authorities were entirely opposed, for reasons concerning the maintenance of the prestige of the chiefs, to the substitution of monetary payments for compulsory labour.

LORD LUGARD suggested that, if such labour were paid by the chief, the latter's authority, instead of being diminished, would be strengthened, as had been the case in Tanganyika.

M. HALEWYCK DE HEUSCH pointed out that the inhabitants of Ruanda-Urundi and those of Tanganyika could scarcely be compared. The officials were unanimously of opinion that the substitution of monetary payments for compulsory labour would be fatal, at the present juncture, to the authority of the chiefs.

He stated, in reply to a question by Mr. Weaver, that labour requisitioned for making main roads was always fully paid. Only local roads might be made by forced labour.

MR. WEAVER pointed out that, at the bottom of page 84 of the report, it was stated that the daily wage varied from 1.50 to 2 francs, according to districts; on the other hand, on page 89 it was said that the wages of workers recruited for Kivu was 1 franc a day. Did the accredited representative consider these wages sufficient?

M. HALEWYCK DE HEUSCH pointed out that page 84 of the report referred to the wages of day labourers in Ruanda-Urundi and page 89 to the wages of workers permanently employed at Kivu. The work there was agricultural work: as was stated in the report, when the natives were employed on the railways they received 2 or 2.75 francs a day. It must not be forgotten that both agricultural and industrial workers received, in addition, daily rations representing a very fair sum.

MR. WEAVER asked if the syndicate (*Seti*) now recruiting labour for Kivu was a commercial undertaking and whether it received fees for the labour recruited.

M. HALEWYCK DE HEUSCH explained that the Enquiry Syndicate was a kind of labour exchange, which acted on behalf of the various companies established at Kivu. The latter had to recruit labour; but, instead of dissipating their efforts, they had set up a single body which looked after their several interests.

Mr. WEAVER noted with satisfaction that the death rates of men employed at the Katanga mines had diminished. Infant mortality was, however, still very high. Had any consideration been given to the idea of abolishing the practice of recruiting labourers together with their families ?

M. HALEWYCK DE HEUSCH replied that infant mortality figures had risen in the families recruited for Katanga (329 per thousand) as the result of an epidemic of measles, which in its turn had been followed by many cases of bronchial pneumonia.

Was the high infant mortality rate a reason, as had just been suggested, for ceasing to recruit entire families for Katanga ? To do so would merely result in transferring to another place this centre of high mortality rate. According to the chief of the medical services in Ruanda-Urundi, who had carried out investigations among the population, the infant mortality rate was much higher in Ruanda-Urundi itself than among the families recruited therefrom by the Mining Union ; the proportion in the country of origin was 500 deaths per thousand children. The accredited representative hastened to add that the figures given both for the Mining Union establishments and for the territory of Ruanda-Urundi included still-births and children who had died within a few days or a few weeks of birth, those categories accounting for a large proportion. After the first year, the figures for deaths among children were much lower.

Mr. WEAVER asked what was the programme of work of the Commission set up by the order of May 24th, 1930, for investigating labour problems.

M. HALEWYCK DE HEUSCH explained that that Commission had not been set up for the purpose of making a scientific investigation of such problems ; it was merely an advisory body, which would give an opinion on specific cases referred to it by the Governor.

POSITION OF WOMEN IN THE TERRITORY.

Mlle. DANNEVIG observed that the report stated that the situation of women in Ruanda-Urundi, according to native custom, was unusually favourable ; but, particularly in view of the terrible infant mortality in the territory, she would be grateful to have in the next report some further information as to the conditions of the women — for instance, if they were changed by the incoming European civilisation, if circumcision rites were practised anywhere, etc.

M. HALEWYCK DE HEUSCH said that the situation of women had been explained in detail in a previous report, and it had hardly changed since.

Mlle. DANNEVIG insisted that additional information should be given to the Commission on the question she had just raised.

EDUCATION.

Mlle. DANNEVIG asked if the disorganisation caused by famine persisted in the schools, or if steps had been taken to remedy it. She was glad to notice that the subsidies to the missions had been raised and she hoped they could be kept up in spite of the financial difficulties.

M. HALEWYCK DE HEUSCH replied that no steps had been necessary ; once the famine had ended, the children had returned of their own accord.

He stated, in reply to a further question by Mlle. Dannevig, that the hesitation in regard to the choice of the capital had not involved any delay in the building of the schools at Astrida. As had been explained the previous year, ¹ schools were to be established there in any case.

He explained, further, that the reason why the number of pupils leaving the Kitaga school was so low (see table, page 75 of the report) compared with the number enrolled was because the school had been founded comparatively recently, most of the boys had not yet completed their studies, and the figures for those leaving included only pupils who had gone right through the school.

ALCOHOL AND SPIRITUOUS LIQUORS.

COUNT DE PENHA GARCIA observed on page 45 of the report that the revenue from taxes on the consumption of spirits had increased since 1929, whereas, from figures on page 92, it appeared that imports of alcohol were diminishing. As there were no distilleries in the country, how was this to be explained ?

M. HALEWYCK DE HEUSCH explained that the tax on the consumption of alcoholic liquors, which had previously applied only to distilled liquors, would apply now to fermented liquors also, that the rate had been increased, and that those two changes naturally meant an increase in revenue.

COUNT DE PENHA GARCIA asked the mandatory Power kindly to investigate the question of native brewed beer, or other alcoholic drinks, owing to the interest of this question.

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 137.

PUBLIC HEALTH.

M. RUPPEL observed that the mandatory Power had made great efforts in the field of medical assistance. Nevertheless, the health of the natives did not seem very satisfactory.

M. Ruppel then pointed out that, by an Order of June 21st, 1930, a decree on the practising of medicine had been put into force in the territory. The decree provided that persons who held a foreign diploma recognised by the Minister of the Colonies or by the Belgian Governor as the equivalent of the Belgian diploma might practise medicine in the territory. M. Ruppel supposed that foreign doctors might benefit by this provision. If so, the Commission would note with satisfaction the introduction of this rule, which took account of a recommendation made by the Commission in its report to the Council on the work of its nineteenth session, which recommendation was approved by the Council.

M. Ruppel would be very grateful to the mandatory Power if future reports could state the number and nationality of doctors admitted to the territory, either as part of the official medical service or as private practitioners.

Statistics of consultations of official doctors (page 67 of the report) showed a considerable decrease in certain posts. Might explanations be given on that subject ?

M. HALEWYCK DE HEUSCH stated that he would ask his Government to give explanations in the next report.

M. RUPPEL observed that numerous leprosy cases had been reported in recent years. He would like to know what steps had been taken to overcome this disease, which, owing to the density of the population, was a serious danger. Was the method of isolation employed, and did the missions deal with lepers ?

M. HALEWYCK DE HEUSCH stated that he would ask that that point might also be dealt with in the next report.

M. RUPPEL had the impression that the special mission dealing with sleeping-sickness had perhaps not sufficient personnel for its purpose. There existed in the territory one doctor and three medical assistants in three different places. The contaminated zone was about 200 kilometres long and the radius of activity of a dispensary was not greater than 10 kilometres (page 67 of the report).

M. Ruppel pointed out that, before the war, the personnel dealing with the campaign against sleeping-sickness in this territory alone was from seven to ten doctors and twenty medical assistants. The results obtained by the Belgian mission were not entirely satisfactory. It did not seem to have mastered the situation. Without entering into details of the measures to be taken in this field in which he was not an expert, M. Ruppel insisted that the mandatory Power should consider whether further efforts could not be made to overcome the disease and stamp it out within a reasonable time.

In conclusion, M. Ruppel observed that in the part of the report dealing specially with sleeping-sickness (pages 212 and 213) mention was made of a recrudescence of the disease in the sectors of Magara and Usumbura-Ruzizi.

M. HALEWYCK DE HEUSCH stated that the competent medical service considered the number of specialists at its disposal for the purposes of the campaign against sleeping-sickness sufficient ; it was possible, for example, to carry out a medical inspection of the population in the infected area twice a year, and it was hardly desirable to carry out such inspections more often. Further, strict measures were still being taken, and the native settlements chiefly affected were being removed to higher ground ; flies capable of transmitting sleeping-sickness to man were rarely found above 1,000 metres.

DEMOGRAPHIC STATISTICS.

M. HALEWYCK DE HEUSCH explained, in reply to a question by M. Rappard, that the tables at the bottom of page 53 and on pages 54 and 55 of the report did not give the results of a true census carried out by means of slips and identity cards but only the results of a rather more summary investigation intended for fiscal purposes.

SECOND MEETING.

Held on Tuesday, October 27th, 1931, at 10.30 a.m.

Togoland under French Mandate: Petition, dated October 14th, 1930, from the "Bund der Deutsch-Togoländer" (Document C.P.M.1220).

The CHAIRMAN informed the Commission that, on July 29th, 1931, he had requested the Secretariat to distribute to the members the text of a communication from the French Government, dated July 8th, concerning a petition from the "Bund der Deutsch-Togoländer", dated Accra, October 14th, 1930. As he had explained in his covering letter, the French Government had raised a point in connection with the petition which he had felt should be examined by the Commission, in conformity with one of the Rules of Procedure which it had itself established and which the Council had approved. The French Government explained that, as the petition did not appear to it to comply with the rules governing the receivability of petitions, it had not felt it necessary to reply to the various points raised in the letter of the "Bund der Deutsch-Togoländer", but added that those points had been dealt with for the most part either in previous observations submitted to the League by the French Government or in verbal explanations given by the accredited representative to the Commission. The plea of non-receivability having been raised by the mandatory Power, it was for the Commission to express its views on this question of procedure in conformity with its rules. He proposed that M. Van Rees, the Vice-Chairman, be asked to examine the question and to submit a brief report to the Commission.

The Chairman's proposal was adopted.

Tanganyika: Examination of the Annual Report for 1930.

Mr. D. J. JARDINE, O.B.E., Chief Secretary to the Government of Tanganyika Territory, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN noted that, in its letter dated October 13th, 1931, to the Secretary-General, the British Government had explained that it had been the practice for some years past for the Permanent Liaison Officer between the Colonial Office and the Permanent Mandates Commission to be appointed as accredited representative to assist the accredited representatives from the mandated territories and to deal with any general matters affecting the administration of mandated territories which might arise. The Secretary of State for the Colonies attached much importance to that practice, since it had been found to be of great value in maintaining contact between the Colonial Office and the Commission. On the occasion of the present session it had, however, been found impossible to send Mr. Clauson to Geneva and Mr. Hall would be instructed to give such assistance as he might find possible to the other accredited representatives and to the Commission. That arrangement was adopted for the present session only and did not imply departure from the practice of past years.

The Commission was happy to observe that the British Government had thus confirmed its desire to continue a practice it had followed in the past, the advantages of which had always been fully appreciated by the Commission.

The Commission was glad to extend a cordial welcome to Mr. Jardine, and the Chairman invited him to make a statement, should he wish, before dealing with the annual report.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. JARDINE. — I am grateful to you, Mr. Chairman, for your kind words of welcome. I regard it as a great privilege to collaborate with the Commission once again.

In previous years, when the annual report on Tanganyika has been under examination, accredited representatives have been able to invite the Commission's attention to an ever-increasing trade, both export and import; to the growing prosperity of the native population and the consequent improvement in the standard of living; to Government finances that were so satisfactory that they were criticised only on the ground that too large a surplus balance was being maintained and that development was consequently being unduly retarded; and to the gratifying progress that was being made in those public social services designed to promote the moral, social and material welfare of the indigenous inhabitants of the territory and thus to implement the obligation imposed on the mandatory Power by Article 3 of the Mandate. Indeed, it may justly be claimed, I suggest, that it would be difficult, if not

impossible, to cite any parallel in the history of colonial enterprise with the rapid progress achieved in Tanganyika, which has been the subject of mutual congratulation here year after year.

But, to-day, the accredited representative must sing a very different song. Members of the Commission will have noted with regret that the effects of the worldwide economic blizzard on the trade and public finances of the territory began to be experienced in 1930. It is true that, to some extent, the decrease in trade in 1930 may be attributed to purely local conditions, such as the flooding of a section of the Central Railway during the first three months of the year and a disappointing crop season; but, in the main, the setback in 1930 was caused by the worldwide depression in the prices for produce — a depression which still exists, but in so aggravated a form that it is true to say that the territory is faced to-day with an economic and financial situation of much gravity. In such melancholy circumstances it is inevitable that effort should be concentrated for the present on consolidating the progress already achieved rather than on further development.

The native administrations have pursued the even tenor of their ways, proving that their foundations have been well and truly laid. It is difficult to forecast the future, but further amalgamations of units on any extensive scale are unlikely to take place at present; and it is anticipated that the task of the local Government during the next few years will be directed towards consolidating existing institutions on existing foundations, gradually purifying and strengthening them.

The native courts have continued to function very satisfactorily. In the course of the year they disposed of 80,901 cases, 57,072 being of a civil and 23,829 of a criminal nature.

The balances in the native treasuries on March 31st, 1931, were estimated to amount to £102,316. The finances of these treasuries have been conducted on very conservative lines, and they have consequently weathered the first shock of the economic storm well. But it would be idle to pretend that the future will not give cause for serious anxiety if the worldwide economic depression continues.

As the Commission is aware, the revenue of the native administrations is derived almost entirely from the rebate on the hut and poll tax which they receive from Government; and in all native areas the greatest difficulty is being experienced in collecting the tax without causing hardship. In the Bukoba District, for example, coffee is now being sold at prices which a few years ago were paid for groundnuts; and in the Mwanza and Tabora Provinces groundnuts and cotton have been unsaleable for cash and have been bartered for trade goods. In the cattle areas, the price of cattle has fallen by 50 per cent. In the plantation areas, employers have been compelled to make drastic reductions in the wages of all employees — reductions which have been accepted by the latter in a spirit which would do credit to far more civilised communities and is an eloquent testimony to the excellent relations existing between European employers and their native employees in Tanganyika. Many native employees have been thrown out of work; but it is only in isolated and very exceptional cases that an African is dependent upon wage-earning employment for a livelihood. The wage-earning labourer, who loses his job, usually returns to his village to his normal agricultural pursuits.

During a recent tour of inspection of the Mwanza and Bukoba Provinces, I was much impressed by the intelligent interest taken by the chiefs in their Treasury budgets. In one case, where I had thought it prudent to reduce by 15 per cent the estimate of revenue from the hut and poll tax for this year, based as it was on the collections of more prosperous years in the past, the chief begged that his original estimate might be allowed to stand, as the 15 per cent reduction would, he averred, increase the difficulties of the collection, as his people would naturally wish to be counted among the 15 per cent, who were not expected to pay, rather than among the 85 per cent who were expected to pay. In another case, where I had thought it advisable in the interests of economy to reduce considerably the number of the subordinate employees of the Native Administration, the chiefs came to me in a body and begged that the economy might be effected by reducing their own salaries rather than by retrenchment of junior staff.

The Commission requested last year that further information should be furnished regarding the famine which occurred in the Bugufi District in 1929,¹ and a memorandum on the subject has accordingly been printed as an Appendix to the report now under review. Food shortages occurred during 1930 in the Tunduru District of the Lindi Province and in certain areas of the Tabora, Mahenge and Eastern Provinces. Relief was immediately afforded and it is believed that no loss of life occurred.

I take this opportunity to mention that it has been found necessary to appoint a special Commissioner to enquire into the circumstances in which certain natives are believed to have been seriously ill-treated in the Songea District by certain subordinate officials of the Central Government's Police Force and of the local Native Administration. Full information on this incident will be included in the report for 1931.

I have brought with me from London copies of the report of the Joint Committee of both Houses of Parliament on Closer Union in East Africa for the use of the Permanent Mandates Commission, and I have handed them to your Secretary to-day. As they are not to be published in England, or East Africa or India until the 2nd of November, I am to ask that the packet containing the report shall not be opened by your Secretary until that date. I myself am unaware of the recommendations contained in the report — recommendations which have not

¹ See Minutes of the Eighteenth Session of the Permanent Mandates Commission, page 19.

yet received the consideration of His Britannic Majesty's Government — and in these circumstances the Commission will appreciate that I am not in a position to reply to questions on this subject.

The CHAIRMAN thanked Mr. Jardine for his interesting statement and invited members of the Commission to comment on any points arising out of it.

“ CLOSER UNION ” : QUESTION OF THE PUBLICATION OF THE EVIDENCE GIVEN BEFORE THE
JOINT PARLIAMENTARY COMMITTEE.

M. RUPPEL, referring to the question of closer union with East Africa, enquired whether the evidence given before the Joint Parliamentary Committee was to be published and whether copies would be sent to the Commission.

Mr. JARDINE replied that he had no information on the subject.

EFFECT OF THE GENERAL ECONOMIC DEPRESSION ON THE DEVELOPMENT OF THE TERRITORY
AND POSSIBLE MEANS OF COMBATING IT.

Count de PENHA GARCIA observed that the accredited representative had spoken of financial difficulties from which the territory was suffering and had mentioned the decrease in value of the estimated revenue from the poll tax. The budget of the native organisations was derived from a percentage on those taxes. Their revenue therefore would be considerably decreased. Did the accredited representative think that there was any fear that the policy followed up to the present as regards these organisations would be adversely affected owing to inadequate financial resources ?

Mr. JARDINE stated that up to the end of June 1931 — the date on which he had left the territory — it had not been found necessary to reduce or curtail the social services to the natives. In the meantime, very considerable economies had been effected in other spheres, although the Provincial Administration, Medical and Education Departments, which affected the natives most directly, had remained practically untouched. A large number of officials had been retrenched. The time might come when the question of financing the services to natives might arise, but that would be a question for a higher authority than the Tanganyika Government to consider.

M. RAPPARD observed, in connection with the reduction by 15 per cent of the estimate of the revenue from the hut and poll tax, that he would have imagined that any reduction would be spread equally over the whole population. He assumed, as regards the accredited representative's last statement, that any curtailing of the social services would have to be decided in London, but that point would only arise if local resources proved insufficient and if the territory were obliged to apply to London for the means whereby to meet its obligations.

Mr. JARDINE, replying to M. Rappard's first point, explained that, in the case of the particular native budget quoted by him, it had seemed probable there would be a deficit of 15 per cent on the revenue previously collected, so that he had judged it desirable to reduce the estimated expenditure also in proportion. He said, further, as regards M. Rappard's second point, that should local resources prove insufficient to meet the native services, the question of a grant-in-aid from Imperial funds would then arise.

Lord LUGARD enquired how the Tanganyika Government's schemes of economy would be likely to affect Asiatic and European immigration. He referred to a statement in the *African World* to the effect that a Committee had been formed in Tanganyika to assist immigrants. He enquired whether it was the policy of Tanganyika to encourage immigration.

Mr. JARDINE said that Sir Donald Cameron had set up a committee in 1929 to examine the question of assistance to intending settlers. It had not been possible to take action on the Committee's recommendations, for financial and other reasons. There was no definite scheme in existence to encourage settlement.

M. RUPPEL enquired whether the Tanganyika Government considered it appropriate to take measures to help planters and settlers, as their bad economic situation was bound to affect the whole country. Had anything been done to help them, for example, in the matter of railway tariffs or harbour dues or in obtaining credits ?

Mr. JARDINE agreed that it would be a great misfortune for the country if settlers found themselves in financial difficulties. Some assistance had been given in the matter of railway charges, lighterage, harbour dues, etc. A reduction of rents in individual cases of hardship had also been considered, but no comprehensive scheme had been adopted.

M. ORTS observed that, in certain African colonies, very energetic measures had been taken to reduce the effects of the crisis on the trade in vegetable products, both natural and cultivated, and on the industry for the transformation of these products. For example, internal transport rates for any distance had been reduced to 1 fr. per ton. The price for manipulation in the ports had been reduced in the same proportion.

Mr. JARDINE replied that nothing had been done on such a big scale in Tanganyika and that no general measures of the kind had been taken.

M. RAPPARD observed that the Commission's insistence on this point did not necessarily mean that it recommended such a scheme. He was doubtful, indeed, whether the Commission would be unanimous in thinking it desirable to sacrifice the social services — for example, in order to assist transformation industries. It was undoubtedly a matter to be decided by the Governor, who was on the spot.

The CHAIRMAN stressed the intimate connection which existed between the interests of whites and natives.

M. ORTS pointed out that the present situation did not affect only European interests, but those of the natives quite as directly. Cabbage trees and cotton, for example, were cultivated by the natives; if the European industry could no longer treat them except at a loss, it would clearly cease buying the native products, with the result that the natives would give up harvesting and growing them. Such an eventuality would hamper social progress.

Mr. JARDINE reminded the Commission that even in prosperous times the railways had always been run on the smallest conceivable margin of profit, and that there was no provision for a renewal fund. At present, indeed, they were running at a loss. He mentioned the point in order to show that the Government had always indirectly subsidised agriculture, native and non-native alike.

NATIVE POLICY AND ADMINISTRATION.

M. PALACIOS endorsed the Chairman's view that the interests of whites and natives were of equal concern to the Commission. He pointed out, however, that in East Africa, the question of a white policy and a native policy was much debated. Reference was always being made to the influence of a movement known as the "Kenya School", or at least, of a policy which was advocated there whereby the part played by the natives in the activity of the population and in the potential life of the territory in general would be restricted, the natives being confined to the reserves, etc.

The report stated, on page 19, that Sir Donald Cameron had been appointed Governor and Commander-in-Chief of Nigeria. Sir Donald Cameron had always — at the time of the discussion of the scheme for "Closer Union" and on other occasions — expressed himself as being in favour of a policy which was very favourable to the natives. He had put this principle into practice many times and with remarkable success. M. Palacios wondered whether there was not some reason to anticipate that the very clear line of conduct followed by Sir Donald Cameron would be changed by the new Governor.

Mr. JARDINE replied that he had not been informed of any such possibility.

M. ORTS referred to the following passage in the report (page 13) :

" In general, it may be said that the experience of the last five years in Tanganyika had definitely proved that the age-old tribal system is still a living and powerful force which draws to itself all the strongest loyalties and aspirations of the people... "

This expression of opinion and other passages in the report concerning the training of young chiefs and the institution of native courts afforded evidence that the policy adopted by the mandatory Power had given excellent results. He enquired whether that policy would be continued.

Mr. JARDINE replied that so far as he knew that was the intention.

M. ORTS observed that those members of the Commission who were most in favour of native administration by the natives themselves realised that the objection to the system lay in the possibility that arose of extortion, violence and other abuses on the part of the chiefs. An article in *East Africa* dated April 9th, 1931, referring to Sir Donald Cameron's evidence before the Joint Parliamentary Committee, stated that the local officials would be besieged by complaints, and that numerous cases of peculation, extortion, and even of torture would never be brought to the knowledge of the higher authorities. They would be settled on the spot and excessive indulgence shown towards the chiefs. M. Orts wished to give the accredited representative an opportunity to reply to that statement.

Mr. JARDINE said that he did not himself believe it to be a fact that there were cases of oppression and peculation by native chiefs which were hidden by the local district staff and not brought to the notice of the central authorities, although, of course, isolated minor incidents, of insufficient importance to report, would occur.

M. SAKENOBE asked for information concerning the local native administration in the Dar-es-Salaam district.

Mr. JARDINE replied that the scheme had only been introduced comparatively recently, and that he was unable to give any information to supplement what was said in the report. The mandatory Power would be glad to comply with M. Sakenobe's request for fuller information next year.

DISPOSAL OF FUNDS IN NATIVE TREASURIES.

M. ORTS asked whether the funds belonging to the native treasuries at present amounting to £102,000 were on deposit in a bank and drawing interest, or paid into the district funds, or whether they were invested in public funds.

Mr. JARDINE stated in reply that the native administrations would be obliged to draw on the sums in question. He explained that when the native treasury had a large surplus this was placed on deposit and bore interest, whereas if it was as low as £150 or £200 it remained in the native treasury. The item "Interest from Bank" (page 107 of the report) was in respect of the sort of surplus M. Orts had in mind.

ANNUAL REPORTS OF THE PROVINCIAL COMMISSIONERS.

Mlle. DANNEVIG directed the Commission's attention to the annual reports of the Provincial Commissioners on Native Administration for the year 1930, a publication which, she thought, reflected the greatest credit on the mandatory Power.

The CHAIRMAN observed that the Commission associated itself with Mlle. Dannevig's remark.

Mr. JARDINE expressed his gratification at this expression of appreciation.

The CHAIRMAN thanked Mr. Jardine for his replies to the questions arising out of his statement, and invited members of the Commission to proceed with their examination of the annual report.

NATURALISATION.

M. PALACIOS observed that during the examination of the annual report for 1929, the question of the modification of the laws in force concerning naturalisation had been raised.¹ Mr. Clauson had stated on that occasion that he had very little doubt that the law would be altered; the only thing was that it was desired to alter it everywhere at the same time and in the same way. Could the accredited representative inform the Commission what the position was and whether the law had been altered?

Mr. JARDINE replied that there had been no change in the law of Tanganyika, and that the local Government had not yet received final instructions from the Imperial Government on the subject.

MEANS OF COMMUNICATION BETWEEN TANGANYIKA AND THE CONGO.

Lord LUGARD observed that various papers had been forwarded to the Commission referring to the proposed liaison and lines of communication between Tanganyika and the Congo. He would be interested to have information on the subject.

Mr. JARDINE replied that nothing further had transpired with regard to this proposal up to the end of June, when he had left the territory.

ECONOMIC EQUALITY.

Lord LUGARD, reverting to a question raised the previous year, enquired whether the Customs Union between Tanganyika and Kenya, with the system of suspended duties, had proved satisfactory and fair in its incidence to all races.

M. RAPPARD asked for information on the same point. If Tanganyika were subjected to the principle of economic equality, if Kenya were subjected to that of Imperial preference, and if imports and exports between those two territories were free, a difficulty clearly arose. If goods had enjoyed Imperial preferential treatment in Kenya and then were exempt from duty in Tanganyika was not that a violation of the principle of economic equality? Kenya, it appeared, had two Customs tariffs, and a lower rate was paid on exports from Great Britain, for example, than on exports from France.

¹ See Minutes of the Eighteenth Session, page 23.

Mr. JARDINE replied that in virtue of the Congo Basin treaties there was no Imperial preference in Kenya or Uganda.

M. RAPPARD observed that in that case if the Kenya Customs regime was established in such a way as to protect special interests in Kenya, then Tanganyika might be prejudiced as the result of an interest which was foreign to it.

Mr. JARDINE agreed that that was, no doubt, a possibility. But in practice the shoe was probably on the other foot, and it was Tanganyika that actually benefited, thanks to her rice and ghee exports.

M. RAPPARD, summing up the situation, observed that although the revenue of Tanganyika might suffer, it appeared that from an economic standpoint the territory actually gained.

TRIBAL RELATIONS ON THE FRONTIER BETWEEN TANGANYIKA AND PORTUGUESE EAST AFRICA.

M. SAKENOBÉ enquired what were the tribal frontier relations between Tanganyika and Portuguese East Africa, and how disputes were settled.

Mr. JARDINE replied that, so far as he knew, there was no serious friction between the natives of the two territories. No doubt any slight incidents that might have occurred were settled on the spot.

FOOD SHORTAGE IN BUKOBA PROVINCE.

M. ORTS recalled that when examining the report for 1929 the Commission had asked for fuller information concerning the famine which had occurred in the province of Bukoba. In accordance with this request details were given on pages 112 *et seq.* of the report for 1930. There had been some negligence on the part of the local administrator, who had been slow to appreciate the situation. Since then measures had been taken similar to those taken in the neighbouring territory of Ruanda Urundi, with reference to the introduction and development of new crops which were less dependent on climatic conditions. The situation seemed now to be more satisfactory.

TRANSFER OF THE DEPARTMENT OF AGRICULTURE TO MOROGORO.

M. SAKENOBÉ noted that the Department of Agriculture had been transferred to Morogoro, where the Labour Department was already established. He enquired what was the importance of Morogoro from the point of view of agriculture.

Mr. JARDINE stated that Morogoro, which was situated about 120 miles from Dar-es-Salaam, was a very important centre for European, Asiatic and native agriculture.

EX-ENEMY PROPERTY.

M. RUPPEL, referring to the question of ex-enemy property (page 24 of report), observed that, under the special agreement concerning liquidation signed at The Hague in January 1930, several German nationals had claimed the restoration of property which had not been liquidated. They could not produce titles, because these had been lost during the war, but they had witnesses who were prepared to confirm the fact that they had possessed titles or that they had been in uncontested possession of the lands before the war. Was there any probability that these cases would be settled with some benevolence and in a satisfactory way?

There was another case which, in his opinion, should be settled as soon as possible, namely that of the Protestant church in Dar-es-Salaam, which, although not belonging to a mission but to the Protestant community of the town, had been handed over to a board of trustees as if it were mission property. Could he know the intentions of the mandatory Power in regard to this case?

As regards mission properties, these were administered by boards of trustees. The question of returning them to the several missionary societies which had taken up their work again in the territory had been under discussion for a long time. Could the accredited representatives inform him if the question would be settled favourably in the near future?

Mr. JARDINE replied that the anticipated closing down of the Department of the Custodian of Enemy Property, owing to lack of work, would not interfere with the just settlement of any valid claim.

The intention was to hand over the Protestant church at Dar-es-Salaam to the Lutheran or German Protestant community as soon as possible. The Anglican community desired to use it until they had constructed a church of their own. The request of the German community to have it restored to them at once was, however, under the consideration of His Majesty's Government. He shared M. Ruppel's anxiety to see this question settled without further delay.

GAME RESERVES.

M. VAN REES referring to the measures taken for the protection of game (page 22 of the report), enquired what was the distinction between "Complete Reserves" and "Closed Reserves".

Mr. JARDINE explained that complete reserves were of a type which had always existed in East Africa: game was completely protected, except for persons holding a licence from the Governor granted for scientific or administrative purposes. Closed reserves were of a new type. The only such reserve was the Serengeti plain, where it was specially difficult to detect breaches of the game law. No one might enter such reserves, to shoot or photograph, without a permit. Permits were freely given to *bona fide* sportsmen and were only insisted on in order that officials might know who were shooting on the plain and so might be in a better position to detect offences.

PUBLIC FINANCE. REPORT OF THE COMMISSION APPOINTED TO EXAMINE THE FINANCIAL SITUATION OF THE TERRITORY.

M. RAPPARD noted the big drop in 1930 as compared with the surplus balance of over one million pounds for 1929, and observed that the territory's indebtedness was increasing.

Referring to the guarantee loan which appeared to be practically exhausted (page 31 of report), he enquired the meaning of the term "pending the issue of the next instalment of the loan".

Mr. JARDINE stated that the original Imperial Act provided for a loan of ten millions. The first local ordinance had been for the raising of £2,070,000. At the beginning of the present year, a further local ordinance had authorised the raising of a further instalment. The amount voted by the Imperial Parliament was raised in instalments as occasion arose.

M. RAPPARD enquired whether the accredited representative could give any information in regard to the funding of this debt, and the general policy of the mandatory Power with respect to the amortisation of its debts.

Mr. JARDINE replied that such a general question was rather a difficult one for him to answer. The Tanganyika Government estimated to pay £61,721 during the current financial year on account of its indebtedness. As regards the general policy, the Tanganyika Government naturally hoped for generous treatment and for patience on the part of the mandatory Power.

M. RAPPARD observed that everything was conditioned by finance. He enquired what were the conclusions of the Commission appointed to report on the financial position of the territory, on the reduction of expenditure, etc.

Mr. JARDINE replied that the Commission appointed by the Acting Governor, which had sat in March, April and May, had reported in May, and that a copy of its report had been forwarded to the Colonial Office. Many of its conclusions had been accepted and action had been taken in many cases, though not in all. The constitution of the Commission had been partly official and partly non-official.

M. RAPPARD observed that in other African territories some attempt had been made to associate non-native elements with the burdens of the territory.

Mr. JARDINE stated that recommendations to this end had also been made by the Commission in question.

M. RAPPARD expressed his appreciation of the information given in the report concerning native treasuries.

Lord LUGARD enquired whether consideration of the question of agricultural banks and credits had been adjourned.

Mr. JARDINE stated that just before he left the territory, a Mr. Strickland, late of the Indian Civil Service and an expert on co-operative banks, had visited Tanganyika. He had not yet seen his report.

Lord LUGARD asked for some indication of the amount of revenue provided by natives and non-natives — a much discussed question. In the calculations which he had seen, certain sums were shown as from natives, the rest being shown as from non-natives in the territory. The amount accruing from tourists, for example, was accredited to non-natives.

Mr. JARDINE replied that many estimates had been made of the native and non-native contributions. The Retrenchment Commission had calculated that 70 per cent of the revenue was contributed by natives and 30 per cent by non-natives. His own personal view was that it was quite impossible to arrive at any satisfactory conclusion which would be generally accepted as convincing.

Mlle. DANNEVIG enquired what was the explanation of the rule that non-natives did not pay taxes; their position appeared to be like that of the privileged classes before the French Revolution.

Mr. JARDINE said that as a non-native he must protest against the suggestion that non-natives did not pay taxes. They paid in the form of high Customs duties on practically every imported necessity, as well as on luxuries.

M. VAN REES, referring to the item "Land Sales" under the heading "Revenue from Government Property" (page 26 of report), enquired what land the Government had possessed and sold. He understood that the system of land tenure in force in Tanganyika excluded the granting of freehold property rights.

Mr. JARDINE said that the item "Land Sales" was a colonial accounting term. In the case of Tanganyika, most of the sum collected represented rents on leasehold properties, while a small amount represented the conversion of old German leases into freehold properties.

M. VAN REES, referring to the same heading, enquired what was meant by "Royalties".

Mr. JARDINE replied that these royalties related to mining and timber cutting.

M. RAPPARD, referring to the item "Revenue from Government Property" (page 27 of report) enquired what this property was.

Mr. JARDINE said that the revenue item in question would include some £3,000 from Government plantations.

M. VAN REES, noting the item "Sale of Ivory" (page 26 of the report) enquired how the Government came to possess ivory.

Mr. JARDINE said that this was ivory obtained from elephants which had been illegally shot or had been shot by Government officers when protecting cultivation.

TRIBUTE TO SIR DONALD CAMERON.

M. RAPPARD observed that it was a well-known fact that native administration was the characteristic of Tanganyika territory, and that it constituted a very bold experiment and personal venture on the part of Sir Donald Cameron. The Commission had every confidence in the future of the territory; Colonel Symes was known to them personally and Mr. Jardine was himself remaining in office. This was the last opportunity of paying a tribute to the unique and most successful experiment of Sir Donald Cameron. The Commission earnestly hoped that there would be no change in the traditions of the territory.

The CHAIRMAN concurred in M. Rappard's appreciation of Sir Donald Cameron's work, and asked that it might be taken as the collective view of the Commission.

THIRD MEETING.

Held on Tuesday, October 27th, 1931, at 3.30 p.m.

Tanganyika: Examination of the Annual Report for 1930 (continuation).

Mr. Jardine came to the table of the Commission.

UTILISATION OF THE PANGANI FALLS FOR THE PRODUCTION OF ELECTRIC ENERGY.

M. ORTS referred to a question with which the Commission had already dealt on a previous occasion — namely, the utilisation of the Pangani Falls for the production of electric energy.¹ On February 23rd, 1931, the Under-Secretary of State for the Colonies had stated in the House of Commons that an agreement had been concluded between the Tanganyika Government and the Power Securities Corporation with a view to the exploitation of these falls. He would like to have some information on this point. Had the company in question been entrusted with the work of electrification and, if so, had it been open to public tender, or had the company

¹ See Minutes of the Eighteenth Session of the Permanent Mandates Commission, page 33.

received a concession with a view to the exploitation of the falls by the sale of electric energy and light? In the latter case, what were the principle conditions of the concession?

Mr. JARDINE replied that public tenders had been invited, but none had been received. The Government had subsequently negotiated with a company specially formed for the purpose, and had granted it a concession to develop the falls and to sell light and power.

M. ORTS asked whether the company had received financial assistance from the Administration — for example, a subsidy, and whether the company, in its turn, had assumed obligations such as that for the sale of light and power at a fixed price.

Mr. JARDINE replied that many obligations had been imposed on the company with a view to protecting the public. Speaking from memory, he thought the price of power and light was fixed by the agreement.

The agreement had been made by the Crown Agents for the Colonies and followed the usual form of such agreements.

M. RUPPEL asked whether the concession gave the company the right to prohibit the erection of power stations within a certain zone; in other words, whether the company had received any sort of monopoly.

Mr. JARDINE proposed to supply the Commission with a copy of the concession. It was a long document, and he would prefer not to rely on his memory.

M. ORTS pointed out that, on page 91 of the report, the company was referred to as a "public private company". He asked the meaning of this expression.

Mr. JARDINE said that a public private company was a private company in which the Government held shares. In this case the Government shares represented the value of various Government electric stations handed over to the company.

COAL.

M. VAN REES read an extract from *The Times* of September 1930 regarding coal deposits discovered near Tukuyu in the south of Tanganyika. It had been stated that mining leases were granted over an area of 40 square miles. He asked to whom these leases had been granted and whether they had been open to public tender.

Mr. JARDINE replied that there had been no new discovery of coal in the district, but that the existence of the deposit in question had been known since the German occupation. Prospecting rights over an area of 40 square miles had been granted to a local syndicate called the Dinimago Company, Ltd. The chief difficulty in exploiting the coalfields was that they were situated 400 miles from the nearest railway.

COMMUNICATIONS.

Lord LUGARD referred to his question in the previous year as to why the Tanganyika authorities had no steamers on Lake Victoria.¹ He thought the fact that the Uganda railways had a monopoly of transport on Lake Victoria must be a great handicap to the Tanganyika railways, since they collected produce for export from ports in Tanganyika territory for transport by the Kenya-Uganda railway.

Mr. JARDINE replied that the Kenya-Uganda railway had two or more excellent steamers on the lake which, he thought, were running at a loss. If the Tanganyika authorities also ran steamers, they would sustain a far heavier loss. He pointed out that the most economical route to the coast from the area in question was via the Kenya-Uganda railway.

Lord LUGARD did not understand how there could be a loss on running steamers on the lake, as they brought a good deal of freight to the railways. Moreover, he failed to understand how it could be more economical to collect produce from the south of the lake, transport it by steamer to the north of the lake, and thence by the high plateau by rail to Mombasa, instead of taking the more direct route from Mwanga to Dar-es-Salaam.

Mr. JARDINE said he had always understood that the Mombasa route was the shortest and most economical.

Lord LUGARD understood that the lighterage service in the Dar-es-Salaam and Tanga harbours had been placed under Government supervision. He asked whether the Tanganyika Government had taken measures to assure that the supervision would be maintained.

Mr. JARDINE replied that supervision was maintained by means of a wharf manager specially selected for the purpose.

M. RUPPEL noted the statement on page 91 of the report that the assimilation of goods rates on the Tanganyika and Kenya and Uganda railways was practically complete. He asked

¹ See Minutes of the Eighteenth Session of the Permanent Mandates Commission, page 32.

how this assimilation had affected the rates and the competition between the two railways, and whether it was to the advantage of Tanganyika.

Mr. JARDINE replied that the agreement was intended to eliminate competition between the two lines. He thought the results so far achieved were fair to the Tanganyika Government.

Lord LUGARD asked if any decision had been taken on the reports of Sir Sidney Henn's Railway Mission.

Mr. JARDINE replied that they were still under the consideration of His Majesty's Government.

DISTRIBUTION OF CATTLE ; VETERINARY DISEASES AND RESEARCH.

Lord LUGARD noted the remark in connection with East Coast fever, on page 86 of the report, that the introduction of a widespread dipping scheme applicable throughout the territory had to be postponed until a better system of stock distribution became operative. He asked what was the meaning of the latter expression.

Mr. JARDINE presumed this referred to efforts to distribute the stock more evenly in different parts of the country.

Lord LUGARD asked if it was possible to distribute the stock belonging to native tribes without moving the tribes also.

He noted that no mention was made of the Central Veterinary Research Station at Kidete, in Kenya. Did this mean that the laboratory was not used by the Tanganyika Government?

Mr. JARDINE said he had no reason to suppose the Kidete laboratory was not being used.

ECONOMIC CONDITIONS AND DEVELOPMENT : COMMERCE.

M. ORTS, referring to the table on page 37 of the report, noted that almost all the exports were agricultural products. He asked whether the accredited representative could give an idea of the proportion of vegetable and animal produce raised by the natives included in these exports.

Mr. JARDINE replied that the sisal was non-native, the ground-nuts were native, the coffee was both native and European, the cotton was native and Asiatic, copra was also native and Asiatic, and hides and skins were native.

M. ORTS observed that 50 per cent of the trade of the territory was dependent on one product only — namely, sisal. That was clearly a weak point. On the other hand, the predominance, in the surplus of exports, of produce grown by the natives was a reassuring factor. While, in fact, the European producer — individual colonist or limited company — exhausted his reserves at a time of crisis and was ruined owing to his general expenses, which were no longer compensated by any profits, the native could discontinue production without any serious difficulty. If the crisis continued, numerous European enterprises would disappear, whereas the native producer would be ready to return to work as soon as the general economic situation improved. In these circumstances, it could be anticipated that those tropical countries in which native production was proportionally the most important would be the first to recover.

Mr. JARDINE agreed that a colony which encouraged native as well as non-native production would recover more quickly than a colony which encouraged non-native production only.

M. SAKENOBE said it was very unfortunate that the progress of agriculture and industry had suffered a check on account of the general depression. It was to be presumed that a considerable stock of products had been held over by the native producers in the hope of a rise in price. Naturally, there would be less inducement for new cultivation during the present year.

At the previous meeting, the accredited representative had stated, in respect of the agricultural products of Tanganyika, that the efforts of the Administration would be directed towards the consolidation of what existed in the territory rather than outward expansion. He asked what the Administration had in mind in consolidating the existing agricultural position, especially with regard to the native producers. In particular, he asked whether the latter were advised or instructed with regard to more economic production, so that they could cope with the existing low prices, and whether they were provided with any financial facilities. He asked whether there was no probability of a decrease in the area under cultivation and a subsequent decrease in the quantity of the products in 1931.

Mr. JARDINE pointed out that, when speaking of the necessity for consolidation rather than extension, he had been speaking of development in other directions — for example, the construction of roads and railways, the improvement of harbours, etc., and not of native

agricultural production. The policy of the Administration was to encourage the natives to increase their production, and it would be seen from the table on page 37 of the report that all kinds of native products had increased in quantity in spite of low prices. The Administration was constantly urging the natives to produce more, even when prices were low. It also constantly urged the growing of alternate crops, so that they should not be dependent on one product only.

M. SAKENOBE asked what were the present prospects for the cultivation of agricultural products.

Mr. JARDINE replied that, as regards price, the position was as bad as or worse than last year.

M. SAKENOBE said he had asked last year for information on the manufacturing industries of the territory¹ and was glad to see that, on the present occasion, a paragraph on the subject had been included in the report. He asked whether Mr. Jardine could give information as to the nationality of the undertakings and of the persons whom they employed.

Mr. JARDINE replied that the owners of such concerns would no doubt be Europeans or Asiatics in each case, but that the workers would be natives. He did not think there were any native owners.

M. SAKENOBE referred to the table on page 117 of the report, which had been given in compliance with a request by the Mandates Commission. He thought the table was not quite exact. For instance, it showed no exports to Canada, to which country coffee had, according to the report, been exported. The table showed that 31.5 per cent of the cotton had been exported to British India. He considered this unlikely, as cotton was one of the main products of British India. The footnote called attention to some defects in the table and he hoped that, in the following year, more exact details regarding the foreign markets of the territory would be given.

Mr. JARDINE replied that it was difficult to give the ultimate destination of the products. For instance, coffee was exported to the United Kingdom and thence re-exported to other countries and no doubt the coffee exported to Canada was included in the coffee exported to the United Kingdom.

M. SAKENOBE noted that there had been a great increase in the imports of cotton piece-goods from Japan. He asked by what route these imports had been carried, since there were no Japanese steamers calling at the ports of Tanganyika.

Mr. JARDINE referred to page 92 of the report, which showed that the steamers of the Osaka Shosen Kaisha Line called at Tanganyika ports, and that nineteen steamers had arrived in 1929, and seventeen in 1930.

M. SAKENOBE thanked the accredited representative and added that in that case there must be some mistake in the statistics on page 117 regarding cotton, as they showed no exports of raw cotton to Japan, which was a large purchaser of cotton.

JUDICIAL ORGANISATION AND LEGISLATION.

M. RUPPEL noted the statement on page 15 of the report that the native courts served a most important object by modifying tribal customary law. He asked how such new laws were made and if they were communicated to other courts.

Mr. JARDINE replied that the laws made by the native courts related to their own local conditions. They referred to such local matters as the cultivation of coffee, and were rather rules and regulations than laws. Such rules were for local application only, and were not communicated to other native courts.

M. RUPPEL asked whether these rules were subject to any supervision.

Mr. JARDINE replied that they required the approval, in the first place, of the principal administrative officer of the district and subsequently of the central Government.

M. RUPPEL referred to the Provincial Commissioners' reports for 1930² which was of great interest. It would appear (page 89 of the said report) that 80,000 people had been tried during the year. This showed great activity on the part of the courts. He noted that, out of 2,700 appeals, only 700 had been allowed. He asked whether Mr. Jardine could give the reason for this small proportion.

Mr. JARDINE presumed that, in the majority of the cases, there were no good grounds for allowing the appeal, and the decision of the native court had been upheld. He regarded the number of allowed appeals as large rather than small.

¹ See Minutes of the Eighteenth Session of the Permanent Mandates Commission, page 32.

² Kept in the archives of the Secretariat.

M. RUPPEL referred to the introduction of a new penal code and criminal procedure code recorded on page 42 of the report. He asked whether they applied to the whole country and both to the British and native courts.

Mr. JARDINE replied that the Indian codes had been originally adopted in the territory as a makeshift. As soon as it was possible, a new code, based on English law, had been prepared. This code was administered by non-native courts only.

M. SAKENOBE asked what was the difference between native courts and native subordinate courts.

Mr. JARDINE said the native courts were the courts of the native chiefs in their own tribal areas, whereas the subordinate courts functioned in townships or other areas under direct administration. In the latter courts, the magistrates were paid by the central Government.

M. SAKENOBE noted that, in subordinate courts of the third class, imprisonment could be imposed for a term not exceeding three months. This had been changed from six months. He asked the reason for the change.

Mr. JARDINE replied that the powers of the courts had been altered by a recent court ordinance.

M. RUPPEL asked whether any change had been made in the regulations regarding juvenile offenders.

Mr. JARDINE replied that the matter was still under consideration. He pointed out that the number of such offenders was very small.

LABOUR AND LABOUR LEGISLATION.

Lord LUGARD asked whether the suggestion had been adopted that employers should give a voluntary bonus of tobacco or some similar article which could be withheld by the employer in case of bad work or petty faults, instead of having recourse to the courts.

Mr. JARDINE said he had not heard of such a proposal.

Lord LUGARD referred to the remodelling of the existing labour legislation mentioned on page 53 of the report and asked what was the present position.

Mr. JARDINE said the draft legislation was now complete and was under consideration by His Majesty's Government.

Mr. WEAVER asked what was the composition of the Committee appointed to consider the draft legislation (page 53 of the report). Were the non-official members mostly planters?

Mr. JARDINE replied in the affirmative. There was, however, a representation of African labour.

Mr. WEAVER asked whether the Committee included any representatives of the new manufacturing industries mentioned on page 38. He asked whether the draft legislation dealt with workers' compensation and the employment of women and children.

Mr. JARDINE said these subjects were considered by the Committee and some alterations in the legislation were proposed.

Mr. WEAVER, referring to paragraph 85 of the report, asked whether children were employed on seasonal agricultural work and what wages and rations they received.

Mr. JARDINE replied that children were only employed for coffee picking. As they worked near their homes, there was no question of rations. He could not reply regarding their wages. The chiefs were, however, keenly interested in the welfare of children so employed and they would see that no abuses were introduced.

Mr. WEAVER asked whether the children's wages were given independently or included in the mothers' wages.

Mr. JARDINE replied that the latter was probably the case.

Mr. WEAVER was grateful for the instructions issued regarding Government labour, which formed a separate document not mentioned in the report.

He asked what rules applied to labour exacted from tax defaulters and if he could be supplied with a copy of the regulations.

Mr. JARDINE replied that Native Administration Memorandum No. 8, the document in question, was not intended for publication, but he would send a copy privately to Mr. Weaver on the understanding that it would not be quoted publicly.

Mr. WEAVER would be glad of some explanations regarding the sickness and mortality rates (pages 49 and 50 of the report). He understood that, in 1929, the rates had been high on account of the immigration of under-nourished natives from the neighbouring territory under Belgian mandate. He asked if those conditions were exceptional.

Mr. JARDINE replied that they were.

Mr. WEAVER felt some anxiety regarding the reduction in the staff of the Labour Department. Some reports had gone so far as to speak of the break-up of the department. He hoped this expression was an exaggeration.

The unfortunate incident recorded on page 50 of the report would seem to show that, at its 1930 strength, the Labour Department was hardly equipped to exercise adequate supervision. He noted also that it was mentioned on page 47 that a careful watch was kept for cases where bankruptcy might lead to defaults in wage payments. Nevertheless, according to the statistics, there had been an increase in the number of convictions of persons for failure to pay wages. These cases would seem to show that it would be unfortunate if the Labour Department staff were reduced.

Mr. JARDINE replied that the Labour Department had been recruited, in the first instance, from administrative officers seconded from their normal work for periods of two, three or five years. Latterly, since 1929, it had also been recruited from local planters and Government officials retiring from other departments serving on a temporary basis. When financial conditions became difficult it was decided to dispense with the latter type of official as a measure of economy. The future policy with regard to the Labour Department was, he believed, under consideration by His Majesty's Government.

Mr. WEAVER said he hoped that the fears concerning a "break-up" of the labour inspection organisation would prove groundless.

Mr. JARDINE said he would make a note of this.

EDUCATION.

Mlle DANNEVIG said that the report on education was very full and clear, so that there were not many questions to ask. The amount spent on education was not very high as compared with other expenditure; it amounted, in fact, to only 6.25 d. per head of population. The number of school-going children was 126,381, but of these 107,304 (page 55 of the report) frequented the unassisted mission schools which were, for the most part, staffed by uncertificated teachers qualified to give merely catechetical instruction (page 59). Nevertheless, the report showed that the mandatory authorities were keenly interested in the problem of providing sound and adequate education for the different sections of the population, native as well as non-native, although various difficulties, including that of language in the case of Europeans, had to be overcome. It was to be hoped that the authorities would find it possible to maintain these educational facilities in spite of financial difficulties.

She would like to ask the following questions: (1) Was it true that school fees were always paid in Government and assisted schools? Would that create a difficulty for parents desirous of having their children educated? (2) Did the boys generally stay on at school during the years provided for a full course? She noted (page 61 of the report) that the proceeds from the European portion of the non-native education tax were expected to realise nearly £5,000 a year. (3) Did the education tax of 30 shillings paid by non-natives go far to cover the expense of the education of non-native children, Indian or European? (4) Who were the children who were assisted to attend schools in Kenya? (5) What were the "cess" funds mentioned on page 54 of the report? (6) Were most of the boys frequenting Government schools sons of chiefs? (7) As regards the education of girls (page 55), the seventy-seven girls at board-schools were, she supposed, at Tabora and Marangu schools. How was the work progressing at the Marangu school the curriculum of which had previously been said to be excessively severe?

Mlle Dannevig noted that there were only three girls being trained as teachers — by the Seventh Day Adventists (pages 56 and 57).

Mr. JARDINE said that the authorities would do all they could to maintain existing educational facilities. He replied as follows to other questions asked by Mlle Dannevig: (1) In some cases children whose parents could not afford to pay for their schooling were assisted. (2) The reply to the second question was, "Unfortunately, no." (3) Yes, the tax in question practically covered the expense. (6) Most of the boys frequenting Government schools were sons of chiefs. (7) He had heard no further complaints regarding the curriculum of the school at Marangu.

In reply to Mlle Dannevig's remark that there seemed to be only seventy-seven girls attending Government schools, Mr. Jardine said that there were 42,630 attending schools of all types.

Lord LUGARD noted that, apparently only three girls were being trained as teachers. He had heard with regret that Miss Hake's appointment was to be cancelled. In that case her school at Tabora would be broken up, because the chiefs would not send their daughters to mission schools. Could not some steps be taken to maintain Miss Hake's school ?

Mr. JARDINE said he had not heard of the breaking-up of Miss Hake's school. It was in full swing when he visited it in March last.

M. RUPPEL noted that, whereas assistance was given in the Dutch private schools, the grant of assistance from public funds to the four schools maintained by the German communities was still under consideration (page 61 of the report). He was told that the negotiations thereon had not yet resulted in a satisfactory agreement, because the Administration imposed conditions, particularly as to the language of instruction in the higher standards, which the communities could not be expected to accept. In his opinion, it was the duty of the mandatory Government which imposed a special education tax on all non-natives to give to all the different national communities assistance for the maintenance of their schools without such conditions. M. Ruppel further drew the attention of the accredited representative to the liberal school policy practised by the Administration of South West Africa.

Mr. JARDINE explained that no German schools received State assistance, because none of them had yet complied with the conditions precedent to such a grant. There was no objection to any nationals having their own school ; but that school could not expect State assistance unless it conformed to the State system of education.

M. RUPPEL hoped that the question would be reconsidered and a solution found in conformity with the desires of the German community.

LIQUOR TRAFFIC.

COUNT DE PENHA GARCIA, referring to the suggestion in the report (page 63) that there might be some illicit traffic in spirits on the border, asked whether any steps had been taken, and, if so, with what result.

Mr. JARDINE replied that some Greeks and Goanese had been caught whiskey-running. The punishment they had received in the Courts had been very light, and the law was being amended to ensure more appropriate punishments.

In reply to Count de Penha Garcia's enquiries regarding the manufacture of and trade in native alcoholic drinks, Mr. Jardine explained that, in townships, no natives could brew without a permit from the district officer, or in the villages without the permission of the chief. In practice, however, it would always be difficult to prevent natives brewing in their own houses.

Lord LUGARD said that, if denatured alcohol was locally distilled for commercial use, special precautions should be taken against the danger of natives learning to distil for themselves. He pointed out an apparent error in the entry of wines (page 65 of the report) as "proof gallons", and asked the strength of the liquors (shown in gallons).

PUBLIC HEALTH.

M. RUPPEL asked whether a Bill had been accepted to amend the Medical Practitioners and Dentists Ordinance so as to allow doctors with non-British degrees to practise.

Mr. JARDINE replied in the affirmative, and added that, in the present year, two Germans, two Japanese, one Goanese, and one Indian had already been granted permission to practise under the new Act. M. Ruppel's request that complete figures should be given in the next report would be complied with.

In reply to M. Ruppel's question whether it might not be possible to establish a European ward in the Morogoro Hospital (as suggested in the last annual report of the Joint East African Board), Mr. Jardine explained that, in this and in other similar cases, it was the considered medical opinion that it was preferable for the patient to be transported to the nearest large centre where there was a fully equipped hospital with modern conveniences. As regarded complaints of inadequate medical facilities for the unofficial population in other parts of Tanganyika, the position did not differ from that in other British colonies.

In reply to a further question by M. Ruppel, Mr. Jardine explained that missions were only assisted financially for medical work when they were doing work which the Government might think it desirable to do itself if the mission were not in existence. Such grants were made quite irrespective of the denomination of the mission. He agreed that fuller detail should be given in the next report.

M. RUPPEL, referring to the several epidemics of smallpox during 1930 (page 70 of the report) asked if and in which places lymph for vaccination was produced in the territory. Before the war, not less than sixteen lymph-producing establishments had been in existence throughout the whole colony.

Mr. JARDINE said that the establishment at Mpwampwa was entirely engaged in manufacturing vaccine. The territory possessed a large army of trained vaccinators, and 800,000 persons were vaccinated in 1930.

Lord LUGARD asked why a special research station for sleeping-sickness had been set up in Tanganyika (page 72 of the report), whereas no use seemed to have been made by the territory of the central station at Entebbe.

Mr. JARDINE understood that Entebbe was engaged on long-time research. The station in Tanganyika was intended for short-time research on one spot, especially as regards the *Trypanosoma rhodesiense*, which did not exist around Entebbe.

EX-ENEMY PROPERTY.

Lord LUGARD asked whether effect had been given to Sir Donald Cameron's scheme for buying up the German estates which were in the market and granting or selling these to natives, in view of the congestion which was said to be prevalent in the Arusha-Meru district.

Mr. JARDINE replied that the Secretary of State and Legislative Council had given their approval for the purchase of the farms, but that the matter was being re-examined when he left Tanganyika in the light of the new financial situation which had arisen.

DEMOGRAPHIC STATISTICS.

In reply to M. Rappard, Mr. JARDINE explained that a census had been taken in the present year, but that figures were not yet available.

In reply to two questions raised by Lord Lugard, Mr. Jardine said that (a) the decrease in the population of Mahenge (page 89 of the report) was probably attributable to an alteration in the boundaries, and (b) neither Arabs nor Somalis were natives under the law.

Tanganyika: Petition dated October 20th, 1930, from the Indian Association of the Tanganyika Territory.

M. PALACIOS, speaking as Rapporteur on the petition of the "Indian Association of the Tanganyika Territory", desired that the situation, in the mandated territory, of the Indian population might be examined. Two documents had been received through the regular channels — one bearing the character of a petition and accompanied by the mandatory's observations,¹ and another containing the resolutions adopted at a Conference held at the end of 1930.² The British Government had not replied to these resolutions, as they did not constitute a petition but pointed out that this did not imply acquiescence.

M. Palacios would like to ask the accredited representative the following question: What did the non-acquiescence of the mandatory Administration mean? Did it imply that it did not admit the facts on which the resolutions of the Conference were based, or that it could not agree to the introduction of the measures advocated by the Indian Association in favour of the members of the Asiatic community? Yet, both in the petition and in the Indian Association's resolutions, cases were cited and instances given to prove that Indians were treated in a way that did not take into account the importance of their work in the territory. They stated that they suffered from discriminations which were frequently unjustifiable and injurious and were, at any rate, always aggravating. They asked, therefore, for more adequate representation on the Legislative and Administrative Councils and to be associated with the Government in the senior services. They complained of the lack of a hospital and of being debarred from treatment in asylums. In tramways, railways and elsewhere they were segregated from Europeans; passports for India were not issued to them as readily as to other subjects in the territory; they were exposed to exceptional difficulties when they asked for a licence to carry arms; they protested against "closer union", etc.

Had the accredited representative anything to add to the mandatory Power's observations? Could he tell the Mandates Commission what the Indian Association was, what weight it carried and what it really signified? What was its reputation in the territory? Had its conferences evoked public interest and exerted any influence?

Mr. JARDINE replied that he had not previously seen the written comments of the mandatory Power, but, from a hasty perusal, they appeared to him to be entirely in accordance with the

¹ See document C.P.M.1164.

² See document C.P.M.1219.

facts and a complete answer to the allegations of the Indian community. He deeply regretted that anything he had said at Geneva last year¹ should have aroused resentment in the breasts of the Indian community, with whom he had always lived on terms of mutual friendliness — a relationship which he greatly valued. He sincerely believed that the Indian community had no just cause of complaint as regards their treatment by the local Government, which had always sedulously endeavoured to avoid unfair differentiation in its treatment of the Indian, as of every other community in the country, and to extend even-handed justice to all, irrespective of race, class and creed.

FOURTH MEETING.

Held on Wednesday, October 28th, 1931, at 10 a.m.

Togoland under British Mandate: Examination of the Annual Report for 1930.

Mr. H. W. Thomas, Provincial Commissioner, Gold Coast, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

THE CHAIRMAN welcomed Mr. Thomas, Provincial Commissioner, Gold Coast, who had been appointed as accredited representative of the British Government for the examination of the report on Togoland under British Mandate. It was the first time that the Commission had had an opportunity of collaborating with Mr. Thomas as accredited representative of the mandatory Power. He was sure that his colleagues would appreciate the action of the British Government in sending to Geneva a high official of the mandated territory. He had already had occasion, when the Commission was examining the report on Tanganyika Territory, to inform his colleagues of the British Government's letter explaining why it had not found it possible to send Mr. Clauson to Geneva for the present session.

COMMUNICATION TO THE SECRETARIAT OF THE MINUTES OF THE LEGISLATIVE COUNCIL OF THE GOLD COAST.

THE CHAIRMAN noted that the Secretariat received regularly, for the information of the Permanent Mandates Commission, reports of the proceedings of the Legislative Council of practically all the mandated territories. Those documents were often a most valuable source of information. Could the accredited representative arrange for the proceedings of the Legislative Council of the Gold Coast to be forwarded to the Mandates Section?

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. THOMAS made the following statement :

First of all I should like to thank you, Mr. Chairman, and the members of the Permanent Mandates Commission for your welcome this morning. I hope my presence may be of some service and assistance to the members of the Commission in elucidating points on which they have any doubts.

Since this report was written last April, the Commission will no doubt like to have any further information which is available in order that the report now submitted may be brought up to date so far as possible. First and foremost is the financial situation in the Gold Coast. As the territory is administered as an integral part of the Gold Coast in accordance with the provisions of the mandate, any measures taken by the Gold Coast Government to meet its obligations will also, unless specifically stated otherwise, be applied to the British sphere of Togoland. The Gold Coast, as is the case with other colonies, is passing through a time of great difficulty and stress. The economic crisis which has swept across the world to-day has not failed to affect the Gold Coast.

Our trade depression, however, was further aggravated by a "hold-up" of cacao, which is the principal and most important export from the Gold Coast and the British sphere of Togoland. The cacao farmers, led by a few literate, ill-informed and possibly evil-intentioned

¹ See Minutes of the Eighteenth Session of the Permanent Mandates Commission, page 22.

Africans, banded themselves together into a Cacao Federation, and, as they appeared to be under the fond imagination that the low price paid for cacao by the European buyers was the result of their malicious manipulation of the European markets, they refused to sell their produce when the price was in the neighbourhood of 12s. a load of 60 lb. They demanded 25s. a load, and hoped by this hold-up to create a rise in prices. The Federation went farther, and endeavoured to put a boycott on European stores, prohibiting the purchase of any goods except flour and salt. Energetic measures by political officers in rebutting mischievous propaganda and putting before these people the real cause of the slump in prices, coupled with lack of organisation of the Federation, which was unable to control a vast section of the farmers who were in need of a little ready cash and had begun to believe that half a loaf was better than no bread at all, had the effect of forcing the Federation to release their cacao for sale; but, alas! too late, for prices dropped still farther. The result has been the consequent lessening of the purchasing power of the African, who cannot now afford things he has enjoyed as a matter of course for many years past.

At a meeting of the Legislative Council, held in Accra in September, the Governor reported that, in spite of the cautious view taken in framing the Gold Coast budget at the beginning of the year, he and his advisers had been too optimistic, and a deficit of over £1,000,000 was now excepted at the end of the financial year, instead of £484,000. Rigid economy is therefore the order of the day, and repercussions therefrom will naturally be felt in the mandated territory as well as in the Gold Coast. Further taxation has been introduced, and I will bring special items to the notice of the Commission under the appropriate heads.

With regard to general administration, the system of indirect rule has for some time been encouraged in the northern territories and the northern section of the British sphere. Political officers have given study and thought to native customs, laws and institutions, which will assist in paving the way for the re-establishment of the native authority, and the introduction of indirect administration in Dagomba. Mention is made in paragraph 23 of the report of the Conference held at Yendi, when most important information was obtained from the chiefs. As a result, several documents were drawn up and signed by the Na of Yendi and his principal chiefs. After a careful study of these documents and a thorough sifting of all the information obtained from political officers on native customary law, two ordinances for the northern territories and the northern section of the British sphere of Togoland have now been framed—namely, a Native Authority Ordinance and a Native Tribunal Ordinance. I am not in possession of the texts of these ordinances, nor am I able to state definitely whether they have actually been enacted by the Governor of the Gold Coast. I hope, however, that it will be possible for particulars to be given in the next report, and a copy of the ordinances will be supplied in the appendices to the report next year.

As regards information supplied in paragraphs 29 and 30, I am able to inform the Commission that, since this report was written, three other groups of chiefs have been formed besides that of Kpandu. These are: Awatimo, comprising ten head chiefs hitherto, with a population of 13,000; Buem, with two head chiefs, the population being 16,000; Ho, with nine head chiefs, population 11,600. Kpandu has seventeen head chiefs, the population being over 27,000.

There remain thirty divisions (I should point out that there is a misprint in paragraph 31 of the report; the figures 63 should read 68) with a total population of 56,650. Some of these will undoubtedly join one or other of the groups mentioned above, while others — for example, the Twi-speaking people of the country and the divisions to the south of Ho will probably amalgamate into separate groups. It is confidently anticipated that, in the near future, the southern section will comprise seven States only instead of sixty-eight independent divisions. If you so require, I can give the names of the divisions which have already amalgamated. It will be admitted that this is a highly satisfactory state of affairs, for amalgamation to be permanent must be entered into voluntarily, and it is no easy matter for a chief who has enjoyed the privileges of independence to sink his prestige and swallow his pride, and hand over his rights of paramountcy to another stool. But it can with safety be assumed that such submissions are purely voluntary, for a chief, whose position is purely democratic and the period of his reign entirely at the will or whim of the people, would never be able to withstand the opposition of his subjects any more than he would be able to bend them to his will if they were out of sympathy with the amalgamation.

As regards public finance, the financial statistics given in Appendix II of the report are for the calendar year 1929. I have here a statement of revenue and expenditure for the calendar year 1930. This, I understand, is in accordance with the wish expressed at the time when the 1929 report was examined by the Commission. In future, the statistics for the calendar year will form the appendix.

With the figures now before me, it is possible to make a comparison with those given in Appendix II for the year 1929. The revenue for 1930 was £38,941 3s. 1d., as compared with £59,707 19s. 3d., for 1929 — a decrease of £20,766 16s. 2d. This decrease is attributed to the world trade depression, decreased purchasing power consequent on the lower price of cacao, and to the refusal by the Cacao Federation to sell cacao to merchants during the last few months of the calendar year.

The revenue derived from licences, £3,924 5s. 9d., as compared with £8,475 5s. 9d., has decreased for the same reasons.

The proportionate revenue from the West African Currency Board shows a decrease of £667 consequent on the 1929 total distribution of £179,869 having decreased to £172,481 in 1930.

The expenditure for 1930 was £94,036 3s. 6d., as compared with £85,978 7s. 10d. for the previous year. A decrease of £2,001 under " Customs " is mainly due to the activity of the Preventive Service, and consequential reduction in the amount of the rewards for seizures of smuggled goods. The largest increases appear under :

Animal health : £2,946, due to a greater number of veterinary officers having veterinary inspection areas in the territory during the year.

Education : £1,912, consequent mainly on increasing grants to mission assisted schools.

Public works extraordinary : £2,159, for which Kpeve Leper Settlement, Kpandu and Kete-Krachi buildings, Roads 17 and 25 (Yendi and Kete-Krachi), and Kete-Krachi-Kpandu Road are mainly responsible.

Survey : £2,143, Anglo-French Boundary Commission.

There is an increase under all heads of expenditure except Customs, mentioned above, and a few odd pounds under Judiciary and Public Works Department annually recurrent.

The deficit on the year's working amounts to £55,095, as compared with £26,270 for 1929.

As regards taxation, the Commission will no doubt wish to be informed of the increased duties on commodities imported into the Gold Coast, which will also apply to the British sphere.

There is now, from September 24th, an *ad valorem* duty of 15 per cent on mineral waters, bicycles, butter and substitutes, cheese and confectionery. The duty on petrol has been raised from 8d to 10d per gallon. There is a further duty on manufactured tobacco, cigarettes and cigars. At the same meeting of the Legislative Council, the Governor intimated that he proposed further, in order to balance the budget, to levy an income-tax of 6d. in the pound on all salaries and incomes over £40 per annum. Increased duties have been placed on beer-ale, stout and porter, cider and perry, still wines and sparkling wines. The duty on spirits has not been increased since 1930. To-day that duty is 33s. 6d. per gallon. This is equivalent to £78 16s. 11d. paid to Government revenue out of every £100 spent on Geneva. The increased duty on beer now brings in £26 13s. 4d. revenue out of every £100.

These are the main points to which I wish to draw the attention of the Commission. Several photographs of subjects of varied interest in the British sphere were taken and incorporated in the report, and the Colonial Office has asked me to present a copy of these photographs to the Commission for record.¹

(The photographs were laid on the table.)

ECONOMIC DEPRESSION : POSSIBILITY OF COMMUNIST INFLUENCE.

M. RAPPARD, recalling that the accredited representative had shown that the discontent which had found expression in Togoland was due to economic causes, asked if he had noticed any political Communist agitation, any Bolshevist tendency among the Gold Coast natives.

Mr. THOMAS replied that the Cacao Federation had originated with one man residing in Accra. The African was somewhat easily led away by statements made by his own countrymen and had failed to realise that, when the world was going through a period of economic depression, the local situation was bound to be affected. The Government had pointed out to the individual in question, and to the chiefs, that the few cacao companies operating in the Gold Coast and Togoland could have little or no influence on the European markets. The Government, which at first was suspected of siding with the merchants, had eventually persuaded the chiefs that it had no interest in the rise or fall in the price of cacao, beyond the fact that, the higher the price, the better it was for the colony, since the purchasing power of the African increased, and it had realised the Federation's sincerity in working for better prices. There had been no Bolshevist influence at all.

MOVEMENT FOR THE CENTRALISATION OF NATIVE ADMINISTRATION.

M. RAPPARD had been surprised to hear that the reduction in the number of chiefs and the native centralisation movement were generally welcomed. That was surprising, as closer contact with the chief generally made any measures he might take more bearable. Was the reason for the general satisfaction due to the fact that the power of the chief was now farther removed from the population ?

¹ Kept in the archives of the Secretariat.

Mr. THOMAS pointed out that the fact that a subordinate chief agreed to accept another man as his chief did not indicate that the tie between the subordinate chief and his people was lessened — it was, if anything, increased. The small head chiefs (numbering some sixty-eight) were of so little standing that it was of little use any one of them putting forward suggestions or attempting improvements single-handed ; they realised, however, that, with seven, eight or ten amalgamated divisions, something might be achieved by combined effort.

LANGUAGES TO BE LEARNT BY GOVERNMENT OFFICIALS.

Lord LUGARD recalled that, during the examination of the previous report,¹ Mr. Jones had stated, in reply to a question concerning the learning of languages, that only one officer knew the Dagomba language. Did the Government decide what languages officials were to learn ?

Mr. THOMAS stated that the Government selected the languages which an officer was to learn, principally with reference to the place where he was to be stationed. Hitherto, few vacancies had occurred in the northern territory ; now that more vacancies were occurring, more officials were learning the languages used there, principally Mole and Dagomba.

ADMINISTRATIVE RE-ORGANISATION OF THE TERRITORY, IN PARTICULAR OF THE DAGOMBA AND MAMPRUSSI PROVINCES.

Lord LUGARD noted that the annual report referred (pages 7 to 10) at some length to the investigations undertaken concerning the Dagomba tribe. He enquired what the approximate figures were for the Dagomba and Mamprussi populations, and commented on the fact that it seemed rather a long time to wait, since the beginning of the mandate, before differentiating between the two for administrative purposes.

Mr. THOMAS understood that the political officers had spent many years trying to ascertain the laws and customs of those peoples. The latter had been prepared to say " yes " or " no " without enlarging on any question put to them ; but the Government, owing to the very fact that the political officers were learning their languages, had now gained the confidence of the head chiefs. The late Commissioner of the northern territory had been very emphatic in his view that, until the customs of the Mamprussi and Dagomba peoples were known, it was impossible to introduce indirect rule through native courts. The time had now come, and measures were accordingly being taken.

M. RUPPEL noted with satisfaction that account had been taken of the observations made during the nineteenth session² regarding the question of the alteration of the boundaries between Ashanti and the northern territories (page 5 of the report). On the other hand, the report stated (pages 6 and 7) that it was the intention of the mandatory Power to unite certain other parts of the territory under mandate (Eastern Dagomba) to a certain district of the Gold Coast Colony (Western Dagomba), in order that those districts might be amalgamated into one. The historical and ethnographical data given in the report about the Dagomba and their State were very interesting, and M. Ruppel had found nothing that would contradict them. He did not believe, however, that they would justify the proposed reunion of the old Dagomba Kingdom and the amalgamation of the two administrative districts. The Dagomba were a conquering race. They had invaded the country a century or more ago and subjugated the aboriginal tribes who lived there (the Konkomba and others). The Nanumbas were also a separate tribe, though speaking a dialect of the Dagbane. He could not see that it would be a measure of good government to restore the old domination of a conquering tribe over aboriginal natives.

There was another point. It seemed hardly compatible with the spirit of the mandate to split the territory into small pieces and to amalgamate one after another of those pieces with local districts of the neighbouring colony. Ultimately, there would remain no trace of a separate entity such as each mandated territory constituted. He desired, therefore, to ask the mandatory Government to reconsider the question in the light of his remarks. He would be very glad if the plan for amalgamation could be abandoned. A glance at the map showed that to amalgamate Eastern Dagomba with the rest of the territory would result in a very big district, which was not a good plan from the standpoint of administration.

Mr. THOMAS thought that the Gold Coast Government was of opinion that the change of headquarters to Yendi would benefit the administration of the Dagomba territory. It had thought that it would be best to have a single District Commissioner over the whole of the Dagombas. That was the reason for the proposed new scheme, which had not, however, yet taken effect.

M. RUPPEL pointed out that there were other tribes besides the Dagombas in the Dagomba territory. He asked that his objection might be brought before the mandatory Power and urged that things should be left as they were.

COUNT DE PENHA GARCIA noted the reference in the annual report (page 5, paragraphs 9 and 10) to the possibility of a change of frontier. Did the Togoland Administration suggest

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 42.

² See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 41.

that the frontier of a mandated territory could be changed simply by administrative ordinance ?

Mr. THOMAS replied that that was certainly not the case and that reference would, of course, be made to the proper authorities.

COUNT DE PENHA GARCIA noted that the future policy of the territory provided for native re-organisation, the regrouping of the tribes, the re-establishment of old local administrative customs and the strengthening of the authority of the bigger chiefs. The results of such a policy might be excellent, but there might, on the other hand, be a risk of delaying thereby the social development of the people. A political system, the main object of which was to re-institute what had once existed but which no longer existed might be justified if the tribal organisation was in a state of confusion. It might, in certain cases, enable the Administration to approach the natives more effectively through the chiefs. It must, however, constitute a means of progress. He enquired what was the opinion of the accredited representative of the mandatory Power as regards the probable results of the present system from a political, economic and social standpoint.

Mr. THOMAS replied that he did not think that progress would be retarded. The native customs and institutions had existed all along ; nothing was being revived. The mandatory authorities were trying to codify those existing institutions, in order that legal effect might be given to them.

M. SAKENOBE reverted to the point that the Dagomba State was already very big, and referred to the long list of chiefs, beginning with the paramount chief, mentioned in the report (page 9, paragraph 23). He enquired which of the chiefs came into contact with the District Commissioner, and whether the existing system was satisfactory.

Mr. THOMAS stated that the District Commissioner resided at Yendi, which was also the residence of the Ya Na ; he travelled throughout the northern section and was in close contact with the district chiefs. When on tour he might take with him an elder of the Na's court, and any complaint would be made in the presence of that elder. Every subordinate chief, and, indeed, every African, had the right of access to the District Commissioner.

M. RAPPARD enquired whether the term " State " as used in the report represented the translation of a native word.

Mr. THOMAS replied that the use of the word was comparatively recent, the term " Division " having previously been used ; there was no particular significance in the use of the term. It represented, as Lord Lugard suggested, a native unit of administration.

FINANCIAL SITUATION OF THE TERRITORY.

M. RAPPARD observed that the description given in the annual report and in the accredited representative's statement of the financial situation was very alarming. The deficit was larger than the receipts, a condition of affairs that was abnormal. Deficits were, of course, borne by the Gold Coast Government, but the question might be asked whether the Gold Coast Government regarded a deficit merely as a loss to be borne, or whether, from an accounting point of view, it regarded it as an accumulating debt which might in certain circumstances be recoverable.

Mr. THOMAS stated that he was unable to reply without reference to His Majesty's Government.

M. RAPPARD said that he had noted with great interest that the Government had decided to impose an income tax of 6*d.* in the pound ; that was certainly a beginning in a situation that was desperate, and it was satisfactory to think that non-natives were thus called upon to assist.

Lord LUGARD assumed that the tax would fall on trading firms. He enquired whether firms registered in England would be affected as well as those registered in the territory — that was to say, whether the tax would apply to profits made in the colony, irrespective of residence.

Mr. THOMAS said that he had no information on that point. He would see that it was dealt with in the next annual report.

M. RAPPARD asked that the next report might also contain some statement of the financial policy of the territory. The position called for drastic action, in view of the drop in receipts and the increase in expenditure.

M. ORTS recalled that last year¹ it had been said that, on the common frontier of the territories, under French and British mandate the Customs duties amounted to little more than the costs of collection. At the present time, however, the receipts had decreased still further, and the maintenance of supervisors was now nothing but a charge on the budget. Why was it advisable to maintain this Customs frontier ?

Mr. THOMAS explained that otherwise an increase in smuggling, especially of spirits and tobacco, would occur ; the prevention of smuggling justified the maintenance of the barrier.

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 43.

ECONOMIC SITUATION OF THE TERRITORY ; IMPORTS AND EXPORTS ; CATTLE-BREEDING.

M. SAKENOBE supposed that, with the development of communications, the northern section would be opened up to the outside world. He asked what were the economic prospects.

Mr. THOMAS agreed that the new road would facilitate the exchange of commodities. He remarked that it was only a dry-weather road and was not passable in the rainy season.

M. SAKENOBE asked what were the prospects for the improvement of cattle-breeding.

Mr. THOMAS replied that this matter was being taken up by the Veterinary Department, which operated throughout the northern section.

M. RAPPARD referred to the cocoa card system (page 21 of the report), under which the French authorities remitted certain import duties on cocoa beans imported into France. He understood that cocoa imported from the British mandated territory also benefited from this scheme. He did not understand for what motives the French authorities were willing to give this benefit to cocoa beans grown in the British mandated territory. He asked if it was perhaps the desire to attract traffic to the French railways and French shipping.

Mr. THOMAS believed that the French Government offered this bonus on a certain quota. Since Togoland under French mandate could not supply the full amount, imports were allowed under the same scheme for cocoa beans from Togoland under British mandate. He presumed that the benefit would be withdrawn when the French territory could supply the entire quota.

M. RAPPARD did not understand this policy of the French Government in view of the present very low price of cocoa.

LORD LUGARD asked whether the bonus received under the French card system was greater than the Imperial preference obtained on exporting the cocoa beans to England.

Mr. THOMAS replied that there was an advantage of about £8 per ton in exporting to France after all expenses had been paid.

M. RUPPEL asked how much cocoa was exported last year. The table on page 17 gave the quantity as 3,808 tons. On the other hand, the table on page 22 gave the amount passing through the control posts as about 6,000 tons, and the amount sent to the Gold Coast as 354 tons.

Mr. THOMAS could give no immediate reply.

LORD LUGARD understood that there was a tendency on the Gold Coast for cocoa farms to get into the hands of native capitalists and that the small native holdings were disappearing. He asked if this was so in Togoland.

Mr. THOMAS replied that this was exceptional; the natives avoided employing labour on their farms outside their own families unless they were well off, or had such extensive farms that their families could not cope with the work entailed.

POLICE.

M. SAKENOBE noted that reference was made to "illiterate" police. He thought no police should be illiterate.

Mr. THOMAS replied that the police were of two kinds : the blue police and the escort police. The latter were more or less illiterate.

SOCIAL CONDITIONS.

Mlle. DANNEVIG noted a statement in the report (page 29) to the effect that the people were happy and contented. She asked if this remark were true of the women who, it was stated, were still regarded as chattels by their husbands.

Mr. THOMAS replied that, in spite of these conditions, both sexes of the population were fairly happy and contented.

M. SAKENOBE asked if polygamy was universal in the country.

Mr. THOMAS replied that it was and depended on the wealth of the husband.

In reply to a question regarding fetishes, Mr. Thomas stated that the influence of the fetish priests was declining, especially in the southern districts.

“ REAFFIRMATION OF THE ABOLITION OF SLAVERY ORDINANCE, 1930. ”

M. PALACIOS noted the reference in the report (page 31) to the Reaffirmation of the Abolition of Slavery Ordinance, 1930, which had been passed by the Legislative Council at Accra in December 1930. Since slavery had already been abolished before that date, he asked what *de facto* position had given rise to the new provisions.

Mr. THOMAS replied that the Ordinance had been passed in 1930 in view of the fact that the Governor wished to make it quite clear to the Gold Coast and to Europe that slavery did not exist in the territory. Slavery had never been recognised on the Gold Coast since 1874 ; but, in view of the ruling of the High Court in Sierra Leone that slavery did exist, the Governor had been anxious to reaffirm the freedom of all Africans. From a *de facto* standpoint the Ordinance had not actually been necessary.

LABOUR.

Lord LUGARD asked why wages were paid to the chiefs instead of direct to the labourers.

Mr. THOMAS replied that this was the usual custom.

Lord LUGARD asked what precautions were taken to see that the chief made the due payments to the men.

Mr. THOMAS replied that payments were made in the presence of the villagers, who were in a position to claim their share. The Government took no steps to ensure payment, but there was no doubt that the payments were actually made, in many cases not in cash, but in kind.

Mr. WEAVER pointed out that a similar statement had been made in the previous year,¹ but some doubt whether it was certain that payments were passed on to the workers had been raised in West Africa. He therefore hoped the mandatory Administration would give further consideration to the question of direct payment of wages.

Mr. THOMAS stated that, in case of non-payment, complaints would no doubt be received by the District Commissioner.

Mr. WEAVER was grateful for the information given under the heading “ Communal Labour ” (page 33) in reply to a request made last year. He noted that statement affirmed that it would be totally inaccurate to describe this labour as compulsory. There was, however, still some doubt whether the labour voluntarily offered by chiefs was not compulsory labour for the individual tribesmen. He asked whether tribesmen who failed to go to work were punished by the chief.

Mr. THOMAS replied that they were usually fined.

Mr. WEAVER said that in that case this was forced or compulsory labour.

Mr. THOMAS did not agree. By native custom, every chief had the right to call out labour for road-making, etc. If tribesmen were unable to attend, they paid a sum of money.

Mr. WEAVER realised that this was the custom, but maintained that the labour was, nevertheless, compulsory. The Forced Labour Convention had been ratified by the British Government and applied to the Togoland territory. He drew attention to instructions on the recruitment, employment and care of Government labour issued by Tanganyika territory. The passage in question stated that the people, through their chiefs, often wished to carry out some particular work of general interest. If the turn-out was voluntary, no statutory order was made under the Native Authority Ordinance, and failure to go to work could not be punished. In some districts, this course had been successful, and the Governor did not interfere, provided care was taken that abuses should be avoided and that the desire for the work was genuine and spontaneous ; but, where evasion was possible, it was desirable that a statutory order should be made under the provisions of the Native Authority Ordinance.

The reference in this passage to a statutory order would mean an order under the Land Ordinance—that was to say, within the twenty-four days allotted. He suggested some similar measure should be adopted in Togoland.

LIST OF INTERNATIONAL CONVENTIONS APPLIED TO THE TERRITORY.

Mr. WEAVER pointed out that the list given on page 67 of the report contained a number of discrepancies. He trusted that this list would be examined and revised.

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 44.

EDUCATION.

Mlle. DANNEVIG was glad to know that the average attendance at the schools in 1930 was 96.8 per cent (page 37). It was a proof of the great demand for education. She asked if the number of schools was considered sufficient by the mandatory Power.

Mr. THOMAS replied that the number was sufficient in the southern section.

Mlle. DANNEVIG asked if all the schools were literary and if there were no agricultural schools. She observed that a few boys only were accepted each year for training in the agricultural college at Kumasi.

Mr. THOMAS replied that there were no agricultural schools in the territory. There were some trade schools, principally in the neighbourhood of the northern section.

Mlle. DANNEVIG asked that in next year's report a distinction should be made between the numbers of white and native teachers and also between men and women teachers. She trusted that it would be possible to maintain the existing schools in spite of the present difficulties.

LIQUOR TRAFFIC.

COUNT DE PENHA GARCIA expressed his appreciation of the excellent report by the Commission of Enquiry¹ as a result of which various ordinances had been issued. The figures in the report showed a considerable reduction in the consumption of spirits. He asked whether this was due to the new ordinances in question or to the present depression in business.

Mr. THOMAS thought it was due to both causes, but principally to the new ordinances. The tax on geneva was such as to make the price practically prohibitive.

COUNT DE PENHA GARCIA asked whether there were cases of smuggling liquor in the prohibited zone.

Mr. THOMAS said he had heard of no case.

COUNT DE PENHA GARCIA had heard of cases of smuggling between the territories under French and British mandate, and asked whether any agreement had been reached between the two authorities in order to avoid this.

Mr. THOMAS replied in the negative.

COUNT DE PENHA GARCIA asked if there was any native beer in Togoland.

Mr. THOMAS replied that peto was manufactured from fermented corn. The manufacture was not subject to any regulations.

COUNT DE PENHA GARCIA noted that it had been proposed to regulate the sale of palm wine. He asked if the study of this question had been continued.

Mr. THOMAS replied that the consumption of palm wine was not so serious as to justify its regulation. Moreover, it was difficult to restrict the consumption, as, in the palm belt, it was collected and drunk in nearly every village. Immediately after collection it was practically innocuous, but gained strength after fermentation.

COUNT DE PENHA GARCIA remarked that this opinion was contrary to the conclusions of the report of the Commission of Enquiry, from which it appeared that the consumption was considerable and resulted in harmful effects.

LORD LUGARD also testified to the excellent work done by the Commission of Enquiry. He noted Dr. Wilkie's proposal to increase still further the duty on spirits. He noted that it had been increased to 33s., but even so it was less than in East Africa, while the duty in England was 72s.

He also suggested that a further attempt should be made to equalise the French and English duties. When this question had been raised on previous occasions, the reply had been given that such equalisation was impossible, as the French franc was not stabilised. This could no longer be given as a reason.

He pointed out an apparent discrepancy in the report of the Commission. On page 12 it stated that a "great majority" of the native chiefs were opposed to total prohibition, whereas on page 11 it was stated that eleven out of twenty-six were in favour of it. He added that he was not himself in favour of total prohibition of imported intoxicants. It was impossible to prohibit native intoxicants.

¹ Report of the Commission of Enquiry regarding the Consumption of Spirits in the Gold Coast.

PUBLIC HEALTH.

M. RUPPEL noted the statement on page 45 of the report that the proposed building of a new hospital at Kete-Krachi had been again delayed on account of financial difficulties. He quoted from a book by Mr. A. W. Cardinall showing that this district was in particular need of a hospital and of medical assistance.

Mr. THOMAS replied that a medical officer visited the district twice a week.

M. RUPPEL noted that splendid work had been done by the woman doctor at Ho and the Catholic sister at Kpandu. This would seem to indicate the necessity for increasing the number of women nurses.

He expressed his thanks for the full information on sleeping-sickness given on pages 48 and 49 of the report, which showed that the disease was of a milder type than in Central Africa. He hoped the Administration would devote its entire attention to this matter and continue to give information.

He was also glad that full information had been given regarding leper settlements. He asked if compulsory or voluntary segregation was in force.

Mr. THOMAS replied that the segregation was voluntary.

MINES.

M. RUPPEL noted the statement on page 65 that it was impossible to carry out any geological work in 1930. The *Gold Coast Gazette* mentioned a report on the geology of Togoland with a map. He asked if a copy could be supplied for the Mandates Section.

Mr. THOMAS promised to supply a copy.

DEMOGRAPHIC STATISTICS.

M. RAPPARD asked if any results were available of the census taken in April 1931.

Mr. THOMAS said he had not yet received any figures, but he understood that there was a large increase in the population.

M. RAPPARD asked if the financial statistics could in future be supplied for the previous year instead of, as at present, for the year before last.

Mr. THOMAS said this would be done.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. Thomas for his interesting information, and hoped that he had noted the various requests for further details.

(Mr. Thomas withdrew.)

Emancipation of Iraq: Procedure to be followed: Statement by the Chairman.

The CHAIRMAN, in preparation for the discussion on this subject, read the following statement, which he thought might be taken as a basis for discussion by the Commission:

“ On September 4th, 1931, the Council adopted the following resolution :

“ ‘ The Council requests the Permanent Mandates Commission to submit its opinion on the proposal of the British Government for the emancipation of Iraq after consideration of the same in the light of the resolution of the Council of September 4th, 1931, with regard to the general conditions to be fulfilled before a mandate can be brought to an end.’

“ The Council resolution regarding the general conditions for the termination of a mandate reads as follows :

“ ‘ The Council notes the conclusions — appended to the present resolution — at which the Permanent Mandates Commission has arrived regarding the general conditions to be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime. In view of the responsibilities devolving upon the League of Nations, the Council decides that the degree of maturity of mandated territories which it may in future be proposed to emancipate shall be determined in the light of the principles thus laid down, though only after a searching investigation of each particular case. The Council will naturally have to examine with the utmost care all undertakings given by the countries under mandate to the mandatory Power in order to satisfy itself that they are compatible with the status of an independent State, and, more particularly, that the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission.’

“ The problem arising in connection with Iraq constitutes one of the ‘ particular cases ’ referred to in the foregoing resolution. It must, therefore, form the subject of searching investigation in the light of the principles set forth in the annex to the Council resolution of September 4th, 1931. These principles are identical with the general conditions submitted to the Council by the Mandates Commission at the close of its twentieth session.

“ Moreover, the Council resolution lays down that undertakings given by territories under mandate to the mandatory Power must be carefully examined for the purpose of ascertaining whether they are compatible with the status of an independent State.

“ Finally, it is necessary under the terms of the Council resolution to make sure that the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission.

* * *

“ An examination of the proposal for the emancipation of Iraq conducted in the light of the criterion laid down would seemingly have to deal with the following four points:

“ 1. Ascertaining the existence in Iraq of the *de facto* conditions enumerated in the first part of the annex to the Council resolution.

“ At its twentieth session, the Mandates Commission examined the special report submitted by the mandatory Power on the administration of Iraq during the period 1920-1931 and made the following statement in its report to the Council :

“ ‘ So far as its normal sources of information permit, the Commission is thus now in a position, to the extent compatible with the nature of its functions and its procedure, and subject to the information which has been promised to it, to express its views on the mandatory Power’s proposal for the termination of the Iraq mandate. As soon as the Council has reached a decision as to the general conditions which must be fulfilled before a mandate can be brought to an end, the Commission will be ready to submit to the Council its opinion on the British proposal regarding Iraq, after examining that proposal in the light of the Council’s resolution.’ ¹

“ Consequently, as regards the existence of the *de facto* conditions referred to above, the Commission, with the help of the supplementary information supplied by the mandatory Power at its request, must formulate its final conclusions during the present session after examining the British proposal in the light of the Council resolution.

“ 2. Examination of the guarantees which Iraq must furnish to the satisfaction of the League of Nations regarding the various points set out in the second part of the annex to the Council resolution of September 4th, 1931, and of the form of the undertakings to which Iraq must subscribe for that purpose.

“ Two methods may be considered here. One would consist in the Commission itself formulating, in as detailed a manner as possible, the terms of the undertaking to which Iraq must subscribe. If the other method is adopted, it would be for the mandatory Power to submit, on its own initiative or in reply to questions put to the accredited representative by the Mandates Commission, the substance of the undertakings to which Iraq proposes to subscribe. In that case, the task of the Commission would be confined to examining the proposed undertaking of Iraq as regards form and substance, and to communicating to the Council any modifications or additions thereto it might consider desirable.

“ 3. Examination of all the undertakings given by Iraq to the British Government, for the purpose of determining whether they are compatible with the status of an independent State.

“ With this object, the Commission should carry out a critical examination of the Anglo-Iraqi Treaty of Alliance of June 30th, 1930, and the instruments annexed thereto. The Commission has already had an opportunity, at its nineteenth and twentieth sessions, of putting a number of questions to the accredited representative of the mandatory Power regarding the meaning of certain provisions in the Treaty of Alliance. These discussions will, in view of the explicit instructions given to the Commission in this respect by the Council resolution of September 4th, 1931, have to be resumed with the accredited representative during its twenty-first session.

“ 4. Examination of the provisions suggested for safeguarding the principle of economic equality, in accordance with the spirit of the Covenant and with the recommendation contained in the last paragraph of the opinion of the Commission on the general conditions which must be fulfilled before a mandate can be brought to an end.

“ The Commission recommended that ‘ the new State, if hitherto subject to the Economic equality clause, should consent to secure to all States Members of the League of Nations the most-favoured-nation treatment as a transitory measure on condition of reciprocity ’.

“ Under the Council resolution, this recommendation of the Commission was converted into an obligation. The Commission will therefore, it would appear, have to satisfy itself that Iraq, which as a mandated territory is subject to the economic equality clause, undertakes to secure to all States Members of the League of Nations the most-favoured-nation treatment as a transitory measure on condition of reciprocity.”

¹ One member of the Commission was unable to agree to these considerations and set out his divergent point of view at the nineteenth and twenty-second meetings of the twentieth session (see Minutes, pages 142-144 and 157-160).

FIFTH MEETING.

Held on Wednesday, October 28th, 1931, at 3.30 p.m.

Cameroons under British Mandate: Examination of the Annual Report for 1930.

Mr. Browne, Senior Resident in Nigeria, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

Before opening the discussion on the annual report, the CHAIRMAN welcomed Mr. Browne, Senior Resident Officer in Nigeria, who had been appointed accredited representative of the British Government for the examination of the report on the Cameroons under British mandate. It was the first time that the Commission had had the assistance of Mr. Browne in this capacity, and the Chairman was sure that his colleagues would appreciate the action taken by the mandatory Power and would welcome the opportunity afforded them of examining the annual report with the collaboration of an official of the Administration of the territory under mandate.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

The Commission is aware that the Cameroons under British mandate is divided into three spheres, each with widely different conditions and problems. These differences were stated by Mr. Hunt, the accredited representative for the 1928 report, on pages 84-85 of the Minutes of the sixteenth session.

There is no administrative officer who has had personal experience of all three spheres, and in recent years the accredited representative has been one who has had special knowledge of the Cameroons Province alone. On the present occasion, it has not been found possible for the Government of Nigeria to provide a representative from the Cameroons Province, and I fear that, as I have no personal knowledge of that province, I may not be able to supply information by verbal answer immediately. I have, however, been in charge of the Adamawa Province from 1926 to 1929, and am more familiar with local conditions there. It may be of interest to the Commission to know that in a few months I am to succeed Mr. Arnett in the Cameroons Province, and I hope that, if I appear again as accredited representative, I shall be better informed and able to answer more readily.

There are a few subjects on which the Commission may wish to have more recent information.

As regards the definition of the Anglo-French frontier (paragraph 16 of the report), details are now being arranged with the Governor of the French Cameroons.

With reference to paragraph 38 of the report, there has been a further enquiry into the causes of the quarrel between the Chief of Bande and Chief Ndesso and it is hoped that a peaceful solution has been found, but a full report will be made in 1931.

The construction of the Lafia-Chad Railway (paragraph 61) may be postponed to a later date owing to financial difficulties.

With reference to paragraph 74, the Non-Natives Income Tax (Protectorate) Ordinance, 1931, was passed on August 13th last, No. 21/1931, and it applies to the Cameroons under British mandate. I have it here should the Commission desire to see it.

It is doubtful whether the staff of engineers (paragraph 296) will now be posted to Adamawa in view of the present financial stringency.

TITLE APPLIED TO THE TERRITORY.

M. PALACIOS noted with satisfaction that the name "Cameroons under British mandate" had, by the terms of Ordinance No. 27 of 1930, been substituted for "British Cameroons", in accordance with the suggestion made by M. Ruppel in the previous year.¹ This new title had been used also for the postage stamps (pages 4 and 5 of the report).

STATUS OF THE INHABITANTS OF THE TERRITORY.

Lord LUGARD asked whether any progress had been made in connection with the qualification for naturalisation of the inhabitants of the mandated territory, a question which, Mr. Arnett had said in the previous year,¹ was still under discussion with the Dominions.

Mr. BROWNE had nothing further to report.

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 19.

NATIVE ADMINISTRATION.

COUNT DE PENHA GARCIA, noting the general tendency to group tribes into larger and sometimes quite considerable communities with chiefs at their head, asked whether this system really worked well. He observed, for instance, that the report mentioned trouble with a prophetsess and rivalries between the different chiefs.

MR. BROWNE replied that the case of the prophetsess was an entirely isolated occurrence. On the whole, he thought the system of grouping worked well.

COUNT DE PENHA GARCIA noted that there were only fourteen administrative officers (see paragraph 20) for a population of over 200,000. In view of the lack of roads, as admitted in the report, was this number sufficient to ensure proper administration, and above all supervision? For instance, there were 9,000 administrative officials in Tanganyika. He did not intend to criticise the system adopted by the mandatory Power, but wished for further information on its working.

MR. BROWNE replied that this question had been thoroughly considered by the Government when the decision had been reached as to the number of administrative officers required. It depended on the efficiency of the native administration, for, if the paramount chiefs were capable, fewer administrators were necessary. In fact, one administrator in the early days of Northern Nigeria had deliberately employed a very small number of assistants in order to interfere with the local forms of administration as little as possible, and he had been very successful. The officers were instructed to travel as much as they could, though travelling had been somewhat curtailed of late for reasons of economy. The officers' travelling returns were very carefully scrutinised by the Residents of the Provinces, the Lieutenant-Governors and the Chief Secretary to the Government.

COUNT DE PENHA GARCIA felt sure that constant travelling was essential to the success of this system.

M. RAPPARD pointed out that there were really forty-six officials in all.

M. RUPPEL said that the figure given in paragraph 20 covered only Cameroons proper — that was to say, one-half of the territory. Were there any Europeans in Adamawa?

COUNT DE PENHA GARCIA maintained the figures he had given. He had referred to administrators and not officials. They were not the same thing.

MR. BROWNE explained that the emirate of Adamawa was partly in mandated and partly in non-mandated territory, so that it was difficult to say exactly how many Europeans would, at any given time, be in the mandated territory, because Adamawa was treated as a whole. There would certainly, however, be two if not three. The whole area was really administered by the Lamido of Adamawa through his district heads. The European officers who toured in the territory were particularly instructed not to take any action without the knowledge of the Lamido. They were always accompanied by one of the Lamido's representatives, who reported to the Lamido in writing at frequent intervals.

M. RUPPEL noted from paragraph 20 that not more than 10 per cent of the clerical and not more than 30 per cent of the non-clerical African pensionable staff were natives of the mandated territory, and asked for some explanation.

MR. BROWNE replied that the number of clerks who were natives of the mandated territory did indeed appear small. He would enquire into the matter.

M. RUPPEL said that, if the policy of amalgamating parts of the population in the Northern districts with emirates in Nigeria were pursued, the inhabitants would, in the long run, lose all idea that they belonged to a mandated territory. He quoted Gashaka as an instance, and thanked the accredited representative for the historical information given in paragraphs 40 and 41 of the report, which, in his opinion, confirmed his contention that Gashaka had never had *direct* relations with the Lamido of Adamawa.

MR. BROWNE pointed out that Gashaka had really always belonged to the Lamido's territory, a fact which was not considered when the boundary had been fixed under the Anglo-German Treaty. The re-incorporation of Gashaka (which had had a bad chief) had taken place at the people's own wish. In fact, no step towards grouping was ever taken without consulting the desires of the people.

M. RUPPEL asked what section of the people was consulted — only the Fulanis, or the people under the Fulanis as well?

MR. BROWNE replied that all persons whom it was possible usefully to consult were consulted.

LORD LUGARD enquired, with reference to paragraph 263 of the report, whether progress had been made with the cession of certain lands for native settlement in the congested districts around the European plantations in the south.

MR. BROWNE answered that considerable progress had been made, but that the details were very complicated. He felt that the transaction as a whole was a satisfactory one, at any rate from the native point of view.

COUNT DE PENHA GARCIA wondered whether the administration of the Lamido was entirely satisfactory in view of the fact that various incidents were reported (on pages 12, 14 and 17 of the report) in the course of which administrators had been molested.

Mr. BROWNE explained that the three incidents had occurred in three entirely different parts of a very heterogeneous territory. The first case was a mere matter of factious behaviour — there had been no armed opposition. The second case had occurred in Adamawa and the third in Bornu. The latter were very minor incidents, and he did not think that anyone acquainted with the very difficult population of these territories would attach much importance thereto. The natives had been left rather to themselves because the administrators had had to proceed north to take part in the anti-locust campaign.

M. RAPPARD enquired why, if the Lamido's representatives were able to send written messages to their ruler, it was impossible to utilise this class as clerks.

Mr. BROWNE replied that they could not be utilised because they wrote only in Arabic characters.

FRONTIER BETWEEN THE CAMEROONS UNDER FRENCH MANDATE AND THE CAMEROONS UNDER BRITISH MANDATE.

M. SAKENOBE asked whether the Boundary Commission referred to in paragraph 16 of the report had been appointed and was already on the spot.

Mr. BROWNE replied that the Governor of Nigeria was arranging details with the Governor of the French Cameroons.

M. RAPPARD asked whether, in view of the artificial character of the pre-war frontier, similar difficulties had been experienced on the Franco-British boundary.

Mr. BROWNE replied that there had been some slight errors, but nothing to compare with the case of Adamawa.

M. RUPPEL opined that the new Franco-British frontier was as artificial as the former Cameroons frontiers. Large territories in the French sphere of Cameroons really formed part of the emirate of Adamawa.

Mr. BROWNE agreed. The land the Fulanis of Adamawa valued most was land to the east of the Anglo-French frontier.

PUBLIC FINANCE.

M. RAPPARD hoped that it would be possible to harmonise the accountancy systems in the Cameroons under British mandate and Togoland under British mandate, and to make them coincide with the financial year.

He asked Mr. Browne whether the policy adopted as regards the allocation of expenditure and receipts as between Nigeria and the mandated territory should be considered as fair, more than fair, or less than fair to the mandated territory.

Mr. BROWNE, in answer to M. Rappard's first question, said that an endeavour would be made as far as possible to bring the Cameroons accounts into line with the Togoland accounts.

In reply to the second question, when estimates came in they were considered entirely on their merits and no difference whatever was made between the Cameroons province and the other provinces of Nigeria.

M. RAPPARD noted that the deficit was very considerable, but as it was paid by Nigeria in the form of a grant to be written off, he would not dwell on the point. He wondered, however, whether the deficit for the mandated territory was proportionate to the deficit for the whole of Nigeria. He suggested, in fact, that Nigeria might be getting more revenue proportionately than the mandated area because the ports were in Nigeria.

Mr. BROWNE promised to go into this question.

M. RAPPARD observed that the native treasuries were in a better position than the provincial treasury — they all had surpluses. He was glad that the income tax Bill had now been finally passed.

EXPORTS AND IMPORTS.

M. RUPPEL noted from page 25 of the report that some of the export duties had been reduced or completely abolished during the last year. Had there been in the meantime any further remission of export duties—for instance, on cocoa?

Mr. BROWNE replied that the Government had contemplated reducing the duty on cocoa a year previously, but no action was now being taken in the matter.

M. RAPPARD noted that Great Britain was not the principal caterer for the Cameroons. That fact was certainly a tribute to the impartiality of the mandatory Power in the application of economic equality.

M. RUPPEL noted that the figures for imports and exports only referred to trade through the ports of Victoria and Tiko. Would Mr. Browne, in the next report, give some estimates for the trade not passing through these ports?

Mr. BROWNE agreed to enquire into the possibility of doing this.

M. SAKENOBE asked whether, as a result of the locust plague, there had been a shortage of food, and whether, consequently, the natives had eaten the kola nuts instead of exporting them, a fact which would account for the drop in the exports of this commodity.

Mr. BROWNE explained that there had been no food shortage. The fact was probably that the kola-nut plantations in Lagos had come to maturity, so that fewer nuts were exported from the Cameroons to Lagos. Moreover, he pointed out (paragraph 97 of the report) that the overland trade to the north was increasing. That trade would not be reflected in the movements of the ports.

JUSTICE.

M. RUPPEL asked that a distinction should be drawn in the next report between Europeans and natives in the statistics of the provincial courts. He noted, further, that there was still no Native Court of Appeal in the Victoria division.

Mlle. DANNEVIG again noted the frequency of flogging as a punishment in the northern territory (pages 38 and 39 of the report). She wished to know why this was so and for what offences flogging was inflicted. She had already raised this question in the previous year.

Mr. BROWNE pointed out that Mr. Arnett had replied to that question at the nineteenth session (page 21 of the minutes).

M. SAKENOBE enquired why there was no Native Administration prison in the Cameroons Province and no Government prison in the Northern Territory.

Mr. BROWNE explained that the Native Administrations were not sufficiently developed to provide prisons; they therefore used the Government prison and paid for it, as was the case in the southern provinces. As regards the second point, there was a Government prison at Yola, in the non-mandated territory, which was used for Government prisoners.

SLAVERY.

Mr. WEAVER noted that there was no mention of pawning in the report, but pointed out that, during the enquiry into troubles in the neighbouring provinces, pawning had been alleged to exist. The question had again been raised in 1931 in the Nigerian Legislative Council. Was there likely to be any pawning in the mandated territory? He took it that the Administration kept a good look-out.

Mr. BROWNE said that he would not like to exclude the possibility of pawning, and thought that it probably did exist.

LABOUR.

Mr. WEAVER expressed his appreciation of the summary of inspection reports given in the annual report (pages 128-133 of the report), and hoped that it might remain a feature of succeeding reports. He assumed that the plantations had undertaken to make the sanitary and housing improvements suggested in some cases.

He enquired whether the idea had been taken up of officially fixing the ration scale for labourers, a measure which had been instituted with success in other territories.

Referring to the question of health on plantations (page 67 of the report), he expressed his appreciation of the information given in the report, but enquired, as regards the statement that the full provisions of the regulations were not being enforced, whether that applied only to the number of medical officers.

Mr. BROWNE replied in the affirmative to the question concerning improvements on plantations. He thought that the Government would be in favour of fixing a ration scale, as Mr. Weaver suggested. Information as to the non-enforcement of certain provisions would be given later.

Mr. WEAVER, referring to the tables for death and sickness rates (pages 69-71 of the report) noted that, while the death-rate was not particularly high, the sickness rate appeared unusually so. The number of in-patients seemed very high in relation to the number of labourers employed, representing apparently more than one-half of the latter. He enquired whether that was normal

or whether there was any explanation of the situation. He commented on the high figures for wounds on the Bavo-Bonge plantation, the figures for in-patients and out patients being 85 and 397 respectively.

Mr. BROWNE explained that a good many of the labourers came from the highlands, and that they did not do well with the heavy rainfall in the lowlands; many of them, he thought, suffered from rheumatism. As regards the question of wounds, he knew from his own experience how liable labourers were to injure themselves with their tools. He would, however, note the point, with a view to obtaining information.

Mr. WEAVER, referring to the question of communal labour (page 76 of the report), observed that last year he had raised the question of the increase in the number of convictions.¹ He enquired whether it was due to increased opposition to that particular form of labour and whether it would be possible to commute for payment.

Mr. BROWNE pointed to a statement in the report that the difficulty had arisen from strangers refusing to labour for the Native Administration. He would note the suggestion to commute for payment.

Lord LUGARD asked why the so-called "communal labour" exacted by chiefs was still enforced in the mandated territory. He had understood that, as in Nigeria, all compulsory labour for chiefs was abolished and all labour was paid for by the native treasuries or by salaried chiefs for their own use.

Mr. BROWNE agreed that it was contrary to the established rules in Nigeria. He would report next year.

Mlle. DANNEVIG referred to the statement made last year² that the employment of women in portage caused them to neglect their children and asked whether any steps had been taken to remedy the situation if that were so.

Mr. BROWNE said he would go into the question and report in the following year.

MISSIONS.

M. PALACIOS noted the statement in the report (pages 78 and 79) to the effect that the dissensions between the Roman Catholic Mission and the chiefs and people of Mamfe and Bamenda divisions had continued in 1930. One of the sources of dissension was the efforts of the mission to remove converts from the authority of the chiefs and native courts and the encouragement given to women to leave their homes and follow the religious instruction provided by the mission. It was to be hoped that the Administration's efforts to put a stop to these dissensions would prove successful. Could the accredited representative give any later information than that given in the annual report?

It was surprising that women who received instruction from the Catholic missions should frequently form irregular unions because they were far from the supervision of their parents. He noted also that the only schools which seemed to receive subsidies from the Administration (page 85) belonged to the Catholic Church.

Mr. BROWNE said that he was unable to add to the information given in the report.

M. RUPPEL commented on the big increase in the number of Christians in the Roman Catholic Mission (page 78 of the report), the figures for the previous year having only been 7,287 as compared with 20,683.

EDUCATION.

Mlle. DANNEVIG expressed her appreciation of the very full information given (pages 80-89 of the report) on the subject of education, more particularly in reply to questions raised in the previous year. She had noted a remark on page 21 indicating that education appeared to have had its influence even on the finances of the territory, the report stating that, owing to the progress made in administrative education, it had now been found possible to increase the flat rate of taxation for adult males from 1s. to 2s. She noted that there were very few European teachers in the schools and enquired whether the work of the African teachers was considered satisfactory.

She observed that only one girl had gone on as far as the sixth standard in the Government schools, though the figures for boys were much higher. She noted, as a proof of the demand for education, that one native administration spent 18 per cent of its revenue on education and enquired whether that high percentage was exceptional. The Government was apparently not entirely satisfied with the vernacular schools run by the Basel Mission. They had many pupils and she hoped there would soon be an improvement. The school at Jada in the Adamawa district, where there were very few schools, had had to be closed owing to lack of support from the local people. What was the reason of that? The fees for schoolboys in the Dikwa division, she noted, were from 5s. for boarders to 2d. per month for day-boys. Did that prevent boys

¹ See Minutes of the nineteenth session of the Permanent Mandates Commission, page 29.

² See Minutes of the nineteenth session of the Permanent Mandates Commission, page 30.

from going to school ? The standard of Arabic attained in the elementary schools was described as commendably high, but English was an extra subject in the Dikwa school. Was Arabic the spoken language in these districts ?

Mr. BROWNE stated, in reply to these various questions, that the work of the African teachers was considered very good. He explained that pupils went on from the sixth standard to the normal school. He agreed that the expenditure on education was high, but thought that that was normal in a territory where education was just beginning. With reference to the work of the Basel Mission schools, he said that the necessity had now been realised of reducing the work to more manageable proportions.

The closing of the school at Jada had been due to no defect on the part of the Administration ; there seemed to be something about the Fulanis of that area that objected to anything European. As regards school fees, parents were quite prepared to pay the small sum asked. The accredited representative explained that English was taught in the middle schools, the Dikwa school to which reference had been made being only an elementary school.

PUBLIC HEALTH.

M. RUPPEL enquired whether doctors holding foreign degrees were admitted to practise in the territory, as was now the case in practically all the territories under B mandate.

Mr. BROWNE said that, so far as he knew, there was no prohibition in regard to nationality, the only criterion being the nature of the degree ; he would enquire further and confirm that point.

M. RUPPEL, commenting on the results of the special mission into sleeping-sickness in the Tiko district (page 93 of the report), observed that the disease appeared to constitute a rather grave danger for the territory, and suggested that measures for destroying the tsetse flies similar to those taken successfully in the Portuguese territory of Principe Island might be adopted. He would be interested to know what had happened to the seven Europeans who had been mentioned the previous year (page 88 of the annual report for 1929) as suffering from sleeping-sickness.

Mr. BROWNE replied that large sums were being spent on investigations and on the campaign against sleeping-sickness. He would note the enquiry concerning the European sufferers.

M. RUPPEL, referring to the question of leprosy, expressed his surprise at the statement that there was no camp or settlement at Victoria owing to shortage of land (page 96 of the report). Under the German regime, there had been a settlement on an island off Victoria.

He had read in the papers that, some months ago, there had been a bad outbreak of yellow fever in the interior of the province. Could the accredited representative give any information on the subject ?

Mr. BROWNE replied that he would enquire into the question of a leper settlement. The outbreak of yellow fever had occurred at Mamfe ; there had been four European cases, three of which proved fatal. He could not give the figures for native cases. When he had left the territory in June, the outbreak was still the subject of investigation, and full information would be given in the next report.

LIQUOR TRAFFIC.

COUNT DE PENHA GARCIA noted that reference was made in the report (page 90) to " prohibited areas " where natives could not drink spirits, but that mention was made (page 14) at the same time to the minor disturbance at Sike, in the prohibition zone, due to youths who had become " excited with drink ".

Mr. BROWNE said that corn-beer had been to blame, that being undoubtedly the commonest cause of trouble during the past thirty years ; the effects of corn-beer could undoubtedly be deleterious.

COUNT DE PENHA GARCIA noted this statement with interest. He asked whether the licensing system in the Victoria district had given good results. He thought that it was rather outside the ordinary scope of the missions' work to recommend persons for licences ; from a moral standpoint, that seemed undesirable.

The Commission had asked, the previous year,¹ for copies of the report on enquiries into the potency of certain drinks, but had not yet received them. He hoped that the studies in question would be continued.

Mr. BROWNE said that he would obtain the information asked for in connection with the Victoria district. With reference to the incident reported at Sike, he explained that the people there were at a different stage of civilisation from those at Victoria, who could drink with moderation. He thought that it was not unusual for religious authorities to vouch for the

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, pages 33 and 209.

character of persons to whom licences were to be granted, but agreed emphatically that it was regrettable that the missions should be involved in such a matter.

The accredited representative had understood from the Colonial Office that the request for information concerning alcoholic liquors referred to the Gold Coast; that was why no information had been forthcoming with regard to the mandated territory.

Lord LUGARD thought that the Administration was to be congratulated on the big decrease in the imports of spirits.

DEMOGRAPHIC STATISTICS.

Mlle. DANNEVIG noted the small number of children as compared with the number of women (pages 102-103 of the report). In fact, in certain cases there were fewer children than women. What was the reason for this? Was it perhaps that not all the children were registered?

Mr. BROWNE replied that he had always heard that there was a great shortage of children, especially in Victoria, on account of high mortality. He did not believe that large numbers of children escaped registration.

Mlle. DANNEVIG recalled the reference that had been made last year¹ to the hard work that women had to do, and to its possible influence on the low percentage of children. It was stated in the present report that "the disproportionate increase in the number of children in Dikwa division was due to more accurate registration" (page 103); the increase did not seem to her at all disproportionate.

CLOSE OF THE HEARING.

The CHAIRMAN expressed the Commission's thanks to Mr. Browne and to the British Government for the information given, and hoped that the Commission might have the pleasure of seeing Mr. Browne again. Mr. Browne knew the territory thoroughly and would realise the interest taken in it by the Commission.

Mr. BROWNE thanked the Chairman for his kind remarks.

SIXTH MEETING.

Held on Thursday, October 29th, 1931, at 10.30 a.m.

Question of the Emancipation of Iraq (continuation).

The CHAIRMAN recalled that, in his note which he had read at the previous meeting he had already expressed his opinion as to the procedure for carrying out the Council's resolution of September 4th, 1931, regarding the British Government's proposal for the emancipation of Iraq. It was necessary, in the first place, to ascertain the existence in Iraq of the *de facto* conditions enumerated in the first part of the Annex to the Council's resolution, in order to be sure that the country had reached a degree of maturity which would permit of its being granted independence. The Commission had also to examine the guarantees which Iraq must furnish to the League of Nations regarding various points set out in the second part of the Annex to the Council's resolution of September 4th, 1931.

As regards those guarantees, the question arose of the form in which the Commission thought they should be presented.

Finally, the Commission must examine the various engagements which bound, or would bind, Iraq to the British Empire after the termination of the mandate.

He recognised that the annual report on Iraq by the mandatory Power might contain certain additional information requested by the Commission, and that the Commission could not ignore such information. Again, the present position of the Commission was not in contradiction with the conclusions embodied in its last report to the Council to the effect that "so far as its normal sources of information permit, the Commission is thus now in a position to the extent compatible with the nature of its functions and its procedure, and subject to the information which it has been promised, to express its views on the mandatory Power's proposal for the termination of the Iraq mandate". The Commission had not, in fact, stated its views.

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 30.

M. PALACIOS thought that the emancipation of Iraq raised for the Commission a whole series of grave problems which it would have to examine with great care. This was not an abnormal occurrence, since mandates were intended to lead sooner or later to similar results in all the other territories. It should not be possible for the very natural anxiety of the members of the Commission to lead to the idea that the Commission desired in any way to prevent the Arab nations from becoming self-governing without any guardianship or foreign influence. The difficulty of the problem was due to the mandatory system of the League of Nations to which Iraq was subject — a new system in modern international law — and to the part played by the Commission in that regime.

As a matter of fact, the Commission, which formed a sort of family council, had to take a decision regarding the stage of maturity reached by a ward, with which it was only acquainted through the reports of the guardian — in this case, the mandatory Power. That Power, moreover, would, after Iraq had been emancipated, still be connected with the country by a protective alliance under a treaty. That meant that Iraq would not reach her majority automatically, as was the case in civil law when minors attained a certain age and had not been expressly found to be under a disability. Iraq would have to be declared *sui juris* in the manner advocated by a well-known school of Roman lawyers, after a definite investigation of her capacity to manage her own affairs with full responsibility in the midst of the complications of modern life.

As the Commission had no direct cognisance of Iraq and had only heard of its progress through statements made by Great Britain, and as, moreover, the Commission had received petitions and reports which raised objections and gave rise to anxiety with regard to the termination of the mandate, he wondered whether the attitude adopted by M. Van Rees at the last session was not the right one when he said that the mandatory Power should be left full responsibility for the statement that Iraq was now capable of managing her own affairs.

M. VAN REES observed that, during the June session, he had frequently had occasion to state that he was not in favour of a declaration being made by the Mandates Commission to the effect that Iraq was now in a position to govern itself. He had always been of opinion that the Commission could merely say that it had no reason to oppose the statement made by the British Government as to the maturity of Iraq. He did not think the Commission could assume responsibility for a positive statement, seeing that it merely based its opinion on the reports and verbal explanations given by the accredited representative. It could therefore only state that it had found nothing in the information received contrary to the proposal made by the mandatory Power in favour of the emancipation of Iraq.

The CHAIRMAN agreed that the Commission should let the mandatory Power take full responsibility for the facts it had brought forward. At the last session, M. Orts, moreover, had laid stress on this when he had asked the accredited representative whether the British Government assumed the responsibility for its proposal that Iraq should become independent, and the accredited representative had said, on June 19th last, that, should Iraq prove herself unworthy of the confidence which had been placed in her, the moral responsibility must rest with His Majesty's Government. Nevertheless, the responsibility of the Commission still existed, in the first place towards its own conscience, and, in the second place, towards the public opinion of the world. It could not discharge itself of the responsibility for a decision which might have serious consequences for the future of territory under mandate by placing the responsibility on the mandatory Power. If the Commission desired that its decision should have all the weight that was necessary, it would be obliged, in his view, to make a detailed enquiry on the spot, utilising for this purpose all the most positive means available.

M. PALACIOS thought that the Commission ought not to shun its responsibilities ; it would, in any case, be responsible in the eyes of public opinion, even if it expressed no view. The difficulty, not to say the impossibility, of the situation lay precisely in the fact that the Commission was called upon to give an authoritative and almost decisive opinion of the highest importance to a certain nation, without possessing sufficient data.

It should be remembered that the Council had always asked the Commission to formulate its opinion on the basis of documentary data supplied to it in the ordinary way. The Council therefore had been more or less directly opposed to investigations on the spot and the hearing of petitioners. It was possible that the special importance of the present case might induce the Council to authorise the Commission to resort to other means of investigation. At any rate, at the Council meeting of September 4th, 1931, M. Grandi made the following statement :

“ No sure opinion as to the question whether a people had reached a sufficient degree of maturity to be capable of self-government could be formed without going farther and making a direct study of the actual working of the country's constitutional and administrative structure. It was not enough to note the existence of certain laws ; the Council must make sure that they could be applied, and, for *this purpose, no means of investigation should be excluded.* ”

M. ORTS noted that the members of the Commission were agreed as to the position to be adopted in this case, in which the Council had assigned to the Commission a task outside its usual duties.

Was it for the Commission to state categorically whether the actual situation in Iraq was such as to warrant the possibility of terminating the mandate ? He did not think it possible for the Commission to make such a statement, because it was only aware of the existing situation through the descriptions supplied by the mandatory Power.

Admittedly, it had always been the rule of the Commission to place confidence in the mandatory Powers. But mandatory Powers might be mistaken, particularly as regarded the public spirit prevailing in the territories under their mandate. In Palestine, for instance, the mandatory Power had been completely misled as to the feelings of the population. Four weeks before the 1929 massacres it was still declaring, through its accredited representative, that the country was quite calm and that it would be able to maintain order, if necessary. The Commission was aware how events had belied that assurance.

The Commission therefore could only note the declarations of the mandatory Power and, in so far as the discussions now commencing would permit, state that it had not observed anything contradictory to those declarations. The Commission could only assume direct responsibility with regard to the actual situation in Iraq if it possessed other means of investigation — for instance, if it were able to study the situation on the spot.

If the population of the country to be emancipated had been homogeneous, composed of individuals belonging to the same race and religion — in other words, if there had been no minorities — the Commission's task would have been far simpler. It might have contented itself with seeing that the rights of foreigners were safeguarded and it could then, without any misgivings, have recommended that the new State should be accorded that full and complete independence which it claimed. The population of the country, however, was heterogeneous and belonged to different religions. Moreover, whatever might be said to the contrary, tolerance had not always been a dominant virtue of these Levantine peoples. Formerly, a relative degree of tolerance had been maintained between the various elements of the population, owing to the presence of a common master who allowed no occasion for the manifestation of intolerance. It could hardly be denied, however, that, since this domination had come to an end, and since one of the elements of the population had begun to feel its strength (due to the fact that it was a majority), differences of race and religion had become more acute and minorities had begun to grow anxious. In these Near-Eastern countries, there always occurred a time at which it became necessary to take steps to protect racial and religious minorities.

With regard to the *de facto* situation in the country at the present time, the Commission could therefore only rely on the statements of the mandatory Power. In that connection, the declaration made by the accredited representative at the June session to the effect that the mandatory Power took the full moral responsibility implied in its affirmation that Iraq was incapable of misusing her freedom assumed great importance.

Nevertheless, it was the duty of the Commission to maintain its resolution to obtain effective guarantees for minorities. In that matter it was directly responsible and must bear its responsibility.

M. RAPPARD agreed in general with M. Orts, except on two points. Even if there were no minorities in the territory under mandate, the Commission, as the guardian of this territory, should maintain its guardianship, even against the will of the population, if it felt that the country was incapable of self-government.

On the other hand, he thought the Commission would be renouncing its rights if it merely stated, as M. Orts proposed, that it had found nothing in the mandatory Power's statements which was of a nature to justify opposition to the emancipation of Iraq. In fact, the proposal for emancipation would probably never be brought to the notice of the Commission except by the mandatory Power. If the Commission accepted M. Orts' formula, it would confine its duties to commenting on reports without assuming any responsibility. It should be noted that the Commission had other information than that transmitted to it by the mandatory Power, information in the light of which it took cognisance of the date supplied by the mandatory.

M. PALACIOS also thought that the Commission could not merely state that it had found nothing in the reports which could give rise to any objection.

Mlle. DANNEVIG shared the same opinion. If asked to make a statement, she would be obliged to say that, personally, she would not venture to express her conviction that it would be in the best interests of Iraq to remove the advice and support of the mandatory Power. This opinion was particularly due to her special study of the interests of women and children, who had benefited considerably, and would continue to benefit from the influence of the mandatory Power, especially in respect of education. On the other hand, consideration should be given to the statement made by the accredited representative of Great Britain that, if Iraq were capable of self-government, it was therefore entitled to be freed from the mandate, subject to guarantees which it would be asked to give, especially in respect of the rights of minorities.

M. RUPPEL shared the opinion expressed by M. Orts, subject to the reservations made by M. Rappard.

Lord LUGARD remarked that the Commission had attached much importance to the accredited representative's statement that the mandatory Power accepted "full moral responsibility" for its assurance that Iraq would fulfil all its obligations after emancipation. He thought the Commission ought to know exactly the implications of this assurance. Could responsibility for the actions of a free country really be assumed by another country? Had the Commission any indication that Iraq was ready to agree to the rather special position which the British Government would thus assume?

The CHAIRMAN thought that, when M. Orts had expressed the opinion that the Commission should adhere to the procedure it had hitherto followed, he had not taken into account the

fact that neither the Covenant nor the terms of the mandate fixed rules of procedure regarding the termination of the mandate. For ten years the Commission had been engaged in its normal work. It had supervised the way in which the mandatory Power had administered the territory confided to its care, and the procedure established by the Council was perhaps sufficient for this routine work. Nevertheless, even for this work the Commission had more than once considered that the procedure should have been completed by enquiries on the spot. If the desire of the Commission had not been taken into consideration, it was not its fault. The case of the termination of a mandate was very different in character and in scope from that of the supervision of the administration, and the Council itself, in its resolution of September 4th, had established the rule that a decision on the question of the maturity of a territory under mandate should only be taken after a detailed examination of each particular case. For an exceptional case, it was natural that the Commission should establish an exceptional procedure, and one that was most appropriate to each particular case.

M. VAN REES entirely agreed with Lord Lugard that the mandatory Power could not assume responsibilities in the name of Iraq for the future. Personally, he — and he thought that M. Orts would endorse his view — had only wished to speak of the mandatory Power's responsibility as regards the question of fact — namely, the assertion that the territory under mandate had reached maturity. The mandatory Power could not assume definite responsibilities regarding the future of an emancipated country.

Like M. Orts, he had only taken into account the sources of information at present available to the Commission, and the attention of the Council had been drawn to that point in the report submitted to it. But, if new means of investigation were placed at the Commission's disposal (an enquiry on the spot, for instance), the Commission would no longer be in the same position and should in that case assume the responsibility of expressing an opinion regarding the degree of maturity reached by the mandated territory. That was a particularly dangerous aspect of the enquiry on the spot, which, moreover, was not in question.

The CHAIRMAN thought that the Commission could not carry out a searching investigation of the situation with the means of information it at present possessed, and he did not see any difficulty in using other means of enquiry such as an investigation on the spot ; but he agreed that it was for the Council only to provide the Commission with the means of investigation it now lacked.

In any case, even if the moral responsibility regarding the termination of the mandate lay with the British Government, as Sir Francis Humphrys had said, the Commission would not, thereby, be discharged of all responsibility when the territory was emancipated.

M. ORTS noted that there was no essential divergence between the views of the various members of the Commission. He agreed with the Chairman that the present case before the Commission lay outside the Commission's usual duties. Exceptional methods of investigation were necessary to meet an exceptional situation. Failing these, the Commission could only base its judgment on the information received from the mandatory Power. In those circumstances, the responsibility fell on the latter.

Mlle. Dannevig had also expressed regret at the termination of the mandate, at any rate from certain points of view. She feared that the progress of the country towards a more advanced state of civilisation, to which it was now proceeding so satisfactorily, might be arrested. Personally, she thought that the premature cessation of the mandate would be a misfortune for the country. Great Britain had done magnificent work in Iraq, and it was to be regretted that she should contemplate abandoning that work before it had been brought to its full fruition. The abandonment of the mandate connoted, in his view, a failure of the system itself.

The political staff on which the working of the constitutional regime in Iraq would depend still belonged to a generation which had reached manhood under the Turkish regime. Could it be said that its political formation was now complete ? As regarded the mass of the population, could it be hoped that, in the short space of nine years, its mentality would have been so transformed that a policy of progress and tolerance could rely on the constant support of the people ? The mandates system, which was difficult to justify in the case of the B mandates, was a system thoroughly suited to the condition of countries under A mandate. Possessing as they did an ancient civilisation, these countries could not be transformed into colonies, but were nevertheless still unable to govern themselves. The mandates system was intended to bring about in these countries a transformation of habits and traditions under the ægis of a great liberal Power. He was afraid they might later on regret having, for dominant reasons of policy, emancipated the territory of Iraq before the proper time. The termination of a mandate, before the real aims had been achieved, would amount to a failure of the system.

In connection with Lord Lugard's observation, he wondered whether the internal situation in Iraq, which was presented in so favourable a light, would really persist. Iraq possessed a parliament, a constitution and a system of ministerial responsibility, etc. But to what extent was the country adapted to those institutions ? Was the progress only apparent or did it repose on solid foundations ? Was there any reason to fear that, after the cessation of the British mandate, the country might retrogress ? Would it maintain its constitutional regime, the freedom of elections, respect for religious liberty, etc. ? To the questions addressed to him on this subject, the accredited representative had replied in most reassuring terms and recognised that his country was responsible for the future of Iraq. In this connection, Lord Lugard has asked how the mandatory Power could shoulder those responsibilities which the accredited representative claimed for it. M. Orts hoped that the conventions with Iraq and the moral influence which the British Government would maintain in that country would make it possible for the mandatory Power to shoulder its responsibilities to a certain extent.

Moreover, Lord Lugard had raised the question whether Iraq had agreed that the mandatory Power should assume such responsibility. He pointed out in this connection that Iraq had no opinion to express. At present, the British Government was leading the country by the hand ; it said that the country was now able to govern itself and made this statement on its own responsibility. The only action that Iraq could take would be to object that it did not feel itself capable of assuming the full responsibility of government — an objection which Iraq was very unlikely to make.

M. MERLIN did not quite agree with some of his colleagues. Article 22 of the Covenant stated :

“ A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates. ”

This was a definition of the Commission's duty, which consisted in receiving a report from the mandatory Power each year and making observations on the administration of the country, after an exchange of views with the accredited representative.

In such a serious case as the termination of a mandate, it was quite possible to conceive of the introduction of an exceptional procedure, the Commission being of the opinion that it was not provided with sufficient information through the usual channels to enable it to give a considered opinion at such a serious moment. M. Merlin personally did not agree with this point of view, and did not consider that the procedure of the Mandates Commission, as laid down in Article 22 of the Covenant, did not permit the Commission to carry out its duties with full knowledge of the facts.

The Commission, in the first place, formed its judgment on the basis of the reports received from the mandatory Power, but it had at its disposal other elements of appreciation — in particular, the petitions which it received from all quarters, and, in countries as highly developed as those of the Near East, the Press, accounts given by travellers, etc. It had often had recourse to these sources of information when questioning the accredited representatives.

It had been suggested that an enquiry might be made on the spot. M. Merlin did not think that the Commission would be able to add much to its information by this procedure, neither did he feel able to accept the proposal. He fully realised the theoretical value of such a suggestion, but was aware also, and that too clearly, of all the disadvantages. Any mission sent to the spot would immediately be surrounded by all the discontented elements in the territory. Moreover, it could not expect to be in a position, after a stay of a few weeks, to form a more definite opinion on the conditions in Iraq than it could do by an appreciation of all the numerous and customary elements available through its ordinary procedure.

He was disposed to regret that a country such as Great Britain should put an end to the mandate after accomplishing a remarkable work of civilisation in the territory, and should thus run the risk of checking the development of a country. Perhaps the mandatory Power was led to take this decision as the result of an irresistible desire on the part of the country to obtain its independence. Did the mandatory Power perhaps think it dangerous to oppose that desire, even if it were clearly to the interest of the country to remain under guardianship ? It was for the mandatory Power to judge that matter. It affirmed that the country was ripe for independence. It was for the Commission to consider whether the territory in question fulfilled the conditions necessary for the cessation of a mandate.

The Commission possessed sufficient information to express an opinion within the limits of the powers conferred on it by the Covenant.

The CHAIRMAN pointed out that the present discussion was not in contradiction with the statements which it had made at the end of its June session. It had, in fact, stated that it would be in a position to express its views on the mandatory Power's proposal “ so far as its normal sources of information permit . . . and subject to the information which it has been promised ”. The Council, going further, had asked for a thorough study to be made of the “ particular case ” submitted to the Commission. M. Merlin, on the other hand, had urged that the Commission should not go beyond its normal procedure. The Chairman, however, wished to recall once again that neither the Covenant nor the terms of the mandate established rules for the termination of a mandate and that the normal procedure set up by the Council did not apply. The duty entrusted to the Commission by the Council on September 4th was not a normal one, and it was no longer a question for the Commission of carrying on its normal supervisory functions.

COUNT DE PENHA GARCIA was glad that the Chairman had drawn up a kind of guide for the discussion of this question. It would be very useful. During the last two or three sessions the Commission had examined the general question of the termination of a mandate ; it was now faced with a definite case—namely, that of Iraq. This mandate had a very special character ; the State in question was sovereign, free and independent by the terms of its constitution and by the fact that it was recognised as such by several States. It had voluntarily given up a part of its freedom, as shown by the text of its Treaty with Great Britain ; but this territory had also been subjected, not at its own desire, to the mandate imposed on it by the League of Nations. This mandate had a political origin and was due to events arising out of the war. The termination of the mandate raised difficulties because, like its origin, it had a political aspect. As the question was a political one, it was within the province of the Council, while the Commission had merely to deal with the effects that this question might have on the mandated territory at the time of the cessation of the mandate.

The first question to be settled was whether the territory of Iraq was in such a position that it was able to stand alone "under the strenuous conditions of the modern world". This question offered no difficulty if the country was already able to govern itself with a minimum amount of assistance from the mandatory Power. But such was not the case in Iraq, and the difficulty arose from the fact that a judgment was being formed on future events with few means of forming that judgment and of foreseeing what might happen in the future.

On the other hand, the Council had asked the Commission to state whether, from the information in its possession, it considered that the conditions laid down for the termination of a mandate had been fulfilled in Iraq. That country at present possessed a King; this was an important point, as the question of the head of the State was essential in connection with the termination of a mandate; the continuity of government very largely depended on that question. It might be asked whether the King was popular, whether he represented all the elements of the population, etc. This was the reason why Count de Penha Garcia had asked the accredited representative if the King, who had recently come to the throne, had been able to obtain sufficient authority and was loved by his subjects.

A further condition was that of the existence of a Constitution. Such a Constitution existed in Iraq, and the Commission knew that its application had given rise to political difficulties. Moreover, it was noted that there was a general administration which carried on its activity under favourable conditions. Lastly, it was also possible to express an opinion on the legal system, etc. Was this sufficient? He would not venture to reply to this question since, in his opinion, nine years' experience was not adequate. When England made her first proposal in favour of the termination of the mandate and the entry of Iraq into the League of Nations, in accordance with the Treaty between England and the territory, considerable agitation had been observed in the country in favour of removing English advisers. These events gave the impression that the territory was still too young, for precisely in those matters where it was particularly necessary to act prudently the Iraqis had shown themselves too anxious to get rid of the guides given them by the British Government.

If the mandatory Power was sure that its ward had reached its majority, it could merely state that it regarded the mandate as terminated and withdraw; but events had taken place which showed that the mandatory Power was not at all certain of this fact, and that it desired to maintain its influence in the country and to obtain certain guarantees by means of a treaty. Was it not imprudent on the part of the mandatory Power to take action in favour of the complete emancipation of Iraq, and was not this imprudence the result of the initial mistake it had made of binding itself by a treaty to press at successive intervals for the admission of Iraq into the League of Nations? It was possible that the mandatory Power anticipated even more serious consequences in the case of a refusal. In this connection, Count de Penha Garcia pointed out that the creation of the mandate resulted in the adoption of steps for the introduction of Western civilisation and brought about the abolition of certain guarantees, such as the capitulations, in a country where difficult conditions existed and which constituted, at the present time, a centre of uneasiness in the world. He therefore thought the Commission should be particularly cautious in giving its opinion to the Council, and that it was important to state that it could only take a decision on the question of the desirability of allowing the country its freedom within the limits of the information at its disposal, which was, moreover, somewhat limited.

M. RAPPARD thought it was impossible to draw up a resolution at the present time. He was, however, convinced that the opinions expressed might be set out in a text acceptable to all the members of the Commission. A certain uneasiness was caused by the fact that the information was insufficient and that no one was quite confident as to the future of the mandated territory. As M. Orts had suggested, the Commission should be very frank in its report to the Council. In June, the Commission had not reported favourably and had thought fit to express reservations. None of the members of the Commission, even the most optimistic, would be prepared to affirm their conviction that Iraq could be emancipated without disadvantage. He thought that the expression of this anxiety was the substance of the statement which, together with the relevant arguments, should be frankly made to the Council, and that, in making this statement, the Commission should express full reservations. It would be for the Council to draw its conclusions, especially in political matters, and to take the necessary steps.

M. ORTS thought that, on the conclusion of this discussion, which had brought out the preliminary opinion of each member of the Commission, it would be advisable to draw up a provisional text of the draft report to be submitted to the Council. As the drafting of this text was a particularly delicate matter, it would have to be carried out with the greatest care. This draft outline might be prepared before the accredited representative was heard.

LORD LUGARD wished to call attention to the two separate sets of conditions which should not be confused — namely, those relating to the termination of the mandate, and those relating to the entry of the former mandated territory into the League of Nations. Responsibility for the latter was no concern of the Mandates Commission.

M. RAPPARD wondered whether the Commission would be well advised to take a decision regarding the drafting of a text. It ran the risk of exposing itself to the reproach of having given an opinion *a priori* without having exhausted all the sources of information and, in particular, without waiting for the supplementary information, for which a request had been made, and the questioning of the accredited representative. The members of the Commission might confine themselves to drawing up personal notes on the question.

The CHAIRMAN noted that all the members of the Commission agreed with M. Rappard on this subject.

Lord LUGARD reminded the Commission of the suggestion made by the Under-Secretary in the House of Commons — that the conditions laid down for the admission of Albania to the League of Nations might serve as a model for the conditions for the surrender of the mandate.

SEVENTH MEETING.

Held on Thursday, October 29th, 1931, at 3.30 p.m.

Question of the Emancipation of Iraq (continuation).

The CHAIRMAN invited the Commission to discuss point 2 of his statement made at the fifth meeting : Examination of the guarantees which Iraq must furnish to the satisfaction of the League of Nations regarding the various points set out in the second part of the Annex to the Council resolution of September 4th, 1931, and of the form of the undertakings to which Iraq must subscribe for that purpose.

M. SAKENOBE pointed out that the Commission was dealing with a practical matter, and that the first question to which it had to reply was whether there existed in Iraq "*de facto* conditions which would justify the presumption that the country had reached the stage of development at which a people had become able to stand alone". It must decide, in other terms, whether there existed in the country a settled Government and an administration capable of maintaining the regular operation of essential Government services, etc. Thus, unless the Commission replied to that question in the affirmative, it would be useless to examine the guarantees to be furnished by the Iraq Government, and that was why M. Sakenobe proposed that the Commission should first examine the *de facto* situation existing in Iraq.

COUNT DE PENHA GARCIA considered that the most important of the guarantees mentioned in Part II of the Commission's report to the Council was the one relating to the protection of racial, linguistic and religious minorities. If, however, the Commission examined the situation from an exclusively objective standpoint, the conditions applying to those minorities would become an element of the general *de facto* situation, and in those circumstances it would be for the Council to determine the nature of the guarantees to be required.

The CHAIRMAN pointed out that the Commission was discussing the question at the moment on the assumption that the *de facto* situation in Iraq justified the presumption that the country, in the terms of the Commission's report to the Council, had reached a stage of development at which the people had become able to stand alone. Obviously, if that were not the case, it was useless to discuss guarantees.

M. SAKENOBE said that he would not press his point.

M. VAN REES doubted whether it was for the Commission to define the form in which the guarantees should be given, whether in the form of a declaration, a treaty or a convention. That, in his view, was an essentially legal point which must be settled by the Council. So far as the Commission was concerned, it was quite enough for it to enumerate the guarantees in question.

The CHAIRMAN directed his colleagues' attention to the mandate which the Commission had received from the Council, as defined in the resolution of September 4th, 1931, and which, referring as it did to the conclusions of the Commission, included also the question of the form to be given to the guarantees.

M. RAPPARD said that, in the event of the Commission considering that the *de facto* situation in Iraq justified the presumption that the country was able to stand alone, it would be for the Commission to specify the conditions to be laid down concerning the protection of minorities and other points. At the same time, it would certainly not have to frame, for this purpose, draft treaties, declarations or conventions.

On examining the question closely, M. Rappard did not feel that, between the general statement of the guarantees to be required before the mandatory system could be brought to an end and a legal text framed in its final form, there was any place for a third formula, and he thought it would be sufficient for the Commission to review the various guarantees which it had enumerated in its report to the Council, and to examine the situation for the special case of Iraq, as regards each one of these guarantees. He wondered, moreover, whether the mandatory Power would not take the initiative of submitting a draft undertaking by Iraq. He was inclined to think that it might, as the Chairman had probably had some definite reason for considering that hypothesis in his note. Should that be the case, would the Commission, which would itself have prepared a text, have to inform the mandatory Power that it could not examine the latter's draft as it had prepared one itself? He did not think so. All that

the Commission could do— since it was probable that a text would be submitted by the mandatory Power — was to wait till that text was submitted and take it as a basis for its discussions.

The CHAIRMAN did not agree. In any event, the Commission was perfectly free to do as it thought fit, and he considered that it should express its views on the question of whether the guarantees should, in its opinion, be in the form of a declaration, a treaty or a convention.

M. RAPPARD thought that that last point was outside the Commission's competence.

M. VAN REES observed that he could very well understand the Commission saying that a declaration by the Iraqi Government was only a unilateral undertaking, which did not carry the weight of an undertaking entered into towards one or more third countries. It might therefore prefer that the guarantees should be embodied in a convention ; but, in that case, who would be the parties to that convention ? Would they be Iraq of the one part and the League of Nations of the other ? Such a convention had never been heard of before.

M. ORTS pointed out that the Commission might also consider the possibility of a declaration which would be noted by the League of Nations, and the various clauses of which, having the value of a convention, would be placed under its guarantee.

The CHAIRMAN considered the hypothesis of the mandatory Power not submitting any proposal as regards the form of the undertaking. In that case, the Council would certainly refer the matter back to the Commission and the cycle would recommence.

M. VAN REES did not share that view. The form of the undertaking was not a mandatory but a purely legal question, and, as such, did not fall specially within the competence of the Commission.

M. MERLIN suggested that, in order to facilitate the task of the Commission, the Secretariat should assemble the *de facto* elements relating to the various points on which the Commission had to express its opinion.

Did Iraq possess a settled Government and an administration capable of maintaining the regular operation of the essential Government services ? Was she capable of maintaining her territorial integrity and political independence, etc. ? The Commission would then be able to see how far that *de facto* situation justifies the presumption that Iraq was able to stand alone.

As regards guarantees, it was simply a matter of applying the general principles established by the Commission to a special case. On that point the Commission would not have to frame or propose any diplomatic, legal or administrative act. It would be sufficient for it to direct the Council's attention to the necessity for ensuring the effective protection of minorities, the privileges and immunities of foreigners, the interests of foreigners in judicial, civil and criminal matters, etc.

It was not the duty of the Commission to legislate in the name of Iraq. It should merely indicate the essential guarantees which it considered it necessary to require of Iraq. It was for the Council to negotiate with Iraq on the matter before deciding on the cessation of the mandate.

M. RAPPARD, continuing his examination of the question on the hypothesis of the *de facto* situation in Iraq being found satisfactory by the Commission, pointed out that the latter would have (a) to ask Iraq to furnish the specific guarantees enumerated in Part II of the conclusions embodied in the Commission's report to the Council ; and (b) to state that those guarantees must be subscribed to in such a way that Iraq would be bound by an international act, and that the provisions of that act should be such that the Permanent Court of International Justice would be able to pass an opinion thereon.

Was it expedient that the Commission should express a preference for any particular form of undertaking ? M. Rappard did not think so, for two reasons : firstly, because, as he had already pointed out, it was possible, and indeed probable, that the mandatory Power would make suggestions on that point ; and, secondly, because the question of guarantees would probably bring up that of the admission of Iraq to the League of Nations. In point of fact, of the various States which had been called upon to give guarantees in regard to minorities, all save one were Members of the League and had entered into undertakings in regard to the latter.

To sum up, the Commission should confine itself to enumerating the guarantees to be furnished by Iraq, and to stating that the act in which those guarantees were embodied should make it possible, if necessary, for any disputes that might arise regarding its interpretation or application to be brought before the Permanent Court of International Justice.

COUNT DE PENHA GARCIA was of opinion that the Commission should examine at once the question of how far the *de facto* situation in Iraq complied with the conditions enumerated by the Commission in its report to the Council.

The question of the form in which Iraq's undertakings were to be entered into might be discussed with the accredited representative. The admission of Iraq into the League did not concern the Commission, but there was undoubtedly a close connection between that question and the question of the termination of the mandate. In any case, when putting an end to the mandatory regime, obligations must be laid upon Iraq even in the event of that country not becoming a Member of the League, and it was with a view to determining those obligations that the Commission must set forth, in the report which it would have to draw up on the question, its findings and, if necessary, the points on which it felt some doubt.

The CHAIRMAN shared Count de Penha Garcia's view, but felt that the various points enumerated in Part II of the Commission's conclusions embodied in its last report to the Council were rather vague, and only established the principles which, in their application, must be adapted to a particular case. Mention was made, for example, of the effective protection of racial and religious minorities. How would that protection be assured in Iraq? The Commission must make proposals on that point. Similarly, since the Judicial Agreement would expire at the same time as the mandate, it would be necessary to consider by what means the interests of foreigners in civil and penal matters would be safeguarded.

M. RAPPARD said that, if the Council wished to know what form was to be adopted for the act which would bind Iraq, it would not apply to the Commission for that information. The form, moreover, would depend on circumstances outside the competence of the Commission. In his view, the most important factor in that connection would be the admission or non-admission of Iraq into the League; for, as he had pointed out, the formula adopted for the protection of minorities in Turkey, a country which was not a Member of the League, had proved somewhat ineffective. If, then, Iraq were admitted to the League, the effective value of the undertakings to which she might subscribe would be very much greater, although M. Rappard did not consider in any case that a mere declaration could be regarded as sufficient.

The CHAIRMAN did not think that it was for the Secretariat to carry out a study of the kind suggested by M. Merlin.

M. PALACIOS thought that the Commission should give an opinion on both the substance and the form of the undertakings to be entered into by Iraq. The form of the undertaking, moreover, could only be determined by the actual substance. It would be desirable to consider point by point the *de facto* situation and the guarantees to be given in the event of emancipation, and to determine in each case whether satisfaction could be given by means of a treaty or by some other act. It would probably be sufficient if, before Iraq became a Member of the League, she made a solemn declaration on the point, of which the Council would take note.

M. MERLIN thought that the Chairman had not quite understood him. He had not proposed that the Secretariat should be asked to state in each case what measures were to be taken, but simply that it should be asked to note briefly what was the *de facto* situation in Iraq as regards the protection of minorities (the Kurdish question and other questions), the privileges and immunities of foreigners (the question of the capitulations and the agreements which had taken the place of the latter), etc. The Commission would judge of the situation in the light of that statement, would bring to the notice of the Council those questions which it was important to settle, and would emphasise the point that the guarantees given by the new State must be irrevocable.

Lord LUGARD thought it essential that the right of appeal to the Minorities Committee of the Council should be assured to the Iraqi minorities. Without an effective right of petition there would be no means of ensuring the effective protection of those minorities, unless they could be given the right to apply to the Permanent Court of International Justice.

M. RAPPARD thought that the Minorities Committee to which Lord Lugard was referring must be the Committee of Three. He pointed out that individuals could not apply to the Permanent Court of International Justice.

It seemed to him that, as regards minorities in general, the Commission required two kinds of information which could be supplied by the Secretariat: (a) what were the different kinds of minorities, and (b) what was the legal practice in force. The Director of the Minorities Section might perhaps be able to state the most effective means for protecting minorities.

COUNT DE PENHA GARCIA supported M. Rappard's suggestion, since the Commission was bound to give the Council an objective reply, and a statement of the League's work in regard to minorities would be calculated to assist it in its task. At the same time, there was one point that must not be forgotten — the mandatory Power had asked that Iraq might be admitted to the League, and, in so doing, had asked for the abrogation of the mandatory regime over that country. Abrogation, however, would be pronounced before admission, and what would be the effect of abrogation if Iraq did not become a Member of the League?

The CHAIRMAN pointed out also that, in that case, the Treaty between Great Britain and Iraq would not come into force, and that there would be absolutely no guarantee.

M. de Azcarate (Director of the Minorities and Administrative Commissions Section), invited by the Commission, came to the table.

M. DE AZCARATE explained the various systems in force for the protection of minorities. The protection of minorities might be ensured: (1) under the general treaties of peace or special minorities treaties; (2) under special conventions, the most important of which, from the point of view of the Mandates Commission, was the Convention relating to Upper Silesia; (3) under declarations made before the Council by States at the time of their admission to the League.

The various agreements in question had one common feature — namely, that, in virtue of the guarantee clause contained therein, the members of the Council had the right to place on the Council agenda the question of any infraction, or any danger of infraction, of any stipulation contained therein or to bring before the Permanent Court of International Justice any differences of opinion as to questions of law or of fact arising out of their interpretation.

There was, however, one exception to that general rule, and that concerned Upper Silesia. Under the system of guarantees provided for that region, any member of the minority had the right to apply direct to the Council of the League. Anywhere else any person, not necessarily a member of a minority, had the right to forward a petition, which was not dealt with directly by the Council but was referred, together with the observations of the Government concerned in the matter, to a Minorities Committee. These Committees were composed of members of the Council and presided over by the President in Office of the Council.

The CHAIRMAN wished to know whether, in the case of Upper Silesia, a member of the minority had the right to apply direct to the Council, or if he could only do so through the intermediary of a representative. In the case of the mandated territories, a person living outside one of those territories was at liberty to send a petition to the League. For example, when one of the minorities in Iraq wished to forward a petition to the competent body and for certain reasons did not dare to send it himself, could he send it through the intermediary of someone living outside Iraq ?

M. DE AZCARATE explained that, in the case of Upper Silesia, the provisions in force were quite special in character. The right of petition was accorded individually to members of the minority, and he did not know whether, under the terms of the German-Polish Convention, a petition coming from a person situated outside Upper Silesia could be considered receivable ; that was a question that would have to be examined in each particular case.

In cases other than those concerning the minorities in Upper Silesia, it was sufficient for a petition to be considered receivable, and that its source should not be anonymous nor doubtful, but then, as he had already said, the petition was not examined directly by the Council ; it was first examined by a Minorities Committee.

M. RAPPARD said that all the members of the Commission desired to see instituted an effective system of protection for the minorities in Iraq. Whether the Kurds had the right to submit their petitions to the Council or to a Minorities Committee, such a measure would in any case be ineffective. What was wanted was that there should be in Iraq, as in Upper Silesia, an impartial representative on the spot.

Hitherto, the Mandates Commission had never thought of proposing that inspection should take place in Iraq, because it did not wish to prejudice the authority of the mandatory Power. Once the mandatory regime was withdrawn, however, that point would no longer apply, and might give place to the fear that the Iraqi Government would not ensure the effective protection of minorities. Did not M. de Azcarate think that the presence of a League representative in Iraq would be calculated to ease the situation as regards the position of minorities ?

M. DE AZCARATE thought that it would be well to define the nature of the organisation set up for Upper Silesia. When that territory was divided between Germany and Poland, the two countries had concluded a Convention consisting of no less than six hundred articles, in which provision was made for the settlement of disputes of every character — both economic and social — ranging from communications and transit to minorities. With a view to the execution of the Convention, a Mixed Commission was set up, consisting of two German members and two Polish members and presided over by a person belonging to a neutral country. At the end of each part of the Convention it was stipulated that any disputes that might arise out of the application or interpretation of that particular part should be submitted for examination to the Mixed Commission. It was intended that this machinery should remain in existence for a period of fifteen years.

The third part of the Convention concerned the protection of minorities, and one of the chapters dealt with means of recourse and procedure. One of the means of recourse was the right of members of the German minority in Polish territory and of the Polish minority in German territory to forward petitions respectively to the German or Polish minorities offices which had been specially instituted with a view to the examination of such petitions. If the minorities office concerned did not succeed in settling the affair to the satisfaction of the petitioner, it forwarded the petition to the President of the Mixed Commission, who, after having consulted his colleagues, formulated an opinion, which was communicated to the Government in question. If the petitioner was still not satisfied, he might appeal to the Council of the League.

M. de Azcarate added that it would hardly be possible for him to give an opinion on the last point raised by M. Rappard. That was a question, to which in any case, a general reply could not be given.

The CHAIRMAN thanked M. de Azcarate for the lucid and ample information which he had been good enough to give the Commission.

M. VAN REES felt sure that, if the Commission proposed, in the case of the Iraqi minorities, to take stricter measures than had been laid down for the other minorities with which the League was concerned, the States signatories to the Minorities Treaties would not fail to protest energetically.

He then submitted to M. de Azcarate the three following paragraphs quoted hereunder and asked him if he could express any opinion on their value :

“ The stipulations in the foregoing articles of this declaration, so far as they affect the persons belonging to racial, religious or linguistic minorities, are declared to constitute obligations of international concern, and will be placed under the guarantee of the League of Nations. No modification will be made in them without the assent of a majority of the Council of the League of Nations.

“ Any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these stipulations, and the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

“ Any difference of opinion as to questions of law or fact arising out of these articles between the Iraqi Government and any Power a Member of the Council of the League of Nations shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. Any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.”

M. ORTS explained the economy of the scheme which M. Van Rees had just submitted to the Commission. It was based on the assumption that the guarantees provided for minorities in the Constitution and in the Code of Iraq were adequate, and that there was no question of transforming these minorities into privileged classes who were exempt from the general scheme, and hence still further to increase the differences of race and religion. In other words, care must be taken, when Iraq was being emancipated, not to prevent this people from achieving moral unity.

Admitting, however, that the Constitution and Code of Iraq were adequate, measures must still be taken (a) to ensure that the security accorded to minorities should not be withdrawn as the result of a revision of either of those instruments, and (b), even in the event of no change being made in the Code and the Constitution, to ensure that both these instruments would be applied in the right spirit, and that the minorities were not subjected to annoyance or oppression.

The scheme provided, therefore, for a declaration by Iraq to the League, which would duly take note of that declaration and guarantee its enforcement. Under the declaration, all the clauses or stipulations of the Constitution or Code concerning the protection of minorities would be regarded by Iraq as so many international undertakings, and any dispute that might arise as regards their application or interpretation might be brought by any Member of the League before the Permanent Court of International Justice at The Hague. Moreover, the procedure as regards minorities established the right of any member of a minority or of any association of minorities to petition.

M. RAPPARD said that he had listened with great interest to M. Orts' statement. The scheme in question was, in substance, as good as any other, but he persisted in thinking that the Iraqi minorities would still be in a very exposed position so long as they only had the distant influence of the League of Nations to protect them. Recourse to The Hague was a heavy and cumbersome procedure. What State would undertake to bring an action against Iraq in a minority question? If the Commission wished to support the emancipation of Iraq and still to protect her minorities, it must consider the establishment in that country of a League representative. There was no question of creating a mechanism such as had been instituted for Upper Silesia, but simply of sending to Iraq a High Commissioner or representative of the League; and, if that plan still seemed too ambitious, of entrusting the protection of minorities to the British Ambassador.

Under the terms of the draft Treaty submitted to the Commission, the British Ambassador to Iraq would enjoy a special and privileged position. It would thus be easier for the ex-mandatory Power to intervene effectively through its diplomatic representative in minority questions, and it would be its duty, as the ex-guardian which had applied for the emancipation of its ward, not to wash its hands entirely of the latter. The British Government might perhaps have objections to entrusting its Ambassador to Iraq with so delicate a task. Nevertheless, the Commission would be entitled to reply that that was the least that could be asked of the British Government, since it was that Government that was proposing the emancipation of Iraq.

That was only a suggestion. One point, however, seemed quite certain — any agreement based exclusively on the system of petitions would be ineffective in Iraq. Members of a minority would probably have more to lose than to gain by forwarding petitions to Geneva.

M. ORTS pointed out that the difficulty in the system conceived by M. Rappard lay in the fact that the British Ambassador still remained primarily the agent of his Government and the representative of his sovereign. He would, however, be drawn at any moment into difficult discussions concerning interests which were not purely British in character, so that his mission of protector of the minorities would be prejudicial to his principal mission.

M. RAPPARD thought it was merely a question of finding a suitable formula. The British Government might, for example, be invited to accept responsibility *vis-à-vis* the League for the protection of minorities in Iraq.

M. PALACIOS drew attention to the recommendations¹ of the Committee set up by the Council on September 30th, 1924, to examine on the spot the question of the frontier between Turkey and Iraq. The Committee had expressed itself as follows:

“ Since the disputed territory will in any case be under the sovereignty of a Moslem State, it is essential, in order to satisfy the aspirations of the minorities — notably the Christians, but also the Jews and Yezidi — that measures should be taken for their protection.

¹ See document C.400.M.147.1925.VII, page 90.

" It is not within our competence to enumerate all the conditions which would have to be imposed on the sovereign State for the protection of these minorities. We feel it our duty, however, to point out that the Assyrians should be guaranteed the re-establishment of the ancient privileges which they possessed in practice, if not officially, before the war. Whichever may be the sovereign State, it ought to grant these Assyrians a certain local autonomy, recognising their right to appoint their own officials and contenting itself with a tribute from them, paid through the agency of their Patriarch.

" All the Christians and the Yezidi should be assured of religious freedom and the right of opening schools.

" The status of minorities would necessarily have to be adapted to the special conditions of the country ; we think, however, that the arrangements made for the benefit of minorities might remain a dead letter if no effective supervision were exercised locally.

" The League of Nations representative on the spot might be entrusted with this supervision."

These recommendations had been examined by the Council,¹ and a precedent therefore existed as regards the proposal to send to the spot a representative of the League of Nations to supervise the protection of minorities, so that the protection would not be a mere illusion. The direct intervention of the League appeared to M. Palacios to be more likely to satisfy the natural exigencies of emancipated Iraq rather than the mission, no doubt effective, noble and just, of the Ambassador of an ex-mandatory Power. This was a very delicate question.

COUNT DE PENHA GARCIA felt that M. Rappard's remarks really reflected the hesitation felt by all the members of the Commission. The Commission had the impression — it would be idle to deny it — that the emancipation of Iraq was premature, and it was anxious that guarantees should be found which should permit of swift action. From that standpoint quite the most satisfactory solution, in his view, so far as the minorities were concerned, was to entrust their protection to the British Ambassador.

The question might arise, obviously, as to whether the British Ambassador was better fitted than any other to undertake that duty, and also whether it was possible to entrust to the diplomatic agent of one particular country the safeguarding of interests entrusted to the League. That was indeed a delicate point ; but, if it could be settled gracefully, the guarantee suggested by M. Rappard would be quite the most effective. Failing that, recourse might be had to the system to which M. Palacios had just referred.

M. MERLIN thought that it would be an excellent idea to confer on the British Ambassador the rôle of counsellor to the Iraqi Government for minority questions. The British Ambassador would be specially suited for the task, for it was Great Britain which, after having achieved such successful results in Iraq, had asked for the emancipation of the country. Any organisation contemplated for the future State of Iraq justified the assumption that that State would be capable of self-administration. At the same time, the Commission was considering the case of a young and inexperienced people, and was entitled to ask how the institutions that might be established would actually function amidst the passions of the East.

M. Merlin did not think that the League Council would agree to an arrangement which involved sending a representative of the League to Iraq. It was quite natural, however, that Great Britain, which had assumed responsibility for saying that Iraq was ready for emancipation, should be asked to ensure the protection of minorities in that country. While no longer acting as guardian, Great Britain would keep an eye on the country, at all events as regards the fulfilment of promises and guarantees relating to certain specific points. Some such formula was certainly least likely to offend the new State, and it would at the same time be the most effective, seeing which nation it was that would have to exercise the right of supervision in question.

The British Ambassador would obviously not have to settle the cases submitted to him ; he would simply have to advise the Iraqi Government, on the understanding that, if his advice was not followed, the minority would still have the right of recourse to the League or to the British Government itself.

M. Merlin realised that it would be difficult for the British Ambassador to represent in Iraq the League's interests and those of his own Government at the same time. But was it not natural that the rôle of protector should be entrusted to Great Britain ? The latter had obtained various advantages under the treaty with Iraq ; it would be only logical that, by way of compensation, Great Britain should assume certain obligations *vis-à-vis* the League.

The CHAIRMAN observed that, in entrusting the supervision of the protection of minorities in Iraq to the representative of a particular Power at Bagdad, that Power would be obliged, in spite of itself, to intervene in the internal affairs of Iraq, which would be contrary to the independence of that State.

M. RUPPEL would be prepared to support M. Rappard's proposal, but he feared, after what Sir Francis Humphrys had said, that it could not be accepted by the British Government. In that case, could not the Iraqi Government be asked to set up a special tribunal consisting of three British judges to deal with minority cases ? The tribunal would have to examine petitions, but the petitioner might still have the right to apply to the Council of the League if he were not satisfied with the result of his application to the tribunal.

¹ See *Official Journal*, Sixth Year, No. 10, October 1925, pages 1307-1316.

Mlle. DANNEVIG endorsed M. Merlin's views. She noted further that, in the Judicial Agreement concluded between Great Britain and Iraq, provision was made for a special tribunal. The greater part of the minorities in Iraq were in the Mosul vilayet. Would it not be possible to set up in that vilayet a college of judges for the purpose of examining petitions?

If the British Ambassador were made responsible for the protection of minorities, he would immediately become unpopular, and it would be better, accordingly, to entrust the work to judges such as were provided for in the Anglo-Iraqi Treaty.

M. RAPPARD, replying to an observation of the Chairman, explained that his proposal would not have the effect of prolonging the authority of the mandatory Power over Iraq as much as it would prolong its responsibility. The Commission, which had been asked whether Iraq could be emancipated, had answered: "Yes, but subject to certain conditions". Further, there were other countries — countries, moreover, with a European civilisation — which had accepted agreements to ensure the protection of minorities in their territory. As regards the usual systems for the protection of minorities, it was practically certain that those would be ineffective in a country like Iraq, and it was for that reason that, in the present case, some special arrangement should be considered.

M. VAN REES thought that there was nothing to prevent the Commission from submitting to Sir Francis Humphrys the suggestions which had just been put forward. On the other hand, the Commission's discussion with the accredited representative of the British Government might point the way to further possibilities, and it would be premature to settle the question before hearing Sir Francis Humphrys.

Had not Sir Francis already declared that the British Government would use its influence in order that the principles laid down by the Commission might be duly respected? He had not stated what means the British Government proposed to employ with that object, but M. Van Rees did not think that an ambassador could be made responsible for ensuring the protection of minorities, as such a duty would entirely alter the nature of his functions. He could, however, exert his influence in the direction suggested without being formally invested with a special duty. Lastly, there was a limit to the guarantees to be required — Iraq could not be asked for more than had been agreed to by the States signatories to the Minorities Treaties, for the reasons which M. Van Rees had already given.

M. DE AZCARATE observed that the text submitted by M. Van Rees, and commented on by M. Orts, was an exact reproduction of the guarantee clauses embodied in the Minorities Treaties.

M. ORTS pointed out that the discussion had shown that, in any case, the members of the Commission appear to have very little confidence as to the way in which the Iraqi Government would treat the minorities. It must not be forgotten that, in this matter, Iraq was the applicant. Nobody was urging the territory to obtain its independence. In the last resort, it was for Iraq to propose a formula which would completely satisfy the League as regards the protection of minorities.

The CHAIRMAN directed the Commission's attention to a second important question arising out of the scheme for the emancipation of Iraq — namely, the question of the capitulations. When the mandate came to an end, the Judicial Agreement would lapse, and it was very unlikely that States Members of the League would agree that the treaty at present in force should replace it.

M. RUPPEL observed that, in the previous year,¹ the accredited representative had stated that the Iraqi Government would be prepared to enter into undertakings *vis-à-vis* the League of Nations similar to those embodied in the Judicial Agreement to be abrogated when emancipation took place.

The CHAIRMAN thought that it would be well to ask Sir Francis Humphrys if he had any proposals to submit as regards the judicial organisation of Iraq.

EIGHTH MEETING.

Held on Friday, October 30th, 1931, at 10.30 a. m.

Question of the Emancipation of Iraq (continuation).

The CHAIRMAN recalled the conclusions reached by the Commission after discussing the situation which would exist in Iraq, from the legal point of view, when the mandate came to an end. He explained that the capitulation Powers had temporarily abandoned their capitulation rights for the duration of the mandate, accepting in the interval the regime of the Anglo-Iraqi Judicial Agreement. When this agreement lapsed, the capitulations should *ipso jure* be re-established.

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 86.

In reply to a question by M. Rappard, M. CATASTINI recalled the contents of Article VII of the Council's decision, dated September 27th, 1924, relative to the application to Iraq of the principles of Article 22 of the Covenant, which read as follows :

“ The Council of the League of Nations . . .

“ Decides that the privileges and immunities, including the benefits of consular jurisdiction and protection formerly enjoyed by capitulation or usage in the Ottoman Empire, will not be required for the protection of foreigners in Iraq so long as the Treaty of Alliance is in force.”

M. RAPPARD pointed out, in this connection, that the Treaty of Alliance between Iraq and Great Britain provided for the termination of this Agreement on the date when Iraq was admitted to the League of Nations. The British authorities had always anticipated that these two events would be simultaneous. The present Treaty therefore remained in force, not until the country's emancipation, but until its admission to the League of Nations, and it followed that Iraq would not have enjoyed full independence meanwhile.

M. CATASTINI read Article XVIII of the Treaty of 1922 :

“ This Treaty shall come into force as soon as it has been ratified by the High Contracting Parties after its acceptance by the Constituent Assembly, and shall remain in force for twenty years, at the end of which period the situation shall be examined, and if the High Contracting Parties are of opinion that the Treaty is no longer required it shall be terminated. Termination shall be subject to confirmation by the League of Nations, unless before that date Article VI of this Treaty has come into effect, in which case notice of termination shall be communicated to the Council of the League of Nations.”

The CHAIRMAN thought that the present Treaty of Alliance lapsed on the date of the cessation of the mandate. It was theoretically possible that Iraq, after being declared independent by the Council, might decide not to enter the League of Nations. The Council, however, would probably make the admission of the territory to the League of Nations the condition of the termination of the mandate.

M. RAPPARD thought that a country could be a candidate for admission to the League of Nations without enjoying independence, but that it could not be admitted to the League without being independent.

Reverting to the question of capitulations, he agreed that, in the absence of a fresh agreement on this matter, these capitulations would be revived automatically on the expiration of the Judicial Agreement with Great Britain.

The CHAIRMAN agreed with M. Rappard's remarks on capitulations. Nevertheless, it was possible that the capitulation Powers would prefer that the capitulations should not be re-established, but that they should be replaced by a new judicial agreement.

M. PALACIOS accepted the interpretation given by the Chairman. The Council's decision, together with all the decisions and negotiations on this question, provided for the re-establishment in Iraq of the privileges accorded to foreigners in matters of jurisdiction. The juridical position seemed to be similar to that provided for in the second paragraphs of Articles 5 and 8 of the Mandates for Syria and Palestine, which was worded as follows :

“ Unless the Powers whose nationals enjoyed the afore-mentioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application during a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.”

It was, moreover, a fact that the capitulations and consular jurisdictions tended to disappear in proportion as Western civilisation penetrated into the East and the Oriental countries formed themselves into States on the European type. The settlement of this question had assumed special importance in Article 28 of the Treaty of Lausanne of 1923. The Commission, in discussing the replacement of the regime, should take into account the judicial position of the problem, but without losing sight of the movement which entrusted to the sovereignty of the States the exercise of equal justice for all. The mixed courts already involved a certain restriction of that sovereignty.

M. VAN REES shared M. Palacios' opinion on this point.

M. RUPPEL emphasised the necessity, in any case, of providing a system ensuring the protection of all foreigners. The capitulation Powers only numbered about fourteen, but there were fifty-four States Members of the League of Nations whose nationals must benefit from the protection guaranteed them by the mandate.

M. PALACIOS thought that, with a view to replacing the judicial system provided by the Anglo-Iraqi Agreement, so far as capitulations were concerned, the Commission might consider a solution on the lines of the judicial system in force in Egypt, which, as was well known, was a system of mixed courts with judges of different nationalities. He did not offer this suggestion as a solution but only as a matter for discussion.

M. RUPPEL said that, if he had to choose between the Egyptian system and the present Anglo-Iraqi system, he would prefer the second, since the Egyptian system had serious drawbacks. It was very cumbersome and involved considerable expense for the country. In Egypt, forty-four foreign judges were maintained; they did not have to deal with the cases arising between natives, and only judged disputes between foreigners or between foreigners and natives. The Anglo-Iraqi system, on the other hand, also gave satisfaction to the natives, the English judges being called upon to settle all disputes. This system, therefore, gave both general guarantees for all the inhabitants of the country and special guarantees in the case of minorities.

M. RAPPARD thought that a proposal would probably be laid before the Commission by the British Government. It would therefore be preferable to await this proposal before discussing the question, instead of embarking upon the creation of all the elements of a judicial system.

M. CATASTINI said that, according to information he had received, Great Britain would be prepared to prolong the present Judicial Agreement. The only question that remained, therefore, was whether the present Agreement in its integrity could or could not continue after the termination of the mandate.

The CHAIRMAN said that it would be possible to take into consideration the maintenance of the present judicial system in Iraq; but, in that case, Great Britain would retain a position of superiority in the territory, and he wondered whether there was not some drawback in entrusting to a single country the task of defending as judge the interests of the fifty-four nations belonging to the League. He thought it desirable to point out that the situation in Iraq and Egypt was not quite the same, and that it was not the system as applied in Egypt the application of which M. Palacios had suggested, but a system based on the principle of mixed courts.

COUNT DE PENHA GARCIA was also convinced that the capitulations had been suspended in Iraq only for the duration of the mandate. The Anglo-Iraqi Judicial Agreement at present provided for the good administration of justice in Iraq. At the time of the expiration of the mandate, the Judicial Agreement would also come to an end. The new Treaty did not deal with this matter. The mandatory Power had already considered the question of how the capitulations system should be replaced at the time when the mandate came to an end, since it had established courts resembling to a certain extent the mixed tribunals, and the judges were appointed for a period considerably longer than the year 1932. Moreover, the very recent Judicial Agreement showed clearly that the mandatory Power believed it necessary to maintain in the Iraqi courts judges representing the civilisation and the law of other countries than Iraq.

At the time of the cessation of the mandate, these judges could perhaps be chosen from among magistrates who were nationals of the various countries Members of the League of Nations, in such a way as to ensure the most complete independence in the Iraqi courts. It was nevertheless certain that, in view of certain requirements which were necessary for these judges, the greater number of the Members of the League would not possess magistrates who would be suitable for the purpose.

M. VAN REES was also in favour of awaiting the statement of the accredited representative before seeking a solution, as he was sure that the British Government would have suggestions to make. The Commission could ask Sir Francis Humphrys what were the mandatory Power's intentions and, if necessary, could ask him to make suggestions. For the moment, the Commission could not discuss the question with a full knowledge of the facts.

M. MERLIN was convinced that capitulations should be legally re-established at the expiration of the mandate, seeing that the legal system established in virtue of the agreements of 1924 and 1930 would come to an end at the same time. The discussion, moreover, was not of any great interest, seeing that, on the day when the mandate expired, Iraq would be required to become a Member of the League, and it would have been called upon previously to give special guarantees.

M. Merlin wished to point out that these guarantees were to be granted not only to foreigners, but also to the original population itself. It was for this purpose that the mandatory Power had set up the tribunals in which there were British magistrates and for which provision was made under the terms of the Judicial Agreement of 1930, tribunals which were required to settle all differences, including those arising between the original inhabitants themselves. The establishment of mixed tribunals would not serve the same purpose, since their competence was limited to the disputes between foreigners and the original inhabitants.

He would also point out that all the judges had been appointed for ten years and that the appointments had been made at the very moment when England was contemplating asking for the emancipation of Iraq. It seemed, therefore, that England was indeed anticipating the *de facto* or *de jure* prolongation of the Judicial Agreement.

M. Merlin also preferred not to pronounce himself before the accredited representative should have made suggestions.

M. RAPPARD considered that the Commission was entitled to ask whether a territory was really worthy of emancipation, if everyone agreed that it was incapable of ensuring the respect of foreigners' rights by its own resources, and if it was desired to know whether it would be the mandatory Power or other Powers who would be responsible for ensuring the respect of these rights. As a matter of fact, none of the members of the Commission seemed disposed to place confidence in the native judicial organisation of Iraq.

Another question was whether the Commission agreed in recognising to the ex-mandatory Power a monopoly for the protection of foreigners, or whether this responsibility should be

shared between the States Members of the League of Nations. Would it be admissible for the mandatory Power to conclude with its ward, during the period of guardianship, arrangements conferring on it exclusive advantages after emancipation ?

M. MERLIN pointed out that the mandatory Power had asked for the admission to the League of Nations of the State which had been entrusted to it as a ward, while recognising that its evolution was not yet complete. It had therefore envisaged the prolongation of institutions which it had itself created, so as not to incur the responsibility for events which might give rise to doubts as to the expediency of such emancipation. Should other nations or organs intervene, the mandatory Power could regard itself as free from all responsibility with regard to these events. It was therefore particularly important to leave it to the mandatory Power to make suggestions.

M. RUPPEL hoped that, in any case, the guarantees offered to the natives by the present Judicial Agreement would be maintained. He did not particularly desire that all the foreign judges should be British.

As a matter of fact, however, the question did not arise, for all the judges had been appointed for ten years, and the exchange of notes which had accompanied the drafting of the Treaty of Alliance between the Iraqi and British Governments showed that the Iraqi Government had undertaken to employ only British subjects as foreign officials.

M. VAN REES had no preference for any particular system. Theoretically, it would be an advantage to have in Iraq judges other than British. He found it difficult to pronounce an opinion, however, as he did not know the drawbacks which such a system might offer, and he preferred to await the replies of the accredited representative.

The CHAIRMAN pointed out that the examination of the mandatory Power's agreements with Iraq would come later.

M. SAKENOBE noted that the Commission had entered upon a discussion of the guarantees which the Iraqi Government could offer ; but the discussion on guarantees should be based on the assumption that Iraq was a State which could stand alone ; a State which possessed "laws and a judicial organisation which will afford equal and regular justice to all". Otherwise, the whole discussion came to nothing. It must be assumed that Iraq fully intended to observe her engagement and was capable of doing so. The discussion should be based on that assumption. As regards the system to be proposed, M. Sakenobe, like M. Van Rees, preferred to reserve his opinion until he had heard what the accredited representative had to say.

M. RAPPARD drew attention to the danger of the Commission contradicting itself. It had agreed that one of the factors in estimating a State's ability to govern itself was the possession of a judicial system applicable to all, including foreigners. But the Commission was now discussing a system of special guarantees for foreigners in Iraq. He feared that this was a flagrant contradiction.

The CHAIRMAN concluded from the discussion that one of the important questions to be put to the accredited representative was how the mandatory Power envisaged the organisation of justice in Iraq after the cessation of the mandate.

M. VAN REES reminded the Commission of the contents of the note he had drafted to serve as a basis for the examination of the conditions for admitting Iraq to the League of Nations published as an annex to the Minutes of the eighteenth session. He read the part of this note which dealt with the interests of foreigners in religious matters. ¹

Freedom of conscience was at present guaranteed by the Iraqi Constitution, but the latter might subsequently be modified. He thought that the Commission should insist on the maintenance of the present situation, which appeared to be satisfactory.

M. RAPPARD was also of the opinion that the Commission should remind the accredited representative that the mandatory Power had deemed it expedient to adopt certain measures to guarantee freedom of conscience in the country, and draw his attention to the fact that, now that its authority in the country was about to terminate, the British Government should obtain from the Government of Iraq an undertaking that these guarantees would be maintained.

The CHAIRMAN observed that, in the particular case of Iraq, the principles set forth under letters (d), (e), (f) and (g) of Part II of the Commission's conclusions did not call for any special consideration.

ECONOMIC EQUALITY.

The CHAIRMAN reminded his colleagues that, though this condition had only been tentatively suggested by the Commission itself, the Council had insisted upon it.

M. RAPPARD thought that, at a time when the force of the most-favoured-nation clause was being weakened on every hand, it was desirable that guarantees for the maintenance of economic equality in the emancipated territory should be as detailed as possible.

¹ Document C.366.M.154.1930.VI, page 172.

M. PALACIOS emphasised the special interest of this question to the Members of the League of Nations, which was a difficult one to ask and even to define. It was not a question of a preferential tariff for certain goods, but of the economic system of the open door for States Members of the League of Nations that is to say, of a new community whose members should always, in their mutual relations, show that they belonged to a higher organisation. If that were true, and if this community, which was in process of formation, caused its rules to be applied in the various States, there would be no objection to imposing these principles on the State under tutelage which had been brought up by the community and was on the point of being emancipated.

The difficulty was that, in this respect, the community of nations was still an ideal to be striven for, and that Iraq had hastened her emancipation. Consequently, it might unfortunately be necessary to aim solely at a transitory and restricted system of reciprocity. Nevertheless, it should not be forgotten that Article 11 of the Treaty of 1922 between Great Britain and Iraq gave no privilege to the mandatory Power, and enabled the other Members of the League of Nations to compete with Great Britain in Iraq in all economic spheres on the same legal conditions.

M. MERLIN expressed the view that, in the long run, the safeguarding of economic equality was a question of commercial treaties and Customs tariffs. He pointed out in this connection that Iraq, like the majority of countries in the Near East, applied a special Customs regime to neighbouring countries; nothing could justify the extension of such privileges to other more distant countries.

M. VAN REES thought that it would be desirable, in the first place, to define the scope of the Council's resolution. That resolution, without going into further detail, demanded that the principle of economic equality should be safeguarded, and added, "in accordance with the recommendation of the Commission". In point of fact, the Commission's recommendation had been that, as a transitory measure, the new State should grant most-favoured-nation treatment to the States Members of the League of Nations, subject to reciprocity. The Commission had merely been thinking of equality in respect of commerce. Its recommendation did not refer to equality in the matter of concessions and other matters. It was important that the Commission should define its attitude on this point, as the principle of economic equality might be applied in a variety of quite different ways, according to the point of view from which it was regarded.

M. RAPPARD was unwilling to believe that M. Van Rees was championing a regime of discrimination, and he hoped that Iraq, when emancipated, would remain open to the trade of all States Members of the League of Nations on conditions of equality and reciprocity. He himself would never favour the limitation of the scope of the principle of economic equality.

COUNT DE PENHA GARCIA drew attention to the fact that there was an apparent contradiction in the Council resolution, if this principle of economic equality were carried too far. After the termination of the mandate, this servitude should be of a different kind. Economic equality had been required during the period of the mandate because it had been feared that the mandatory Power, occupying as it did a predominant position in the country, might use it to the detriment of other Members of the League. This reason disappeared with the cessation of the mandate, and it was difficult to justify this servitude, which must in any case be subject to the condition of reciprocity and without prejudice to special conventions concluded with the neighbouring countries and relating to exceptional conditions.

M. RAPPARD admitted the logic of the argument put forward by Count de Penha Garcia, provided that the complete emancipation of the country were contemplated. He nevertheless wished to point out that it would be possible, in respect of economic questions, to raise objections similar to those which had been put forward on judicial grounds in regard to the protection of minorities, etc. This undoubtedly revealed a certain lack of confidence in the country desirous of emancipation, and M. Rappard saw no reason for ruling out the possibility of an intermediate stage between the mandatory regime and a state of complete independence. At present, indeed, it was impossible to say how the Government of Iraq would use its liberty, and it was for that reason that an attempt was being made to obtain guarantees to ensure its living on terms of neighbourly co-operation with the countries concerned.

M. MERLIN stressed the difference between the various guarantees which it had been thought desirable to require. The object was to ensure protection of foreign interests in a new State, but what was being demanded now amounted to a veritable privilege. It was true that the Council had limited the duration of this privilege by declaring that it should only be valid during a "reasonable" period. On the other hand, the privilege in question had been introduced subject to reciprocity. It was, indeed, impossible to contemplate imposing on a country a regime of economic equality which it would not itself be able to enjoy in other countries. It was, in short, being stated that Iraq should not apply a regime of preferential Customs tariffs. M. Merlin considered, however, that no country could accept conditions which went further, and in any case this question could only be settled by means of individual agreements between Iraq and the countries concerned.

In reply to a remark by Count de Penha Garcia, the CHAIRMAN expressed the opinion that it was not necessary for the Commission to interpret the Council's resolution. He would prefer to leave to the Council the responsibility of indicating the scope of the principle of most-favoured-nation treatment.

Lord LUGARD said that Iraq owed its independence to the action of the allied and associated Powers in the war. The League of Nations — *viz.*, the Council — was the agent or representative of those Powers, and it has insisted that the emancipated territory should be obliged to adopt a regime of economic equality. The Mandates Commission was bound to accept that decision, even though recognising that it implied a limitation of sovereignty imposed by the representative of the allied Powers as a modification of the independence which it was granting to the country. This limitation, moreover, was subject to two important conditions — in the first place, it was provisional ; and, in the second place, it was dependent on reciprocity.

M. ORTS shared Lord Lugard's opinion. The Commission was dealing with a resolution of the Council and was bound to abide by it. At first sight this resolution appeared contradictory. It spoke of safeguarding the principle of economic equality in accordance with the spirit of the Covenant and with the recommendation embodied in the opinion of the Mandates Commission. Economic equality was one thing and the conclusion of commercial treaties containing the most-favoured-nation clause, subject to reciprocity, was another. M. Orts had no doubt, judging from the Council Minutes, that it was the latter regime which the Council had desired to maintain. It was not desirable, therefore, to go beyond reciprocity in respect of commercial exchanges, and the Commission should, in his view, put aside the idea of setting up, in contractual form, a system of concessions, for example. All that it was necessary to consider, therefore, were the advantages provided in current commercial treaties — freedom of commerce, of navigation, etc.

The CHAIRMAN was of the opinion that it was clear that the Council could not accept for the Member States of the League of Nations less than the Government of Iraq was granting to the United States of America in Article 7 of the Convention¹ which it had signed in London on January 9th, 1930, with that Power :

“ The present Convention shall take effect on the date of the exchange of ratifications, and shall cease to have effect on the termination of the special relations existing between His Britannic Majesty and His Majesty the King of Iraq in accordance with the Treaty of Alliance and the Treaty of 1926.

“ On the termination of the said special relations, negotiations shall be entered into between the United States and Iraq for the conclusion of a treaty in regard to their future relations and the rights of the nationals of each country in the territories of the other. Pending the conclusion of such an agreement, the nationals, vessels, goods and aircraft of the United States and all goods in transit across Iraq, originating in or destined for the United States, shall receive in Iraq the most-favoured-nation treatment ; provided that the benefit of this provision cannot be claimed in respect of any matter in regard to which the nationals, vessels, goods and aircraft of Iraq, and all goods in transit across the United States, originating in or destined for Iraq, do not receive in the United States the most-favoured-nation treatment, it being understood that Iraq shall not be entitled to claim the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on the 11th day of December, 1902, or any other commercial convention which may hereafter be concluded by the United States with Cuba or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws, and that the United States shall not be entitled to claim any special treatment which may be accorded by Iraq to the nationals or commerce of neighbouring States exclusively ”.

M. VAN REES pointed out that, under this treaty, the United States of America had reserved to themselves the rights and privileges enjoyed by Member States of the League of Nations during the period of the mandate. He did not think it possible to use this text as a basis for interpreting the Council's resolution. Like M. Orts, he was of opinion that the recommendation of the Mandates Commission should be interpreted as referring only to commercial questions. If interpreted in the light of such limitations, the obligation which it was proposed to impose upon Iraq became acceptable. It would, on the other hand, be entirely unacceptable if the principle of economic equality were more broadly interpreted.

The CHAIRMAN observed that the agreement between Iraq and the United States of America provided for most-favoured-nation treatment, not only for the period of the mandate, but also for a period subsequent to the mandate, during which negotiations would take place for the conclusion of a treaty. If that were so, it was easy to foresee that this treatment would thus be assured by the treaty to be concluded.

M. ORTS added that, if the principle of economic equality were strictly applied with a reciprocity clause in the widest sense of the term, the States Members of the League of Nations would have no use for the privilege which it was desired to grant them.

The CHAIRMAN pointed out that the principle of the most-favoured-nation clause had never been defined with sufficient clarity. Several theories were current, and each State acted upon its own.

¹ Convention between His Britannic Majesty and His Majesty the King of Iraq and the President of the United States of America regarding the Rights of the United States and of its Nationals in Iraq, registered in the Secretariat of the League of Nations under number 2696.

M. MERLIN added that the fact that economic equality was imposed upon Iraq subject to reciprocity robbed the discussion of much of its interest. It was, indeed, impossible to impose anything whatsoever upon the countries which might conclude agreements with Iraq. It would therefore be logical to restrict the scope of this expression to the implications usually given it in Customs and commercial agreements.

The CHAIRMAN concluded from the discussion that it would be preferable to leave the Council to take such decisions as might be necessary "according to the spirit of the Covenant", as it was obvious that the interests of the Powers concerned would be defended by their representatives on the League of Nations.

M. CATASTINI recalled that the Commission had defined the scope of the formula whereby the principle of most favoured treatment would be safeguarded during the post-mandate period. That was to say, there would no longer be economic equality, but (a) most-favoured-nation treatment, (b) as a transitory measure and (c), more important still, on condition of reciprocity. This last condition required the conclusion of a treaty, necessarily preceded by negotiations, during which Iraq would safeguard her own interests.

COUNT DE PENHA GARCIA was anxious that the length of the "temporary" period of application should be specified. Was it to be ten or fifteen years? In such cases he preferred explicit statements.

EXAMINATION OF THE ANGLO IRAQI TREATY OF ALLIANCE JUNE 30TH, 1930, AND ANNEXES THERETO.

COUNT DE PENHA GARCIA could not see why the Commission need examine this Treaty of Alliance, seeing that it had been revised by the two signatory States and would only enter into force after Iraq had acquired its independence. At that time, the Mandates Commission would not be competent to form a judgment. If it was proposed to look for clauses incompatible with the position of an independent State, this question was not within the competence of the Commission, as it referred to the admission of Iraq into the League of Nations.

The CHAIRMAN drew the Commission's attention to the fact that, in its resolution of September 4th, 1931, the Council decided that "it will naturally have to examine with the utmost care all undertakings given by the countries under mandate to the mandatory Power in order to satisfy itself that they are compatible with the status of an independent State".

M. RAPPARD pointed out that, in theory, the situation was difficult on account of the fact that the mandated territory could only be granted independence on the proposal of the mandatory Power. The mandatory Power might compel the territory at the time of its request for independence to accept conditions contrary to its interests, and it was only reasonable that the Council should request the Commission to satisfy itself that such an agreement contained no clauses of this nature.

M. MERLIN was also of the opinion that the Commission should ascertain whether, under the influence of its position of dependence on the mandatory Power, the future independent State had concluded agreements with that Power which were incompatible with the exercise of the sovereign powers of an independent State.

M. PALACIOS observed that in point of fact the termination of the Mandate and Iraq's admission to the League would automatically coincide. The 1930 treaty said, in so many words: "The mandatory responsibilities accepted by His Britannic Majesty in respect of Iraq will automatically terminate upon the admission of Iraq to the League of Nations". Moreover, he had maintained this point of view during the examination of the texts which had been used, during previous sessions of the Commission, for the whole question of Iraq.

M. VAN REES reminded the Commission that the question had been defined in M. Grandi's speech before the Council. M. Grandi had been anxious that the mandated territory should not be indirectly converted into a protectorate. That was why the Commission should satisfy itself that the undertakings given by Iraq to Great Britain would not lead to the transformation which it desired to avoid, and, in M. Van Rees' opinion, the Commission's enquiry should bear more particularly upon the Treaty of June 30th, 1930, on the assumption that this Treaty would actually come into force.

The CHAIRMAN and M. RAPPARD concurred.

COUNT DE PENHA GARCIA considered that the question was a purely political one, and that the Commission would exceed its duties if it were to pronounce upon questions which were political in character.

The result of the enquiry would be that the Treaty between Iraq and Great Britain did not in any way prevent Iraq from entering the League of Nations. Any other solution would throw blame on the mandatory Power, which would have serious consequences. The Treaty had been accepted by the constitutional organs of Iraq. To deny the competence of Iraq would be equivalent to pronouncing against the cessation of the mandate and the entry of Iraq into the League.

The CHAIRMAN pointed out that the Commission could not evade the duties which the Council had entrusted to it, even if it might overstep the limits of its normal activities.

M. ORTS added that the Commission was no longer limited by its normal terms of reference. An exceptional task had been entrusted to it, and, since it had been asked by the Council to pronounce on a purely political question, it could not refuse to do so. Moreover, this was not the first time the Commission had been in this position.

In reply to Count de Penha Garcia, who had reminded his colleagues that the League of Nations possessed special organs for dealing with political questions, M. Orts explained that the Council had referred the matter to the Mandates Commission because the latter was better acquainted than any other organ of the League with the country in question.

The CHAIRMAN added that this objection should have been raised a year previously, when the Commission had submitted to the Council its statement on the conditions to which it considered that the termination of a mandate should be subordinated.

M. RAPPARD shared the opinion of M. Orts and of the Chairman.

M. VAN REES admitted that the Commission had a non-political character when performing its normal duties as defined under Article 22 of the Covenant and by the terms of its own constitution; but the Council which had defined its terms of reference might extend them, and it would not be the first time it had done so. The Commission, for example, had been invited to deal with a political question and to formulate an opinion with regard to the desirability of increasing its membership at the time when Germany had become a Member of the League of Nations. At that time, the Council had seen no objection to the Commission's being asked to deal with the matter, which did not come within the ordinary scope of its activities, and the Commission need not be surprised that the Council had adopted a similar attitude on the present occasion.

M. PALACIOS also shared the opinion expressed by M. Orts and the Chairman that the Commission should examine the Anglo-Iraqi Treaty of 1930. He did not, however, think that so-called political discussions such as the present went beyond the ordinary duties and powers of the Commission.

COUNT DE PENHA GARCIA defined his position. The Commission as such should decide, in the first place, whether Iraq was capable of standing alone. The examination of the Treaty of Alliance would only be of interest if the Commission refused to agree to the cessation of the mandate. In that case, Iraq, liberated from the mandate, could ratify the Treaty a second time. Indeed, it would be obliged to do so in order to honour its institutions.

NINTH MEETING.

Held on Friday, October 30th, 1931, at 3.15 p.m.

Question of the Emancipation of Iraq (continuation).

EXAMINATION OF THE ANGLO-IRAQI, TREATY OF ALLIANCE, JUNE 30TH, 1930 (continuation).

COUNT DE PENHA GARCIA said that there was nothing outstanding in the Preamble to the Treaty which showed that the Treaty was the logical continuation of the series of treaties previously concluded by the United Kingdom and Iraq. In virtue of this Preamble, the United Kingdom and Iraq, as independent States, drew up a system of alliance.

M. VAN REES saw nothing in the second paragraph of Article 1 calling for attention on the part of the Commission. The only question which the Commission could ask itself in this connection was whether the clause affected the independence and integrity of the territory. For his part he did not think so.

The CHAIRMAN said that the third paragraph of Article 1, in which each of the contracting parties undertook not to adopt in foreign countries an attitude which was inconsistent with the alliance, did not in itself affect Iraq's independence. It was based on the general principle that every international undertaking must be executed in good faith. Nevertheless, the expression "an attitude which is inconsistent with the alliance or might create difficulties for the other party thereto" was so vague that, in practice, it might allow one of the parties to interfere in the other's policy on any occasion. While the idea of "an attitude inconsistent with the alliance" was clear, that of "an attitude which might create difficulties for the other party" was a matter for the judgment of the parties; and, if one of them wished to be strict, it could take this as a pretext for a daily control reducing the freedom of action of the other party.

The undertaking was a mutual one, and, as such, could not be regarded as restricting Iraq's independence; but it was necessary to bear in mind the respective importance of the

two contracting parties, one of whom possessed means of intervention and control which the other did not. While the United Kingdom could easily keep watch over Iraq's policy, it was impossible for the latter to know whether British policy, which was worldwide in scope, could create difficulties for it.

It would be interesting if the accredited representative could explain how a fairer balance could be established on this point, so as to safeguard Iraq's independence more adequately.

M. RAPPARD thought that this was an extremely delicate matter. Two questions must be distinguished. The Commission might be tempted to ask itself whether the Treaty, and particularly Article 1, was in keeping with its ideas, with sound policy and even with the ideal of the League of Nations. But what it was asked to say was simply whether the Treaty was compatible with Iraq's independence. If the Commission showed a disposition to answer this question in the negative, it should realise that other treaties might be quoted giving rise to the same observations and the same fears as regards the unequal balance between the two parties. M. Rappard referred here more particularly to the treaty concluded between Italy and Albania, of which the reciprocal character was equally evident and the legality of which had not been contested.

To revert to the question put to the Commission, M. Rappard said that, from this point of view, Article 5 would seem to him much more serious than Article 1 were it not for the existence of Article 9, which said :

“Nothing in the present Treaty is intended to or shall in any way prejudice the rights and obligations which devolve or may devolve upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on August 27th, 1928.”

The CHAIRMAN drew M. Rappard's attention to the fact that Albania had not been under a mandate when she had signed a treaty with Italy.

COUNT DE PENHA GARCIA pointed out that the Treaty of Alliance had been ratified by the Iraqi Parliament, that Iraq therefore intended to pursue a policy in conformity with its provisions, and that, if the Treaty were declared null and void while Iraq was still under a mandate, it was probable that, as soon as she was independent, she would sign the same or a similar text, and on that occasion her signature would be valid. It might be asked whether in such a case Iraq, which by hypothesis would be a Member of the League of Nations, should not be prevented from doing so. Count de Penha Garcia had reflected on this point and had come to a negative conclusion. What, then, was the use of pursuing the present discussion ?

The CHAIRMAN recognised that the views put forward by Count de Penha Garcia were justified, but considered that, as the Council had entrusted a task to the Commission, the latter would have to fulfil it.

M. VAN REES pointed out that the whole of the task entrusted to the Commission consisted in saying whether the stipulations of the treaty were compatible with an independent status or not. Personally, he did not think they were not.

M. RAPPARD said that the wording of Articles 3 and 4 would cause him serious disquiet if the Treaty did not contain Article 9, to which he had already referred.

He had the impression that Article 5 of the Treaty gave one of the contracting parties a hold over the other. Personally, he would not like to see his country enter into an obligation like that accepted by Iraq in Article 5. But whether these provisions were compatible or not with independent status was another matter. M. Rappard did not think that, as regards this point, any exact precedent existed, and simply observed that the stipulations in question were very far-reaching.

The CHAIRMAN noted that Article 5 stated that security of communications between the different parts of the British Empire was essential to Great Britain, and was in the common interest of both contracting parties, and that it granted Great Britain the right to have air bases in Iraq while the Treaty lasted — that was to say, for twenty-five years. Furthermore, it was stated in Article 1 of the Annex to the Treaty that His Britannic Majesty could maintain armed forces for a period of five years from the entry into force of the Treaty either at Mosul or elsewhere. The Treaty declared that these provisions in no way prejudiced the sovereign rights of Iraq. The Chairman doubted whether this contention could be maintained in theory, and considered that the very fact that Iraq agreed to the presence of foreign troops in her territory was not calculated to remove this doubt. It might as well be admitted that the essential factors of the independence and sovereignty of States might vary according to the will of the latter.

The Chairman recognised the great importance to the British Empire of maintaining the security of communications between its component parts, but he thought that, in the clauses just mentioned, the extreme limit of what could be done without infringing the independence of a State, as conceived by the Covenant, had been reached and perhaps even passed.

M. ORTS did not think that exception should be taken to this provision or that it could be considered as restricting the independence of Iraq. Iraq was a weak country from the military point of view, and was in a very exposed position, and, in accordance with the very principles laid down by the Mandates Commission for the emancipation of a country, Iraq must be capable of maintaining its territorial integrity and its independence. M. Orts recalled,

in this connection, that the first version prepared by the Commission when it had enunciated this principle was as follows :

“ Either by its own strength or by its alliances or by the support it may receive from without — in particular, from the former mandatory Power — the territory must be capable of upholding its independence”

In these circumstances there was no reason to insist on the point that Great Britain was maintaining troops in the territory of Iraq. Was Great Britain herself suspected of threatening Iraq's independence ? M. Orts considered that the dangers which might threaten Iraq were elsewhere, and that the presence of British troops in the territory would be a valuable guarantee for the new State.

COUNT DE PENHA GARCIA was of opinion that one could argue from the fact that the security of British communications was an essential element of world peace. After the war, moreover, there were numerous cases in which troops occupied parts of a country without that country having thereby been considered as having lost its independence. In the case of Iraq, the Parliament had accepted the presence of British troops, under the terms of the Treaty of Alliance, and its sovereignty could not therefore be regarded as being at stake.

M. MERLIN drew the Commission's attention to the cases of Egypt and Panama, where the Suez and Panama Canals were protected by foreign troops without the national sovereignty of these two countries being in any way affected.

M. RAPPARD referred M. Orts to Article 7 of the Annex, which contained provisions that were not apparently inspired by an excessive anxiety to ensure the independence of Iraq.

M. ORTS remarked that, in compensation for the concession made under Article 7 of the Annex, Iraq had been able to obtain certain advantages which increased its security.

M. RAPPARD suggested that, if a State saw its territory occupied in spite of its protests, it could be said that the independence of that State was affected. If the occupation were accepted, it might, on the other hand, be argued that its sovereignty did not suffer thereby. The case of Iraq was different. This country had consented to sign and ratify a treaty with Great Britain at a time when it had not been emancipated, and when, therefore, it was not in complete possession of its sovereign rights. M. Rappard was therefore doubtful whether the Commission was justified in expressing the opinion that the treaty submitted to it could be legitimately concluded between the mandatory Power and the mandated territory for a very long period subsequent to the latter's emancipation.

M. ORTS was anxious to make it clear that in his previous remarks he had not been putting forward a paradox. Though in Western countries the presence of a foreign garrison would be regarded as an infringement of a nation's independence, and would deeply offend public opinion, the matter presented itself from quite a different aspect in the Levant. These new countries did not live in fear of the mandatory Power, and the presence in the territory of its troops was calculated, on the contrary, to reassure them and strengthen their independence.

M. RAPPARD thought that, after examination, one practical conclusion at least might be drawn from the Treaty — namely, that the Mandates Commission could not but hesitate to approve of such a treaty's being signed for a period of twenty-five years.

The CHAIRMAN referred to the exchange of notes annexed to the Treaty which had taken place on June 30th, 1930, and in which the British High Commissioner informed the Iraqi Government that the British diplomatic representative at the Court of His Majesty the King of Iraq would have the status of ambassador. Nuri Pasha, when taking note of this communication, stated that the British Ambassador at Baghdad and his successors should have precedence over the diplomatic representatives of other Powers.

The Chairman wondered whether it had not been desired, even by an agreement which was only formal in character, to ensure for the British Empire a privileged position, which, as a rule, only existed between protected and protector States.

COUNT DE PENHA GARCIA and M. VAN REES saw no objection at all to such precedence being recognised.

M. RAPPARD considered that, if Iraq were to need the presence of British troops after its emancipation, the mandate might just as well be prolonged.

M. MERLIN did not share the views of the Chairman and M. Rappard. The country in question was one which, for some considerable time, had derived great benefit from the tutelage of a foreign Power, while at the same time being surrounded by neighbours which might, in certain cases, give rise to dangers vis-à-vis the territory. What was there abnormal in the situation if, at the moment when the guardianship came to an end, Iraq should approach the mandatory Power and conclude with it agreements of such a nature as to assure its security ? This was the most certain guarantee of peace that existed.

M. RAPPARD suggested that, before replying to the question submitted by the Council, it would be necessary to agree upon the exact significance of the word “ independence ”. In any event, the cases to which M. Rappard had referred during the discussion as being such as to cause the Commission to hesitate before giving a negative reply were not those of countries which were being emancipated from a mandate.

M. PALACIOS agreed in general with the view expressed by M. Rappard and the Chairman. He had always been one of those idealists who had doubtless too high a conception of the

mandatory regime under the auspices of the League of Nations and who regarded it as superior to the regims of colonies and protectorates hitherto in force. Obviously, the basic idea of this system was the disinterestedness imposed on the mandatory Power. This was so true that this tutelage exercised under international control was considered as a burden, and the wealth of the colonies had not been taken into account in the German reparations (Article 257 of the Treaty of Versailles) or in the compensation claimed at that time by Italy under the Treaty of London. This was at any rate the view of eminent writers.

On examining the provisions in question in the Anglo-Iraqi Treaty, it was difficult not to share the apprehension of those who thought that a new regime in international life was about to be replaced, not by independence, but by an ordinary protectorate similar to many others. While such a protectorate represented a step forward on the road of civilisation on account of the high degree of culture imposed by the Power exercising this regime, it also involved considerable advantages for that Power. Naturally, attention should be paid not only, or not to any great extent, to the presence of foreign troops in the territory and the granting, for a number of years, of certain privileges or rights there, since the same state of affairs also existed in other independent States Members of the League of Nations. The point to be considered was development as a whole in relation to the idea of the mandate.

M. RUPPEL was not prepared to assert that the presence of foreign troops in the territory of a country was incompatible with its independence. At the same time, the continued presence of British troops in the territory of Iraq after its emancipation would have advantages and disadvantages which should be carefully weighed. Among the advantages would be: (1) those concerning the maintenance of the independence of the country in the case of aggression to which M. Orts had referred; (2) an additional possibility of safeguarding the rights of minorities; (3) an additional possibility also of protecting the air lines of all nations which crossed the territory of Iraq. It was common knowledge that four such lines were already in operation. Among the disadvantages would be those mentioned by the Chairman, the most serious of which arose out of Articles 1, 5 and 6 of the Annex.

Lord LUGARD remarked that some members of the Commission apparently feared that the effect of the Treaty would be to transform Iraq into a protectorate. It was therefore desirable to form a clear idea of the essential characteristics of a protectorate. In his view, its distinguishing characteristic was that the protecting Power controlled the legislation of the country protected. As no provision was made for such control in the treaty between Iraq and Great Britain, Lord Lugard considered that it could not be said that it constituted a protectorate. On the contrary, Iraq had a parliament of its own, which the British representative could not control.

M. RAPPARD drew M. Ruppel's attention to the fact that, under Article 5, the British forces could not contribute to the protection of the minorities.

M. RUPPEL replied that the very presence of British air forces seemed to him to give the minorities yet one more guarantee.

In reply to Lord Lugard, M. PALACIOS observed that a Power which had acquired control of the principle sources of a country's economic life and of its forces and defensive bases could be sure of its dominant position, without having any need to exercise legal supervision over its parliament or its Government, in addition.

Mlle. DANNEVIG saw nothing in the Treaty capable of threatening the independence of Iraq. It was obvious that, at the present time, Great Britain and other countries had great economic interests in the country, but the only comment which need be made on that situation was that it was to be hoped that, in twenty-five years, which was a short period in the life of a nation, the economic organisation of Iraq would have made such progress as to ensure its independence in this respect.

M. RUPPEL considered that the Commission ought to put certain questions to the accredited representative with a view to ascertaining what would be the exact financial position of Iraq at the time of the territory's emancipation.

The CHAIRMAN agreed. The Commission had always been of the opinion that, on the termination of a mandate, the mandatory Power should give an account of its financial administration and above all clearly indicate the territory's debts. From this point of view it was necessary to make a distinction between debts arising out of the expenses of occupation and those which had originated in the new requirements of the territory. A territory's debts might be an important factor in judging the degree of independence which it was capable of acquiring.

The Chairman reserved the right to ask the accredited representative questions on Articles 5 and 6 of the Annex to the Treaty.

Ruanda-Urundi: Observations of the Commission.

M. ORTS noted that the draft observations contained a passage relating to leprosy. He knew that the health service in the Belgian Congo, far from dissipating its efforts by dealing indiscriminately with all endemic diseases, was concentrating primarily on that which presented

the greatest danger — namely, sleeping-sickness. This was infinitely more serious than leprosy. It was therefore to sleeping-sickness that the Belgian Government had turned its attention and was employing means in keeping with the seriousness of the disease. In M. Orts' view, the policy of the Belgian Government appeared extremely judicious, especially as, in dealing with sleeping-sickness, the results obtained were in proportion to the means employed.

The mandates Commission should not seem to criticise this policy, which was undoubtedly that which was being applied also in Ruanda-Urundi.

After an exchange of views, the Commission decided to delete the paragraph of the draft text relating to leprosy and adopted its observations concerning Ruanda-Urundi (see Annex 20).

Tanganyika: Observations of the Commission.

After an exchange of views, the Commission adopted its observations with regard to Tanganyika (see Annex 20).

Statistical information concerning the Territories under Mandate.

M. CATASTINI reminded the Commission that, in the statement which he made at the opening of the present session, he had announced that the Secretariat proposed to submit to the Commission a revised version of the statistical tables relating to the territories under mandate. These tables had been distributed on October 26th 1931. M. Catastani would be grateful if the members of the Commission would be good enough to inform him of any suggestions which they might like to make in regard to these tables.

If none of the members had any remarks to make, he would suggest that the Commission should request the Council to forward the document in question to the mandatory Powers for verification.

After consulting his colleagues, the CHAIRMAN stated that the only remark which the Commission wished to make in regard to these tables was that it greatly appreciated the extreme care with which they had been prepared.

TENTH MEETING

Held on Saturday, October 31st, 1931, at 10.15 a.m.

Islands under Japanese Mandate: Examination of the Annual Report for 1930.

M. Ito, Deputy Director of the Imperial Japanese Bureau accredited to the League of Nations, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed M. Ito, whom the Commission had known for a long time.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. Iro desired merely to point out that, in the 1930 report, the Japanese Government had endeavoured to reply to the observations submitted by the Commission and to the questions raised by certain of its members to which he had been unable to give an immediate reply.

He then enumerated these questions and observations and gave the references to the part of the report containing the replies to them. The questions were the following :

1. Considerable increase in the consumption of alcohol and in the number of offences against the regulations for the consumption of alcohol since 1926 (observation by Count de Penha Garcia). See page 17, list, and page 18, N.B.(3).

2. Distinction drawn between natives and Japanese in the tables referring to offences (especially as regards offences against the rules for control of alcoholic liquors) (observation by M. Ruppel). See pages 17 and 18 and N.B.

3. Number, views and publishers of newspapers in the islands and measure of Government support (observation by M. Sakenobe). See page 19 (2).

4. Meaning of "other purposes" for which molasses alcohol was consumed (observation by Count de Penha Garcia). See page 23, second list, N.B. (2).

5. Divergencies between the statistics on page 19 and those recorded on page 29 of the last annual report (observation by Count de Penha Garcia). See page 50, N.B.(3).

6. Explanation of the percentage of 91 for the number of pupils attending the school at Palau (observation by Mile. Dannevig). See page 62 (6), second list, N.B.(2).

7. Standard adopted by the Administration for the subsidies to be granted to missions (observation by M. Palacios). See page 75, IV, N.B.

8. Indication of the total exports and imports representing the whole movement of trade (observation by M. Merlin). See page 118, I.

9. Basing of statistics relating to economic development not only on *value* but also on *quantity* (observation by M. Merlin). See pages 119 *et seq.*, II-VII.

10. Danger of the extinction of the natives in the islands under mandate, in particular, in Yap Island (observation by M. Van Rees). See pages 139 and 140, Chapter XIII.

M. Ito said that there was only one observation to which no reply had been given in the report¹ — that made by Count de Penha Garcia concerning the general policy of the Japanese Government with regard to questions of alcohol in general. The consumption of alcoholic beverages was, in the main, governed by the "Rules for Control of Liquors in the South Sea Islands". In practice, it was the suppliers of liquor who were controlled, and those who for profit infringed these rules were the ones who were most severely punished. As regards manufacture of alcoholic beverages, this was authorised up to the limit necessary to meet the justifiable requirements of the locality. In the opinion of the Japanese Government, regulation should depend, not only on laws and decrees, but also on the influence of religion and education on the population. Special attention was devoted to that point by missionaries and schoolteachers.

He added that this year a petition from M. Cabrera, would be again before the Commission. As, however, that petition had only been received quite recently, he would communicate it to the Commission at a later date, together with the observations of the Japanese Government.

FORM AND DATE OF PRESENTATION OF ANNUAL REPORTS.

M. VAN REES asked that the Japanese Government might be good enough to insert in its annual report a small table similar to that which appeared at the beginning of several reports submitted by mandatory Powers and, in particular, that relating to the Cameroons under British mandate, enumerating the questions raised the previous year and indicating the part of the report in which the replies to them were to be found.

M. Ito took note of this request.

Replying to a question by M. Orts, he stated that the Japanese financial year ended on March 31st, but that the report on the islands under mandate was for the calendar year.

M. ORTS said he would like to know, as a matter of information, whether the annual report could be prepared and communicated to the Mandates Commission in time to be examined at its summer session, either in June or July.

M. Ito replied that this would probably be difficult. It took about a month after the end of the calendar year to collect the statistics. The officials of the islands under mandate then went to Tokio, which took about four weeks, and there drew up their report in Japanese. The report was ready about the end of April, and had then to be translated and printed, so that it could hardly be despatched before July. It would therefore be somewhat difficult to shorten this period.

STATUS OF THE TERRITORY AND ITS INHABITANTS, AND INTERNATIONAL RELATIONS.

M. PALACIOS thanked the mandatory Power for having annexed to the annual report a list of the laws and regulations applicable to the territory under mandate, and asked if it would be possible in future to incorporate in the annual report information with regard to the status of the territory and its inhabitants and with regard to its international relations.

M. Ito said he would inform his Government of the request and endeavour to see that it was met.

TOPOGRAPHICAL SURVEY.

M PALACIOS said that the Japanese Government had undertaken a topographical survey of the numerous islands for which it was the Mandatory; he would like to know the position with regard to that work. Was it possible to use aeroplanes in these islands for this purpose?

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 68.

M. Iro replied that progress was being made with the investigations, but that, owing to the considerable expenditure entailed, it was necessary to go slowly. He hoped, however, that the work would soon be finished. It had not been possible to use aeroplanes.

MINISTRY FOR OVERSEA TERRITORIES.

M. ORTS stated that, according to a Press report, the Japanese Government intended to abolish the Ministry for Oversea Territories under which the South Seas Bureau came. He desired to know whether that report was correct, and, if so, whether the accredited representative could state the effects which such a change was likely to have on the future relations between the Administration of the territory under mandate and the Government of the mandatory Power.

■ M. Iro stated that, in view of the general depression which had affected Japan, like many other countries, the Japanese Government was trying to economise and had contemplated doing away with certain Ministries, including the one mentioned by M. Orts. That proposal had, however, given rise to considerable opposition, and no decision had yet been taken. In his opinion, if the Ministry for Oversea Territories were abolished, the Administration of the islands under mandate would continue to come under the Presidency of the Council.

MAINTENANCE OF PUBLIC ORDER. — PRESS.

M. RUPPEL pointed out that, in the third paragraph of page 19 of the report, it was stated that the new " Police Rules for the Maintenance of the Public Peace " contained regulations relating to meetings and associations and strictly forbade secret associations. Those regulations seemed to apply exclusively to Japanese residents. He would like to know if there was any Soviet propaganda in the country ; five Soviet Russians were reported to be residing in the islands.

M. Iro replied that the regulations in question had been necessitated by the increase in the number of Japanese residents. It was a preventive measure, and no political movement had been observed among the natives. As for the Russians residing in the islands, he was unable to give any information immediately. He would ask his Government for information.

M. SAKENOBE stressed the importance of supervising all political movements in the islands, as any agitation could not fail to be a calamity for the natives. He asked if the promulgation of the rules in question had something to do with the recent publication of the daily papers in the island.

M. Iro stated that the rules applied indirectly, if not directly, to the newspapers, and to public manifestations of opinion generally.

PUBLIC FINANCES.

M. RAPPARD observed that the budget included an annual subsidy by the Imperial Government and a surplus carried forward at the end of the year to the following financial year, and asked if that subsidy was a non-recoverable one — that was to say, a gift — and if it were granted automatically or only to cover a deficit.

M. Iro replied that the Japanese Government considered that there was every advantage in including in the budget the subsidy for the islands under mandate. It was a fixed sum on which they could count and was always voted by Parliament without opposition.

As regards the utilisation of the surplus, he stated that the administration of the islands came under the general administration and that the surplus could, if necessary, be utilised, by means of transfers, to meet other expenditure of the Ministry for Oversea Territories, or it could be carried forward to the following financial year.

M. RAPPARD observed that M. Ito's reply might cause the Mandates Commission some uneasiness. The Commission had always aimed at the fiscal autonomy of the territories under mandate and, if a Minister could use the surplus for other expenditure of the same Ministry, it would be impossible for the Commission to know exactly what sums had been expended for the territory under mandate.

M. Iro pointed out that he had only spoken of a possibility. As far as he knew, no transfers had ever been requested, and any transfers made would have to be sanctioned by Parliament, as was the rule for transfers as between chapters or sections of the budget.

M. RAPPARD said that he was satisfied, but that it was important to avoid any confusion between the finances of the territory under mandate and the Imperial finances.

He noted that, in the chapter of the report relating to the budget, the Japanese Government had indicated, opposite general expenditure, expenses incurred for the direct benefit of the natives. He thanked the Japanese Government for having done this, especially as the figures

supplied were not particularly satisfactory. It would have been possible to increase the sums regarded as expended for the direct benefit of the natives, but they represented, in fact, less than a quarter of the total expenses. He desired to know on what principles that expenditure was allocated.

M. Iro replied that the standards adopted for establishing the figures in the fourth column of the table referred to by M. Rappard were not very definite. An attempt had been made to establish the figures as fairly as possible, but they were only approximate calculations.

M. RAPPARD admitted that it was very difficult and often impossible exactly to distribute the expenses, especially in the matter of roads or the upkeep of a police office. Nevertheless, he could not but think that the proportion of a quarter was small, particularly in view of the fact that the Administration had certainly not endeavoured to reduce the share of expenses regarded as incurred for the direct benefit of the natives.

M. Rappard observed that, generally speaking, the financial position of the territory was good, as the last financial year had yielded a surplus. He wished to know if the position was still as satisfactory, in spite of the world depression.

M. Iro stated that the islands under mandate were not affected by the world economic depression. If the Japanese Government continued to accord an annual subsidy, there would be no change in the situation. The price of phosphates had fallen slightly, but it must not be forgotten that the sales in question had been concluded by means of long-term contracts and that, in any case, the effects of the slump would not be felt this year.

M. RAPPARD said that the subsidies granted during successive years by the Imperial Government to the Administration of the South Sea Islands represented nearly 21,000,000 yen. That sum constituted a sort of debt from the territory under mandate to the Imperial Government, and he hoped that the Japanese Government would not, in view of the position of the natives, insist on the reimbursement of that sum.

ECONOMIC DEVELOPMENT AND MOVEMENT OF TRADE.

M. MERLIN thanked M. Iro and the Japanese Government for having acceded to his request for economic statistics based, not only on value, but also on quantity (pages 119 to 124 of the report). He would be glad if future reports could be amplified by the inclusion of figures relating to previous years. Comparative figures were more useful than absolute figures when studying the progress made by a country.

As regards the export and import statistics (page 118 of the report), M. Merlin said that, in 1928, exports had exceeded imports by 3,396,000 yen, while in 1929 the position had considerably changed and the difference in favour of exports was only 516,000 yen. Finally, for the first quarter of 1930, a fresh important change was to be noted, the difference in favour of exports amounting, for the first six months only, to 5,502,000 yen. It was possible, however, that the movement of imports and exports was affected by seasonal factors and that the statistics for the second half-year would considerably modify those figures. The fact remained, nevertheless, that there was a great difference between 1928 and 1929, and he would be glad if some comments on those tables could be added to future reports.

M. Iro noted M. Merlin's wishes and said he would communicate them to the Japanese Government.

With regard to the change which had taken place in the relation between imports and exports, M. Iro said that he would like to explain the nature of the trade between the islands under mandate on the one hand, and Japan and other countries on the other. The exports from the islands were mostly phosphates, the annual output of which hardly varied at all and the yield of which would be exhausted, and sugar, the production of which increased every year. To that should be added the alcohol which was beginning to be extracted from sugar. Exports tended to increase in proportion to the increase in production.

As regards imports, it should be pointed out that very small quantities of goods were imported for the use of the natives, for whom the products of the country were adequate. At the beginning of the mandate, the imports consisted mainly of material for the Administration and, in particular, building materials for the dwellings of the administrators and officials. At present, imports were developing slightly with the increase in the number of Japanese residents, and goods needed to meet the requirements of the latter were now being imported. As far as the natives were concerned, imports varied very little.

Those explanations might perhaps help to clear up the somewhat abnormal situation with regard to the trade balance of the islands.

M. MERLIN said that he was struck by the fact that the area of the arable land was only 70,000 hectares. As the population was about 70,000, the proportion of arable land per head amounted to only one hectare, which was very little and could not materially assist the development of the population unless there were other means of livelihood, and, in particular, considerable trade.

M. Iro admitted that the proportion of arable land would be too small in the case of a civilised country, but, in the islands, the position was somewhat different. The requirements

of the natives were very small and food consisted for the most part of fish, bananas, tapioca, sweet potatoes and cocoanut milk. The natives did not wear clothes and for dwellings they built huts of materials which they found in the islands. The present position was thus tolerable, in view of the conditions of life of the natives.

M. MERLIN said that his remark had really been made with an eye to the future and the possibility that the native mode of living might change. At any rate, it was obvious that the production of phosphates and sugar would create sufficient trade to make up for the small amount of arable land.

M. SAKENOBE observed (page 82 of the report) that the number of persons to whom the subsidy in respect of the cultivation of coffee was accorded had fallen considerably in 1929. He would like to know the reason.

M. Iro replied that a great many planters had given up the production of coffee for that of sugar, which was more profitable.

JUDICIAL ORGANISATION.

M. RUPPEL pointed out that, on page 30 of the report, it was stated that, in some districts, village chiefs had been entrusted with the cognisance of police offences, while, on page 31, reference was made to the necessity of modifying to a certain extent the delegation of the punitive power. He desired to know whether the policy of the Japanese Government was to increase or to restrict the powers of the chiefs.

M. Iro replied that the Japanese Government was endeavouring to develop the participation of the natives in public life. Nevertheless, the delegation of powers to which M. Ruppel had referred had to be governed by local conditions. Naturally, if a chief abused his power, his authority had to be curtailed.

M. RUPPEL also pointed out that, while the Japanese Government signified its intention of respecting native customs, it was stated on page 32 of the report that "there was no necessity for instituting a system of native courts". How could those two points of view be reconciled?

M. Iro said there was no contradiction. As cases between natives were very rare, there was no necessity, for the moment, to have courts dealing exclusively with native affairs. The Japanese Government was carrying out an investigation into social customs and conditions, and an item of 23,000 yen had been included in the budget for that purpose. The results of the enquiry would enable the courts, in deciding disputes between natives, to take full account of the traditions of the people.

SOCIAL CONDITIONS OF THE NATIVES : ANTHROPOLOGICAL SURVEY.

Mlle. DANNEVIG observed that the number of Chamorros was still very small. It was stated on page 5 that that portion of the population had reached a higher degree of civilisation. Did they on that account find it more difficult to adapt themselves to new conditions of life?

M. ITO replied that, on the contrary, the higher degree of civilisation of the Chamorros enabled them to adapt themselves more easily. The Chamorro population had not only not decreased but had actually increased.

Mlle. DANNEVIG pointed out that, according to a statement on page 7, the natives did not need to work, as nature supplied them with the fruit, vegetables, fish and meat which they needed for food. Did that abundance of food last all through the year, and was it easy to preserve provisions during the hot season? She asked that question, because it was stated on page 67 that children at public schools were generally poorly nourished.

M. ITO replied that food was abundant throughout the year, and that the observation referred to by Mlle. Dannevig related to the kind of food and not to the quantity. The Japanese Government was making every effort to improve the position, particularly with regard to the children's nutrition.

M. PALACIOS, referring to the anthropological investigation by Professor Hasebe (page 5 of the report), asked that, until the results of the investigation were known, the chapters of the annual report relating to races and customs should contain more information based on the data obtained during the investigations. Perhaps the Commission could even be given a summary of the work which had already appeared in Japanese.

COUNT DE PENHA GARCIA observed that the races which lived in the territory under mandate were very primitive. In the chapter on the measures taken for promoting the well-being of natives, various measures were enumerated on which the Commission could only congratulate the Japanese Government.

Nevertheless, he would like to know whether the native population was in a position to derive benefit from some of those measures, which are the same as those that might be taken in civilised countries. Without desiring to criticise in any way, he would like to have some information as to the results obtained.

He asked if the tours made by natives to Japan were confined to the chiefs. Further, as regards the honours (page 130 of the report), he would like to know whether they were reserved for natives or for the Japanese who rendered good service to the natives.

M. Ito replied that it would be necessary to wait for some years before the results of the various measures taken could be known.

As regards the tours to Japan, these were not limited to the chiefs. Natives whose conduct was particularly satisfactory were also sent to Japan.

The honours mentioned were reserved for the natives.

Lord LUGARD referred to M. Rappard's observations on the proportion of the general expenditure incurred for the direct benefit of the natives, and pointed out that that sum scarcely exceeded the yield of the direct taxes — it was, in fact, small. He asked whether, in view of the fact that the budget for the year showed a surplus of over 3,000,000 yen, making an aggregate of over seven millions surplus, it would not be possible somewhat to increase the sums expended for the benefit of the natives.

He noted (page 129 of the report) that what were called the "vulgar dances" of the natives were being suppressed, and that "gramophones, magic lanterns and moving pictures" were being substituted for "the improvement of native manners and customs". Native dances provided physical exercise and great enjoyment to the people, and he trusted that the Japanese Government would not abolish them altogether.

With regard to honours. In some British colonies the bestowal of such honours involved exemption from taxation. He ventured to make the suggestion to the accredited representative.

M. Ito noted Lord Lugard's valuable suggestions and said that he would communicate them to this Government.

DECREASE IN THE NATIVE POPULATION. IMMIGRATION.

M. SAKENOBE pointed out that the mandatory Power had supplied the Commission with a long account (page 139 of the report) of the enquiry into the causes of the decrease in the native population in Yap. That question interested the Commission as much as the mandatory Power. The Commission had nothing but praise for the efforts made by the mandatory Power to solve that difficult problem, and it was glad that at least one of the factors contributing towards a rise in the death rate had been determined and that efforts were being made to reduce the rate. The Commission hoped that appreciable results would be obtained.

M. Sakenobe emphasised the need of studying the causes of mortality, not only from a medical, but also from a social point of view. The report already contained certain results obtained from the investigations carried out with regard to those native customs which might affect the birth and death rates. Could M. Ito, who had already given the Commission so much information at the nineteenth session,¹ amplify the annual report on that point?

M. RUPPEL observed that the most interesting part of the report was that concerning the investigation into the causes of the decrease of the native population. Some results could now be registered: (1) decrease only on the Yap Islands, whereas in the other districts the population was increasing; (2) absence of any factors arising from the contact of the islanders with advanced people; (3) causes of the decrease were a very low birth rate coupled with an extraordinarily high death rate; (4) the principal cause of the death rate was tuberculosis. It had not yet been possible to establish fundamental counter-measures, as the investigation into the causes was not yet completed. M. Ruppel hoped that the further investigations would be conducted with the same conscientiousness and that ultimately the decrease in the population in the Yap Islands would be stopped.

M. Ito agreed as to the importance of this question, and said that he could not for the moment give any additional information, but would recommend his Government to study the matter and to concentrate on social considerations.

M. RAPPARD was struck by the tendency of the native population to remain stationary or even to decline, while the number of Japanese residents had increased considerably especially in the Island of Saipan — that was to say, from 1,758 in 1920 to 15,656 in 1930. He asked whether the Japanese Government was already dealing with the political problems which must necessarily arise as a result of the increase in the number of Japanese residing in the territory under mandate. It was improbable that the Japanese residents would for long be content with the mandate regime, and they might endeavour to obtain a certain measure of local autonomy.

M. Ito admitted the pertinence of M. Rappard's observation. The number of Japanese residents had, indeed, considerably increased — above all, in Saipan. That was due to the increase in the production of sugar. He pointed out, however, that the Japanese who had established themselves in the territory under mandate came for the most part from the Japanese islands situated between Formosa and Kejushiu, where the standard of living was very different from that in Japan proper. Those emigrants were adapting themselves very well to the conditions of life in the islands under mandate.

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 65.

Mlle. DANNEVIG noted that the Japanese were allowed to enter the mandated territory without restriction. In view of the fact that the proportion of arable land to the population was already so small, was it not to be feared that such an increase in the number of Japanese might in the end give rise to difficulties ?

M. ITO replied that it was true that the Japanese Government placed no restrictions on Japanese going to the mandated territory ; the increase in the Japanese population, however, did not seem to have had any unfortunate results. The Japanese Government would consider that question, as soon as the need for doing so should arise.

LABOUR.

Mr. WEAVER pointed out that natives of Yap were recruited for work in the Angaur mines, and asked if it would be possible to indicate separately the number of workers recruited in that island.

M. ITO said he would inform his Government of this request.

Mr. WEAVER asked whether, in view of the considerable profits from phosphate mining, it would not be possible to extend the " Ordinance concerning Aid to Employees ", so as to include illnesses not directly due to their work.

M. ITO said that there was a voluntary mutual relief fund to which the Administration contributed a considerable sum, but, naturally, the benefits accrued only to its members. In any case, he would point out to those concerned how desirable the welfare of the natives was from the point of view of the mine itself.

Lord LUGARD asked whether some small percentage of the profits from the phosphate mines could be set aside for the natives as in Nauru.

Mr. WEAVER said that no provision seemed to have been made for accidents which were not the direct result of the work.

MISSIONS.

M. PALACIOS thanked the mandatory Power for the note inserted on page 75 of the report concerning the subsidies to the missions.

He would like to know the reason for the very considerable variations in the figures relating to the numbers of the followers of the various religious beliefs as compared with those given in the previous year. He had been particularly struck by the fact that, in the Island of Saipan, the number of Japanese Buddhists had increased from 350 in 1929 to 9,189 in 1930. Perhaps the explanation could be given in the next report.

EDUCATION.

Mlle. DANNEVIG said that a report on laws and regulations had been forwarded in which very interesting information was given as to education and school hygiene in the islands. Were the pupils of good intelligence, so that they were able satisfactorily to assimilate the instruction given during the three years' course ? Practical lessons — for instance, in house-keeping — were given out of school hours and by unqualified teachers (page 57 of the annual report). Would the children be able to profit by this instruction after 28 to 30 hours of lessons per week in the mornings ?

M. ITO replied that the children seemed to be fairly intelligent, especially among the Chamorros. He had received information to this effect, not only from Japanese teachers, but also from the teaching staff of the Catholic missions. Nevertheless, it would not be possible to judge of the results of those efforts for a certain number of years.

ALCOHOL, SPIRITS AND DRUGS.

COUNT DE PENHA GARCIA said that he only desired to put four questions to the accredited representative, with the request that he should be good enough to reply to them in next year's report.

1. Who accords permission to the natives to drink at festivals (page 7 of the report) ? Who supplies them with the drinks, and what are the drinks ?

2. Would it be possible to obtain additional information on the composition and effects of the drink distilled from sakao (page 7) ?

3. Have the rules for the control of liquors of November 29th, 1921, been modified ?

4. Have there been any offences against the regulations prohibiting the use of drugs ?

M. ITO noted these questions and said he would reply to them in the next report.

Lord LUGARD hoped that precautions were being taken at the distilleries in the sugar factories against the natives learning the process of distillation. It was a very simple process, and it would be disastrous if the natives adopted it.

PUBLIC HEALTH.

M. RUPPEL thanked the accredited representative for the very complete information on public health. He noted with satisfaction the good results already obtained in this matter in the territory. The doctors were doing good work, and he hoped that their efforts would be continued under the same conditions.

As regards leprosy, he pointed out that, while there were leper asylums at Saipan, Palau and Jaluit, none as yet existed in the island of Yap, although most of the cases of leprosy had been reported there. He desired to draw the attention of the mandatory Power to that fact.

M. Iro noted M. Ruppel's observation.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Iro and the Japanese Government for the careful way in which they had drafted the annual report and for the extremely interesting additional information furnished by M. Iro.

M. Iro thanked the Chairman and the Commission.

ELEVENTH MEETING.

Held on Monday, November 2nd, 1931 at 10.30 a. m.

**Petitions rejected in accordance with Article 3 of the Rules of Procedure in respect of Petitions :
Report by the Chairman.**

The Commission approved the Chairman's report. (Annexe 4).

raq: Examination of the Annual Report for 1930.

Sir Francis Humphrys, High Commissioner for Iraq, and Mr. J. H. Hall, of the Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed the accredited representatives in the name of the Commission .

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Sir Francis HUMPHRYS made the following statement :

It is only a little over four months since I last had the pleasure of meeting the Mandates Commission, and during this period few events of importance have occurred in Iraq, where the general situation remains much as it was described in the special report which was before the Commission at its last session. There are, however, a few recent happenings and developments to which I should perhaps draw the Commission's attention.

To take the darker side of the picture first. There have been two occurrences closely affecting the life of the community which, had they not been handled well and successfully by the Government, might have led to more serious consequences. Both these events deserve a passing reference.

On July 5th, during the absence from Iraq of His Majesty King Faisal and the Prime Minister, a "hartal", or general strike, was declared in Baghdad. The initial cause appears to have been resentment at the revised scale of taxes upon tradesmen, etc., laid down in the recently enacted Municipal Fees Law. It was generally believed — although quite erroneously — that the effect of this would be to impose severe additional burdens upon the trading community. Actually, the intention was to make possible some relief from municipal taxation. Reassuring statements in explanation of the law were issued by the Government, but the full effect of these was not felt at first. The strike spread to outlying towns and to Basra, and, in places, was accompanied by a certain amount of rowdyism and disorder, which were, however, promptly suppressed.

Although described as a general strike, it was that in name only. It is true that, for several days, most of the shops and the bazaars in the towns affected remained closed; but domestic inconvenience was far less than would have been imagined. All the public services were maintained without interruption, and food supplies, ice, etc., were throughout easily obtainable by going to the tradesmen's houses instead of to their shops. The situation was well handled by the Government, who wisely tempered firmness with conciliation and the promise of redress of genuine grievances, with the result that, three days after the return of the Prime Minister to Iraq on July 15th, the strike collapsed and normal conditions were restored.

The other event to which I referred was the cholera epidemic which visited Iraq in August last. This at one time promised to be one of the worst epidemics of this disease from which it is this country's misfortune from time to time to suffer. Prompt and stringent measures put in action at the time of the discovery of the first case have, however, had the effect of limiting to a comparatively small area what might otherwise have become a pandemic. Three ship-borne cases of cholera were discovered at Basra on July 27th, and stringent measures of control were at once introduced by the public health authorities. The ship was placed in quarantine, the persons on board and the dock labourers were inoculated, and, by August 1st, 7,500 inoculations had already been carried out. Measures were also put into force requiring all persons arriving at Basra from the south by land, sea or air to be in possession of anti-cholera inoculation certificates or to be inoculated on landing and isolated for not more than five days. Similar prophylactic measures were applied to passengers arriving from the Persian Gulf by air.

Nevertheless, on August 8th, non-imported cases of cholera were discovered in Basra. The restrictions imposed on traffic entering the country were then tightened up, and similar restrictions were imposed on traffic leaving the infected area. In addition, a police cordon was spread around Basra, and all railway and river traffic was strictly inspected. Inoculation was made compulsory, and the export from the infected area of fresh produce liable to carry infection was prohibited.

In spite of these stringent measures, the disease spread rapidly towards the north and north-west of Basra. The area affected was the marsh land around the Shatt-el-Arab and the Hammar Lake. The great fear was that the epidemic would spread northwards up the Tigris to Baghdad and westwards along the Euphrates, and the most drastic measures were taken to prevent this. Up to August 21st, 200,000 persons had been inoculated. On August 22nd, the Amara province became infected. On August 27th, the disease spread to the Muntafiq province, north of the Hammar Lake, so that the southern extremity of the vast marshes, which extend to 160 kilometres from north to south and 80 kilometres from east to west, situated west of the Tigris and south of Amara, became infected. Those who know this district will realise the difficulties of controlling the movements of the tribal Arabs between the marshes and the outlying settlements.

The total number of cases and deaths up to the end of August was 818 cases and 453 deaths. Mass inoculations were carried out in all the infected provinces, and by August 31st, some 320,000 inoculations had been made.

The epidemic is now definitely diminishing, and the latest reports show that there is every reason to anticipate its complete disappearance in the near future with the approach of the cooler season; meanwhile, Baghdad and the north-west provinces continue to remain entirely free from the disease. There is, I submit, every cause to congratulate the health authorities of Iraq on the efficient and energetic manner in which they have dealt with this epidemic, which might well have embraced the whole of Iraq and spread to surrounding countries.

I turn now to the brighter side of the picture. First, as this is a matter to which both the League and my Government attach particular importance, I should like to say a few words about the minorities. The Prime Minister, after his return to Iraq from his visit to Geneva last summer, spent most of the month of August touring in the three northern liwas and making special enquiries into minority questions. In his public and private speeches and conversations, continuing the work to which the King and the Minister for the Interior in their previous visits to the same areas had already set their hands, he strove to allay the misgivings of the minorities regarding their future and sought to reassure them as to the intentions of the Iraqi Government towards them. Amongst other matters he enquired closely into the question of the steps which it would be necessary to take to give full effect to the Local Languages Law, and the following is a summary of the action which, under the Prime Minister's direction, has been taken with this object:

Committees have been set up *ad hoc* in the liwas of Kirkuk, Arbil and Sulaimaniya, and have made recommendations as to the language of instruction to be used in the schools in each district.

Machinery has been set in motion to enable the Government to ascertain the wishes of the people of the five qadhas of the Mosul liwa regarding the form of Kurdish which they desire should be used.

Detailed lists have been prepared of officials of all grades holding posts in the Kurdish areas who cannot speak Kurdish, and the Ministries concerned have been directed to arrange for their replacement by Kurdish-speaking officials, or, if this cannot at present be done, to see that they acquire an adequate knowledge of Kurdish within three months.

As evidence of the keen personal interest taken in this matter by the Iraqi Prime Minister and of his determination to see that the Local Languages Law is observed in the spirit as well as in the letter, I would ask the Commission to glance at his circular instructions to the Iraqi Ministries, copies of which have been distributed.

To turn now to the Christians, the Mandates Commission has before it some new petitions and letters from Mr. Rassam, together with the observations of His Majesty's Government thereon. It will have been noticed that His Majesty's Government questions the validity of Mr. Rassam's claim to voice the views of the Christian minorities in Iraq, with the possible exception of a section of the Assyrian community, and the Commission has been referred to the public pronouncements which some of the spiritual heads of these communities have made concerning the position of their congregations at this juncture. I should like now to lay before the Commission copies of two other documents which provide further evidence of the satisfaction which the policy of the Iraqi Government has given. They are, as will be seen, a letter from the Apostolic Delegate in Iraq to the Minister for the Interior dated August 4th, and the text of a short speech made by the Apostolic Delegate on September 22nd on the occasion of the presentation of a Papal medal to the Minister.

It is unnecessary, I think, for me to comment on the significance of this independent and spontaneous approbation of the Iraqi Government's attitude towards the Christian minorities of the country.

As regards the further settlement of the Assyrians, the proposal to establish an Assyrian settlement in the Baradost area, in the north of the Arbīl liwa, has been revived, and on August 24th the Council of Ministers passed a resolution instructing the Ministry for the Interior to take all necessary steps to settle landless Assyrians on vacant lands in this area and to inform them that the Government would grant all persons settled under the terms of this resolution remissions from taxation under the provisions of certain specified laws.

The effect will be that they will be excused the greater part of their land taxes for the first four years of the settlement. At the request of the Iraqi Government, a company of levies was moved to the Baradost country in August. The intention is that the company, which is composed entirely of Assyrians, will be withdrawn for the winter and will return to Baradost in the spring in order to afford protection to settlers and to reassure them generally as to the prospects of the settlement. It is confidently hoped that these measures will be successful in establishing the Assyrians in this area.

The affairs of the Yazidis have also continued to engage the attention of the Iraqi Government. The chief cause of the recent dissatisfaction among this tribe is internal dissension regarding the collection and control of the funds which are given by the Yazidis for the upkeep of their holy shrines and places of pilgrimage. The jealousy with which they guard their secrets and their age-old fear of any form of official interference in their religious affairs make it difficult for the Government to intervene effectively in their internal disputes. Gradually, however, confidence is being inspired in the goodwill of the Government, and on October 15th a meeting of the religious sheikhs of the Yazidis was held under official auspices to make recommendations as to the setting up of a properly constituted Communal Council to control the affairs of the tribe. If the Yazidis can be persuaded to agree to the setting up of a Council similar to those which already exist in other religious minorities, I think that a big step forward will have been taken in regulating their affairs.

At the last session¹ I was able to inform the Commission of a resolution of the Iraqi Council of Ministers, taken in May last, setting up a special committee to report on the extent to which existing international labour conventions could be adhered to or followed by the Iraqi Government. The Commission has probably heard already that, as the result of this resolution, the Iraqi Minister in London, Ja'Far Pasha el Askeri, and Mr. Lloyd, the British legal adviser to the special committee, have recently been in Geneva to consult the International Labour Organisation on this question. They spoke to me in the warmest terms of the assistance and advice which they had received, and I have just learned from Baghdad that the Iraqi Government has decided to accept in principle the suggestions made to its delegates by the International Labour Office and are preparing draft legislation embodying those suggestions for submission to Parliament.

Since the compilation of the list on pages 37 and 38 of the special report on the progress of Iraq, the Iraqi Government has notified accession to the following international conventions :

- The International Opium Convention and Protocol of 1925 ;
- The Protocol for the Prohibition of the Use in war of Asphyxiating, Poisonous Gases and other Bacteriological Methods of Warfare ;
- The Convention relating to the Regulation of Aerial Navigation :
- The International Sanitary Convention ;
- The International Radiotelegraph Convention ; and
- The International Convention relating to Road Traffic.

The accession of Iraq to the International Sanitary Convention is, I think, of particular importance. It confirms the Iraqi Government's recognition of the great responsibility imposed

¹ See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1031.VI), pages 118 and 119.

upon it by virtue of Iraq's geographical position. It must be remembered that Iraq links up the great land and air routes between East and West, along which cholera epidemics, in particular, have frequently spread in the past. Iraq's accession, moreover, will provide an additional and welcome safeguard in connection with the international system of sanitary control of the pilgrimages, which is based on the provisions of the International Sanitary Convention.

The Commission may be interested to learn that I have just received a telegram from Baghdad reporting that the Council of Ministers has passed a resolution approving of the accession of Iraq to the Paris Peace Pact. The necessary constitutional authority will be obtained when Parliament meets.

At the Commission's nineteenth session,¹ Count de Penha Garcia asked that the next annual report should contain full information in regard to the consumption and smuggling of opium. He also asked why, in spite of the high selling price fixed by the Iraqi Government, the yield from the monopoly system was less than from the former system of licences, and whether the measures for repressing the smuggling of opium into Iraq were adequate to frustrate the efforts of the smugglers. I have here, and will hand to Count de Penha Garcia, a copy of the report of the Iraqi Government for the calendar year 1930 on the traffic in opium and dangerous drugs, which has been submitted to the Opium Advisory Committee. This report proved too lengthy to be included in the annual report on Iraq. I think that it will be found to contain the information desired. From this report it seems evident that the decrease in the consumption of opium, and consequently in revenue yield to the Government, has not been influenced to any appreciable extent by the introduction of the State monopoly system. The explanation is to be found in the general economic depression.

Smuggling of opium into Iraq still persists. It is undoubtedly stimulated by the high price at which opium is necessarily retailed in Iraq. This allows a big margin of profit to dealers in illicit opium from Persia, who avoid payment of the Persian export tax which is charged on licit importations into Iraq. It is suggested in the report that, if the Persian Government were to agree to waive the export tax in the case of purchases by the Iraqi Government, then the retail price within Iraq could be reduced to an extent that would render smuggling unprofitable. The great length of the frontier between Persia and Iraq renders preventive measures peculiarly difficult and, in spite of the activities of the police and the Excise and Customs Department, which, as will be seen from the report, led in 1930 to a number of important seizures, it is well-nigh impossible altogether to eliminate smuggling so long as the financial incentive remains.

At the last session² of the Commission I undertook, at the request of Count de Penha Garcia, to supply, if possible, statistics of the population of Iraq. The figures of a preliminary census of the population of Iraq taken in 1919 were published in May 1928, in the League of Nations document entitled "Statistical Information concerning Territories under Mandate" (document C.143.M.34.1928.VI (C.P.M.698)), and showed totals for the principal races and religions. Since last June, in order to meet the wishes of the Commission, a new estimate of the population has been made, the result of which is shown in the tables and maps which I am now laying before you.

It is not necessary for me, I am sure, to remind the Commission how difficult it is in a country such as Iraq to make a really accurate and fully informative census. Eastern peoples have always resented and suspected the inquisitiveness of Governments about their personal status and beliefs. These new figures have been compiled from general data, such as the number of houses in villages and the estimated strength of tribes, and are not based on a closely checked count of individuals, such as is possible in some other countries. They must not, therefore, be regarded as offering more than a broad estimate of the totals and distribution of the races and religions to be found in Iraq, and are not sufficiently accurate to enable any definite conclusions to be drawn regarding the decrease or increase of the population. The medical authorities of the Public Health Service estimate a probable total increase of 20 per cent in the population during the last ten years. This, again, is only an estimate based on general data, observation and such demographic statistics as are available in the larger towns. The Iraqi Government has, however, done its best, within the short time which was available, to provide the Commission with the information requested.

Another question raised at the twentieth session³ of the Mandates Commission was that of the fitness of the Iraqi army to defend the country. At the suggestion of the Chairman, discussion was postponed until the October session, and I should like to offer a few observations on this point. At the sixty-fourth session of the Council Lord Cecil (the British representative) referring to 1 (b) of the *de facto* conditions for the emancipation of a mandated State which had been proposed by the Mandates Commission, said :

"It is impossible to say that any country, great or small, is capable of maintaining eternally its territorial integrity and political independence, but the general meaning

¹ See Minutes of the Nineteenth Session of the Permanent Mandates Commission (document C.643.M.262.1930.VI), page 78.

² See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), page 125.

³ See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), pages 135 and 136.

is quite clear. The country must be capable of living independently, and the various guarantees which, through the Covenant of the League of Nations and otherwise, safeguard the territorial integrity and political independence of all countries must be secured."

The Council's Rapporteur accepted this interpretation and agreed that the new State was not required to be sufficiently powerful to defend itself successfully against any other State or any combination of States. It was sufficient that the new State should be what was generally described as a duly constituted State and that it was not a "no man's land". I think there need be no doubt that the defence forces of the Iraqi Government, the army and the police, are quite adequate to prevent Iraq from becoming a "no man's land".

Iraq has already established on a firm basis most friendly relations with all her neighbours, and, during the current year, events have occurred which show that these good relations are continuing to strengthen and develop. Treaties of "*bon voisinage*" and extradition have been concluded with the Government of Nejd and the Hejaz. His Majesty King Faisal has paid an official visit to the President of the Turkish Republic, and Persian and Iraqi forces have twice co-operated in maintaining order on their mutual frontier.

As regards the efficiency of the Iraqi fighting forces themselves, I should like to read the following extract from a report which has been prepared by a general officer serving with the British Military Mission in Iraq :

"The strength of the army is now over 9,000, and the proposed additions in the near future will bring the strength to approximately 10,000. Although the actual numbers in personnel have not yet reached the total of 15,000 decided on in March 1921, the striking power of the army has been greatly strengthened by the formation of motor machine-gun units and an air unit. Arrangements have been made to add one flight to the air force in 1932.

"The experience gained in the operations recently concluded successfully in Southern Kurdistan tested every department of the army. Initial faults were rectified, and at the end of the campaign the army had gained in *morale* and *esprit de corps* and had proved itself a fighting force of considerable value."

I should like to make a brief reference to the resolution regarding Iraq which was adopted by the Council of the League at its sixty-fourth session in September. This was as follows :

"The Council requests the Permanent Mandates Commission to submit its opinion on the proposal of the British Government for the emancipation of Iraq after consideration of the same in the light of the resolution of the Council of September 4th, 1931, with regard to the general conditions to be fulfilled before a mandate can be brought to an end."

I am confident that, when the Commission applies these conditions to Iraq and, in the light of them, comes to determine the degree of maturity which Iraq has achieved, it will be found that this young kingdom has shown itself already well fitted for admission into the comity of the progressive and civilised nations of the world, and that no further guarantees than those specified by the Commission in its report to the Council are required in her case.

My Government hopes that the Commission will be able to report in this sense to the Council at its next meeting. It is now nearly two years since the British representative, at the fiftieth session of the Council of the League, announced the intention of His Majesty's Government to recommend the admission of Iraq into the League of Nations in 1932, and, during this time, continuous efforts have been made by my Government to furnish the Mandates Commission with all the information which forethought and close examination of the Minutes of each of the sessions of the Commission could suggest as being necessary in order to enable an opinion to be reached regarding the fitness of Iraq to be freed from further mandatory control. It is now my privilege and pleasure once more to attend the deliberations of the Mandates Commission, and I shall do my utmost to furnish any further information which may still be required.

In conclusion, I would beg leave to trespass on the time of the Commission to say a few words on the question of the guarantees to be furnished by Iraq to the Council, if she is judged fit for release from mandatory control. Here I am on uncertain ground, because I do not know whether the Commission intends to concern itself further with this matter, in regard to which the general guiding principles have already been laid down in its report to the Council ; or whether the intention is that, in accordance with the procedure hitherto followed in the case of the admission of new States to the League of Nations, the guarantees should be settled in negotiation between the Council and the State concerned. Any remarks that I make may, therefore, be supererogatory. Nevertheless, I would ask the indulgence of the Commission to hear me.

In the first place, I would remind the Commission of the words used by the German representative on the Council last September. After recognising the desirability of obtaining adequate guarantees for the protection of minorities before the mandate came to an end, he added : "Such guarantees, however, must not form an insuperable obstacle to the termination of the mandates in due course, since their termination is the final goal and must be kept in view by the Council".

I would also ask permission to mention certain considerations which, I venture to think, have an important bearing on the question of minority guarantees. The surer approach to this vexed problem, I submit, is by the road of psychology rather than that of strict logic. According to logic, I imagine, the conclusion reached would be that, the more numerous the safeguards, the greater the security. That may be a perfectly sound syllogism ; but as a

practical conclusion it appears to me to be misleading and wrong. Let us consider for a moment the psychological factors involved — or rather the racial characteristics of the Iraqi Arabs with whom we have to deal. As I informed the Commission during my evidence last June,¹ the Arabs of Iraq are an essentially tolerant race, tolerant of other races and other religions. But they are an intensely sensitive race, as swift to resent implied insult and imputed bad faith as I have found them quick and generous in their response to confidence placed in them. With such a race, encouragement and trust are, I firmly believe, much more likely to produce the results we all desire than the assumption of ill-will or the most ingeniously devised safeguards against future bad faith.

What grounds have we in the case of Iraq for assuming ill-will or bad faith? So far as I am aware, there have been no instances of religious persecution in Iraq. The history of the country has been one of religious tolerance; Moslems, Jews and Christians have lived together amicably in the same villages for centuries. Why should we assume that this situation should necessarily now alter for the worse? I am confident that, if the League will now show its trust in the good faith of the Iraqi Government by requiring it to enter into only such guarantees as have in the past been assumed by sovereign and independent States, it will not find that trust misplaced. In so doing it would be following existing and well-tried models which have successfully stood the test of experience; whereas, any departure from these precedents would be in the nature of experiment, and to that extent dangerous. It would be a venture in uncharted seas. Moreover, the imposition of fresh guarantees and specially contrived safeguards could not fail to humiliate and wound, and by creating lasting resentment would defeat the very object it was designed to serve.

Seven years ago was the first occasion on which a report on Iraq was examined by the Mandates Commission. Some of the members of the Commission may recollect that, on that occasion, the British accredited representative, Sir Henry Dobbs, sought to illustrate the evolution of the State of Iraq, and the method adopted by His Majesty's Government in the discharge of its mandatory responsibilities, by means of an analogy based upon opposing theories for the upbringing of the young. I will not now follow him into this domestic disquisition. It will be enough to remind the Commission that, in developing this analogy, Sir Henry Dobbs informed the Commission that the more modern theory — that of reducing the evidence of parental control to a minimum and allowing youth to learn wisdom at the school of experience — was that which His Majesty's Government had sought to apply in Iraq. This has been its guiding principle in Iraq during the last ten years. The outward manifestations of mandatory control have been avoided so far as possible, and the actuality of control has been progressively reduced as the need for it has diminished. There has been little or nothing of compulsion. The young Iraqi Government has been freely allowed to learn from experience lessons which precept or prevention would never have impressed upon it so firmly. I hope that the Commission will agree with me that this method has been justified in the result.

In the execution of its difficult task in Iraq, my Government has throughout been sustained and encouraged by the wise counsels and sympathetic co-operation of the Mandates Commission. It is no exaggeration to say that, without this happy spirit of concord and collaboration, it would have been impossible to give such rapid and full effect to the intention and spirit of Article 22 of the Covenant. In it the mandatory principle has found ample justification.

In little more than a decade, and from disparate material, a new nation has been fashioned, self-reliant, stable, imbued with a high spirit of patriotism and with enthusiasm to justify itself in the eyes of its peers; that, I submit, is an achievement of which the League of Nations and my Government have just cause for pride.

You, gentlemen, hold the key to the door through which this young State must pass to full manhood and emancipation. I ask you to open that door.

PROCEDURE TO BE ADOPTED IN CONSIDERING THE ANNUAL REPORT AND THE QUESTION OF THE EMANCIPATION OF IRAQ.

The CHAIRMAN proposed that the Commission should first deal with the annual report on Iraq for the year 1930. This examination on the part of the members of the Commission should, in his view, aim, above all, at enabling them to form a considered and final opinion on the question submitted to the Commission by the Council — namely, the maturity of Iraq.

M. ORTS had listened with very special interest to Sir Francis Humphry's statement as to the manner in which the minorities question presented itself. The accredited representative had thus provided the answer awaited by the Commission, which regarded this question as the most difficult element of the problem on which the Council had asked it to give an opinion.

He wished, however, to point out that it was not so much the present position of these minorities as their future which caused the Commission anxiety. As Rapporteur, he had had occasion to examine closely several petitions from those acting as mouthpieces of these minorities. The petitions revealed facts, which might cause a certain shock to Europeans but which were usual and perhaps inevitable incidents in a country like Iraq. The present situation of the

¹ See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI) page 140.

minorities was not bad, as the letter from the Apostolic Delegate seemed to prove. Although there had recently been a tendency to depart from the attitude adopted with regard to the Assyrians, the Iraqi Government seemed sincerely desirous of ensuring fair treatment for all its nationals.

The petitions as a whole, however, showed grave anxiety for the future. That feeling was common to both racial and religious minorities. In the annual report¹ it was noted that this anxiety had arisen as soon as the early termination of the mandate could be foreseen, and when it was ascertained that the Anglo-Iraqi treaty contained no guarantees for the minorities.

Sir Francis Humphrys had appealed to the political sense of the Commission when emphasising the psychological factors that should be taken into account in considering the guarantees to be accorded to minorities. Certainly it would be doing no service to the minorities to place them in a privileged situation within the State. That procedure would accentuate divisions and would make it more difficult for the country to attain moral unity. The guarantees to be provided should be effective without giving either the Arabs or the minorities the impression that the latter were enjoying any exceptional regime.

With regard to the suggested Council for the Yazidis, he asked whether it was one of those "spiritual councils" for which provision was made in the Constitution of Iraq. Did such councils already exist among other non-Moslem communities, and had a law been passed defining their powers and duties?

The CHAIRMAN observed that there was a risk that the questions raised by M. Orts would carry the discussion far outside the general lines which, in the Chairman's view, the Commission had fixed.

M. ORTS replied that the object of these questions was to enable Sir Francis Humphrys to complete the statement he had made.

M. RAPPARD suggested with regard to procedure that it would be better to examine each chapter of the report, not only as part of the annual report, but taking into account the decisions which would have to be ultimately reached by the Commission regarding the termination of the mandate. If the two questions were taken separately, the Commission might have to go over the same ground twice or even three times. The report provided an excellent basis for discussing all the aspects of the problem.

M. VAN REES was strongly in favour of examining the report first and passing rapidly over the administrative and other details. If the Commission tried to combine that examination with its consideration of the very important question of guarantees, etc., it might lose itself in details to the great disadvantage of the discussion. A clear distinction should be drawn between the ordinary work of the Commission and the special task allotted to it. Moreover, the report did not deal with the two special questions the Commission had to consider — namely, the conditions for the termination of the mandate and the series of guarantees for minorities, etc., which the Iraqi Government might be asked to provide.

M. RAPPARD pointed out that the principal means by which the Commission could form an opinion as to the maturity of Iraq were certain documents — first and foremost the report. Unless, when discussing the question of the degree of maturity reached by the territory, the Commission referred back frequently to the report, how could it form an opinion?

The CHAIRMAN said that two proposals as regards procedure had been made, both excellent in their way. He still thought, however, that it would be better to go rapidly through the report and then come back to the questions to be asked on the basis of the discussion which had taken place in the Council.

Lord LUGARD suggested that the Commission should leave the first three or four subjects on its list to the end, since they referred to matters such as "General Administration" and were bound to lead to prolonged discussion. He proposed that the Commission should begin with the technical subjects, such as foreign relations, health, finance, etc., and then revert to the general subjects.

M. MERLIN supported this suggestion.

This procedure was adopted.

QUESTION OF THE EMANCIPATION OF IRAQ (*continuation*).

In reply to a question by Count de Penha Garcia, Sir Francis HUMPHRYS stated that the mandatory Power had always followed the same principle which was first explained to the Commission by Sir Henry Dobbs in 1924. That principle was to consider, at intervals of four years, whether the mandatory Power could conscientiously recommend Iraq for admission to membership of the League. Obviously, as the period which had been suggested as long ago as 1927 drew to its conclusion, further opportunities were given to Iraq to develop self-government in order that the transition (provided that the League accepted the Mandatory's recommendation) should not be excessively abrupt. It was impossible to keep a 100 per cent control over a mandated territory and then suddenly tell that territory that it was free. The policy pursued had been discussed in considerable detail on pages 10 to 24 of the special report; it was only the natural consequence of what the mandatory Power had had in mind from the start.

¹ See annual report 1930, page 28.

COUNT DE PENHA GARCIA thought Sir Francis Humphrys had not quite understood the scope of his original question — namely, whether the mandatory Power when, in 1930, it had decided to recommend the admission of Iraq into the League, had not been too much influenced by the fact that Iraq had refused to accept the draft Treaty of 1927. On the other hand, had not the Iraqi Government believed that this decision on the part of the mandatory Power must liberate it from the intervention of British advisers during the period until the entry of Iraq into the League? The corollary of the declaration made by the mandatory Power must, in fact, be the reduction to a strict minimum of the British officials. Difficulties on this subject had arisen between the Iraqi Government and the mandatory Power. In particular, the Iraqi Government had refused to supply the funds for the payment of salaries to the British officials. Had not this spirit of resistance to, or dislike of, the mandate — and this was the cardinal point in the question asked by Count de Penha Garcia — led the mandatory Power to recommend the emancipation of Iraq rather too soon?

Sir Francis HUMPHRYS said he had never heard that funds were refused for the salaries of British officials. There had been a difference of opinion as to the manner in which the British staff should be reduced.

There had been no question of reducing the salaries of those officials whom it was decided to retain.

TWELFTH MEETING.

Held on Monday, November 2nd, 1931, at 3.30 p. m.

Iraq: Examination of the Annual Report for 1930 (continuation).

Sir Francis Humphrys and Mr. Hall came to the table of the Commission.

FOREIGN RELATIONS OF IRAQ: FRONTIER BETWEEN SYRIA AND IRAQ.

M. ORTS noted that, according to the report (page 32), a difference of opinion had arisen concerning the delimitation of the frontier between Syria and Iraq; the matter was still under consideration by the British and French Governments. He assumed that the difference of opinion had not arisen on any essential point.

Sir Francis HUMPHRYS said that he had just been discussing the question in Paris, and that the French and British Governments had agreed to invite the League Council to determine the frontier between Syria and Iraq after — they hoped — sending a Commission to investigate the meaning of the 1920 Convention line and to decide how it should be modified, with reference to tribal, administrative, geographical and other considerations, in the interests of both countries. He hoped that the League might see its way to sending a Commission, and that it might be possible for the report to be before the Council in May.

He explained, in reply to a further question, that steps had also been taken for the delimitation of the frontier between Syria and Trans-Jordan.

PUBLIC HEALTH.

M. RUPPEL noted that there were still thirty-seven British officials employed in the Health Service. He enquired whether the British medical officers had long-term contracts or whether they would have to leave the country on the conclusion of the mandate.

Sir Francis HUMPHRYS said that Iraq would have the right to terminate such contracts. He thought, however, that the Iraqi Government would wish to retain some British medical officers.

PUBLIC FINANCE. — CURRENCY BOARD.

M. RAPPARD stated that he had a number of questions to ask on the annual report, with the idea that the replies would be of some help in judging of the future.

He enquired whether the frequent ministerial changes in the Ministry for Finance were significant of a lack of personnel and whether the accredited representative had grounds for hoping for greater stability in the future.

Sir Francis HUMPHRYS stated in reply that the changes in question had not had any serious consequences, since, apart from routine work, the really important period was from November to the end of March, when the budget was framed and the Finance Bill came before

Parliament. The permanent officials in the Ministry for Finance were capable of doing much of the routine work, and the changes of Ministers had not, in fact, impaired the efficiency of the department. It was most unlikely that such frequent changes would occur again.

M. RAPPARD enquired what was the significance of the passage in the report (page 62) stating that the fall in commodity values had administered a severe and possibly permanent blow to agricultural production in Iraq on the pre-1930 basis.

Sir Francis HUMPHRYS replied that there was, for example, the possibility of permanence in the fall in the commodity value for grain, though he hoped that this would not occur.

M. RAPPARD, referring to the proposals for the establishment of a national currency, observed that, from the figures given, specie exports appeared to be in excess of imports, and enquired how Iraq proposed to fund the note issue of the Currency Board.

Sir Francis HUMPHRYS explained that the present currency of Iraq was the Indian rupee, which was linked to sterling. Consequently, the value of the currency in Iraq was unaffected by specie exports from that country. The proposed new Currency Board was intended to function as from January 1st, 1932. The new currency would be based on sterling and would fluctuate with the value of sterling. There would be an Iraq Government nominee, a representative of the Bank of England and two representatives of the three local Iraqi Banks (Imperial Bank of Persia, Eastern Bank and Ottoman Bank), while the Iraqi Government had nominated Sir Edward Hilton Young as Chairman of the Board.

Replying to a further question, Sir Francis Humphrys said he understood that the new notes would be printed in London and the coins struck by the Royal Mint; all decisions as to issue would be taken by the Board, and, under the Currency Law, inflation was impossible.

M. ORTS enquired what were the duties of the Currency Board.

Sir Francis HUMPHRYS said that its duty would be to convert the existing rupee currency into sterling, to issue dinars in exchange, and to invest the assets accruing from the profits on coinage and notes and to form a currency reserve.

M. RAPPARD enquired what the position was as regards the draft Civil Service Law which had been submitted to Parliament at the beginning of the year. Was it not regrettable, that on the eve of the proposed emancipation of Iraq, so important a law had not yet been adopted?

Sir Francis HUMPHRYS said that the draft had still been at the Committee stage when Parliament rose. It was very complicated, representing as it did an attempt to codify and improve the existing practice. He hoped that this measure would be passed during the coming session of Parliament.

M. RAPPARD had the impression, on several points, that steps were being taken at the last moment to make the State appear more independent than it actually could be. He felt that it was a pity that these various proposals should be at the point of maturity just when the British influence was about to be withdrawn and would have been most fruitful.

Commenting on Sir Edward Hilton Young's reports, which he had found very illuminating, he noted that the recommendations contained in those reports were based on the hypothesis, put forward in June 1930, that the crisis would only be temporary and that the measures recommended, though painful, were only intended to be temporary. Since June 1930, however, the crisis had become intensified, the only gleam of hope being the dead rents on oil concessions. He would be interested to know what was the present financial situation.

Sir Francis HUMPHRYS stated that it so happened that the financial position in Iraq was very rosy. The previous year's actual deficit had been restricted to 22 lakhs, owing to the Iraqi Government's prompt realisation of the urgent necessity of accommodating its financial operations to the dictates of the economic depression and the firm manner in which remedial measures had been applied. Those 22 lakhs had been more than wiped out by payments on account of oil revenues. The budget for the year ending March 1932 disclosed an estimated surplus of just over 3 lakhs. This took no account of oil receipts.

M. RAPPARD thought that Sir Edward Hilton Young must have been unduly pessimistic, to judge from his summary (page 162 of the annual report), seeing that his recommendations were based on the assumption that the crisis was only temporary.

Sir Francis HUMPHRYS explained that Sir Edward Hilton Young could not count on the oil royalties as an asset. The point was that the Iraqi Government had retrenched at once; the quick fall in commodity prices had so impressed itself on the Government that the latter had even gone beyond its recommendations.

M. RAPPARD expressed his gratification at the soundness of the financial position, a point which he considered most important. He hoped that this result had not been obtained at the cost of the Government services.

Sir Francis HUMPHRYS said that large reductions had been made in the capital works programmes in regard to roads, bridges and irrigation, but that there was a new five-year development scheme, which showed how the Government was preparing to spend its oil royalties, the intention being to spend practically the whole amount on public works, hospitals, etc. It was the oil that had saved the Government and enabled it, in point of fact, to increase its expenditure on public works.

He explained, in reply to a question by M. Rappard, that the suggestion to call in Sir Edward Hilton Young had come spontaneously from the Iraqi Government. The latter wanted an experienced financial expert and had been greatly impressed on the occasion of Sir Edward's first mission to the country in 1925. On his last visit he had only spent six weeks in the country.

M. RAPPARD said that he had one general question to ask. Had the accredited representative no misgivings as regards Iraq's ability to manage her finances without the help that she had hitherto had ?

Sir Francis HUMPHRYS said that the Iraqi Government had just appointed a new Financial Adviser in addition to the existing financial experts. The appointment was for a period of two years, in the first place. He had every confidence in the Government's financial caution. It had shown itself most anxious to preserve financial stability. Indeed, in the matter of debt redemption, it had perhaps gone beyond what was necessary. The wisdom of saddling the present generation with the full burden of extinguishing Iraq's share of the previous Ottoman Debt was at least open to question. This operation had involved the country in the expenditure of £1,228,000 on capital account and the payment of seven annuities of £63,000, three of which still remained to be paid. So far, he had observed no signs of extravagance. The Iraqi Government spent what it felt it could afford. He did not think it would spend entirely up to its income, but would wish to build up a liquid reserve.

Lord LUGARD enquired whether there was any idea of establishing a national bank in Iraq.

Sir Francis HUMPHRYS thought that, after the Currency Board had been in existence for fifteen years or so, there might be a demand in some quarters for a bank with the sole right of note issue in Baghdad.

He explained, in reply to a further question of Lord Lugard, that British officials would not come under the new Civil Service Law.

JUDICIAL ORGANISATION.

M. RUPPEL noted that the new judicial agreement was signed on March 4th, and entered into force on May 29th, 1931, the date on which ratifications were exchanged ; he noted further that the Pact relating to the amendment of the Code on Criminal Procedure was promulgated on April 15th, 1931. He understood that this new judicial system would only apply until Iraq entered the League. He enquired whether any agreement existed between Iraq and Great Britain as regards the division of the country into six districts for purposes of judicial administration, or whether that had been a spontaneous act on the part of the Iraqi Government which it could revoke later.

Sir Francis HUMPHRYS replied in the affirmative to M. Ruppel's first question. As regards the six districts, there was no mention of that point in the Judicial Agreement ; in practice, the senior judge — the British Judge of Appeal — was responsible for the distribution of cases and for appointing the judges to the different places. It was unlikely that the Iraqi Government would interfere in such matters.

The accredited representative said, in reply to M. Ruppel's question as to whether the Presidents of the six courts of first instance would always be British, that it had been thought probable that the League would ask Iraq to guarantee that the existing judicial system would continue for a term of x years after Iraq's admission as a Member of the League. Personally, he hoped that the period would be ten years. He explained that the appointment of additional judges was now proceeding ; these would bring the number of judges, which was given in the report as five, up to nine, as provided in the Agreement.

M. RUPPEL enquired whether the supervisory powers of the Presidents over the courts in their districts had yet been defined (page 94 of the report).

Sir Francis HUMPHRYS replied in the negative, but thought that the matter would be settled during the coming winter. The intention was that systematic inspections should be carried out regularly, now that the numbers had been brought up to strength.

Lord LUGARD, quoting an extract from the *Baghdad Times* of June 27th, 1931, with reference to Mr. Stern's murder, noted the statement that " when a decision is reversed by the Court of Appeal on certain grounds, the junior criminal court is not, according to the law in force . . . bound to abide by the Appeal Court's decision. In this case, the Hillah Criminal Court, which

passed the sentence of life imprisonment upon the murderer, has the option of (1) carrying out the decision of the Appeal Court by passing sentence of death; or (2) it can adhere to the punishment which it has already imposed on the murderer." Lord Lugard enquired whether the Appeal Courts were presided over by British judges and whether it was, as here asserted, optional to the lower court to accept or reject their judgment.

Sir Francis HUMPHRYS said that he was unable to answer the question without notice. He thought that the situation referred to applied only to cases in which the court had power to inflict a death sentence or alternative sentence. The appellate court had held, in that particular case, that there were no extenuating circumstances. The death penalty had, in fact, been enforced.

Lord LUGARD enquired what was the law in Iraq regarding deportation, and whether foreigners could be deported without a trial or appeal.

Sir Francis HUMPHRYS replied that, in the case of a foreigner, the Minister for the Interior had power to order deportation, and that there was no appeal. In practice the Minister, though not compelled to do so, would, as a matter of courtesy, consult the representative of the country of which the deportee was a national. This had been done in a recent case, to which Lord Lugard was probably referring.

ECONOMIC RÉGIME.

M. MERLIN, referring to the statement in the report (page 77) to the effect that two important tariff revisions had been effected during the year, enquired, in view of the doubts expressed in that same paragraph, what the results of those Customs measures had been.

Sir Francis HUMPHRYS replied that he was not in a position to give a final answer to the question. The Customs experts had been doubtful whether the tariff revisions would produce increased revenue but had thought that the experiment was justified.

M. MERLIN noted that there had been over-production of cereals and that export duties had accordingly been abolished. He enquired what were the results of that measure, and whether the new harvest had remained in stock or had been marketed. Was there any proposal to reduce the areas sown for the next harvest?

Sir Francis HUMPHRYS said that, although a great deal had been left on hand, the lowering of the freight charges had resulted in more grain getting out of the country than would otherwise have been the case. There had been a decrease in barley exports but a corresponding increase in wheat exports. Growers had been left to decide for themselves what to sow and the Government had not intervened.

Lord LUGARD asked whether any final decision had been taken as regards the railway along the pipe-line.

Sir Francis HUMPHRYS replied in the negative.

LABOUR.

Mr. WEAVER thanked the accredited representative for the information he had given the Commission, in his general statement, regarding the consideration now being given by the Iraqi Government to the suggestion for labour legislation, which the International Labour Office had had the advantage of discussing with Ja'far Pasha el Askeri and Mr. Lloyd. Their visit had been very much appreciated by the International Labour Office, which saw in it an earnest of the intention of the Iraqi Government to provide Iraq with labour legislation based on the principles of International Labour Conventions, appropriate to the needs of a young State in evolution and which could be adequately applied. He enquired whether there was any question of setting up a small Labour Bureau to follow labour questions systematically.

Referring to the general strike in Iraq, he asked whether there had been any evidence of trade union activities, or whether it had simply been a strike of the commercial community.

Sir Francis HUMPHRYS thought that it was probable that a Labour Bureau would be established.

He was informed that the general strike had been a strike of the commercial community, which had misunderstood the recently enacted regulations, and the movement had been fanned by disaffected political elements.

EDUCATION.

Mlle. DANNEVIG enquired whether the commercial school, which was mentioned on page 123 of the report, had been founded in Baghdad. She thought it regrettable that the Agricultural College should have been closed (pages 125 and 140). It seemed more necessary than ever in a crisis that it should be kept open in an essentially agricultural country like Iraq.

Referring to the public demonstration which took place in Baghdad in March last (page II) as a protest against "the hated political situation", she thought that schoolboys were rather young to take part in such manifestations, as they had apparently done. Had they been punished?

Sir Francis HUMPHRYS was unable to say whether the commercial school had actually been started, though he knew it had been the intention to do so. The reason for closing the Agricultural College was that the kind of employment which educated young Iraqis hoped for was not obtainable as a result of their studies at that school. They liked what they called a "political" appointment and thought that manual labour was an undignified pursuit for those who had enjoyed a modern education. The school had accordingly been closed down until a different spirit could be introduced.

The public demonstration at Baghdad had been a very harmless affair and very good-humoured throughout. The Iraqi Government had, however, taken steps, through the teachers, to prevent schoolboys from taking part in such manifestations.

Lord LUGARD suggested that the present state of affairs might be largely due to the uncensored Press. He enquired whether Press articles were much read by and had much effect on schoolboys.

Sir Francis HUMPHRYS replied that they had a great influence on young minds, and said that a new Press Law had been enacted, providing for the forfeit of the legal deposit in the event of any article published being prejudicial to public security. No provision was made, however, for censorship.

THE BAHAI CASE.

M. ORTS wished to know whether the question raised by the Bahais' petition had at last been settled. The Mandates Commission had examined this petition in November 1928,¹ and, on the basis of its report, the Council of the League² had, in March 1929, invited the British Government to remedy the wrong done to those people.

At the twentieth session of the Mandates Commission³ the accredited representative had said that no steps had yet been taken. As the accredited representative was now perhaps before the Commission for the last time, M. Orts wished to ask him whether effect had been given to the Council's resolution. It might be argued that, as so much time had elapsed, the affair was of no further interest. It was, however, characteristic of the Moslem spirit of intolerance and the fears that spirit caused the Iraqi Government. Those fears seemed to be stronger than the Government's desire, particularly at the present time, to avoid any appearance of disregarding the opinion of the League Council.

Sir Francis HUMPHRYS repeated the explanations which he had given at the June session. There was, unhappily, no doubt in the mind of His Majesty's Government that a miscarriage of justice had taken place, and he explained at length the various difficulties, legal and otherwise, which stood in the way of a revised settlement. The Iraqi Government had, however, accepted in principle a solution of the problem which he regarded as satisfactory, and was determined to carry it out.

If the case had been cognisable by the Permanent Court of International Justice, it would no doubt have been settled by now, and he reminded the Commission that occasional miscarriages of justice were not peculiar to Iraq. He much regretted the delay which had occurred and hoped the matter would be disposed of before next summer.

M. ORTS fully appreciated the difficulties of the situation. It should not be forgotten, however, that the Iraqi courts had created that situation by their partiality and the Iraqi Government by its weakness. He noted that no progress had been made in the matter. Religious passion was at the bottom of this injustice and it was clear that the delays in righting the wrong were due to the same cause; the Iraqi Government was not strong enough to make a majority respect the right of a minority. That was a point which should not be forgotten.

M. Orts thought that the Commission would have to report to the Council that its 1929 resolution had remained without effect.

M. RAPPARD concluded from the explanations given that the case would have been settled if it had been subject to the jurisdiction of a supreme court. This would seem to denote, therefore, that there was merely a legal difficulty. He asked whether it would have been possible to overcome the legal difficulty if there had been no question of any religious fanaticism.

Sir Francis HUMPHRYS replied that the legal difficulty was that the highest court in the country had awarded the property to the people who were now in possession, and there was no appeal against that judgment. Up to now, it had not been found possible to settle the matter by negotiation out of court.

M. ORTS observed that the effect of the denial of justice had been to deprive the lawful owners — namely, the Bahais — of their property. The solution of expropriating that property could hardly be accepted as a reparation for the denial of justice. The present holders, who

¹ See Minutes of the Fourteenth Session of the Permanent Mandates Commission (document C.568.M.179.1928.VI), pages 189 and 190, 221 and 222, 261 to 264, 276.

² See *Official Journal*, April 1929, Minutes of the Fifty-fourth Session of the Council, page 506.

³ See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), pages 127 to 129.

had no right to the property, would receive the compensation for expropriation, whereas the despoiled Bahais would obtain no other satisfaction than being, like every other inhabitant of Baghdad, allowed to enter the public garden and apply to the dispensary. At the very least, a decree might have been issued (as had already been suggested) that no change should ever be made in the arrangement of the places to which they attached a sentimental value.

Lord LUGARD asked whether it would be possible for the Iraqi Government to make restitution by an Act of Parliament without reversing the judgment.

Sir Francis HUMPHRYS replied that a majority would not be obtained in Parliament.

M. RAPPARD asked whether the mandatory Power had had any hope of redressing the legal judgment when it enquired into the matter. Had there been any subsequent occurrence to destroy that hope?

Sir Francis HUMPHRYS said there must have been, he thought, over a hundred consultations with the King, the Prime Minister, legal advisers, etc., with a view to finding a solution, but without success. He referred to his remark at the previous session¹ that this was the only case in eleven years in which the justice of a decision by the Iraqi courts had been questioned by His Majesty's Government. He would do his best to see that the proposed solution was put into effect next summer.

RELATIONS BETWEEN THE SHIAHS AND THE SUNNIS.

M. PALACIOS noted that the King and Prime Minister were Sunnis. He asked whether the Shiahs had free access to Parliament and what was the political effect of the antagonism between the two sects. The Commission had dealt with the question at previous sessions.

Sir Francis HUMPHRYS replied that the Cabinet always included one Shiah, and that there were several Shiah members of Parliament. In Iraq, the two sects were fairly evenly divided.

TRAFFIC IN DRUGS AND TRAFFIC IN WOMEN AND CHILDREN.

Lord LUGARD noted that the report contained no information on drugs and on the traffic in women and children. Moreover, in the detailed list of offences tried by the courts (page 45 of the report), no persons had been convicted for offences connected with these subjects.

Sir Francis HUMPHRYS said he had given a full report on drugs to Count de Penha Garcia at the latter's request, and a special report on women and children had been sent to the League.

COUNT DE PENHA GARCIA thanked the accredited representative for the replies given to questions which he had put at the previous session. He noted that the system for controlling the traffic in drugs was based on a State monopoly, and that it had not given all the results expected. The decrease that year in the consumption of drugs had not even been anticipated by the Government, which had purchased large stocks. It was due either to the crisis or to an increase in illicit traffic. The report showed that, during the year, considerable smuggling had been carried on and that the quantity of opium seized represented one-third of the Government's imports. This was a very high proportion.

The Iraqi Government had suggested that, if the export duties in Persia were decreased, this would reduce the price of opium in the legal trade and would remove one of the principal incentives to smuggling. Count de Penha Garcia thought, on the contrary, that the result would be to encourage consumption. He thought that consumption could be restricted by means of direct control, not only by limiting retailers, but by preparing a list of authorised consumers who would also be subject to control. A monopoly often became a source of income, the size of which caused the general principle of the obligation to reduce and do away with the use of opium to be forgotten. That was not the case in Iraq; the receipts were fairly small, but the question should be borne in mind.

SPIRITUAL COUNCILS.

M. ORTS asked the accredited representative to be good enough to explain the reference he had made to the proposed establishment of a spiritual council of the Yazidis similar to those established for other non-Moslem communities. He asked what were the powers of such councils.

Sir Francis HUMPHRYS replied that, in accordance with Articles 75, 78, 79, 80 and 112 of the Constitution, communal laws had been passed in respect of the Jewish and Armenian communities. These laws had been drawn up in consultation with the lay and spiritual advisers of the parties and had given general satisfaction. It was proposed to enact similar laws for

¹ See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), page 120.

other Christian sects and for the Yazidis. The spiritual councils referred to in Articles 75 to 80 of the Constitution were already in existence and functioning in the case of all the Christian sects. At present, they were operating under the old Ottoman law. The councils settled questions concerning the personal status of members of the communities. An account of their functions was given on page 281 of the special report on the progress of Iraq from 1920 to 1931.

M. ORTS asked whether these councils constituted a regular channel whereby the communities could bring their grievances before the Government.

Sir Francis HUMPHRYS replied that they were only competent to deal with matters relating to marriage, dowry, divorce, separation, alimony, etc., and any other matter of personal status relating to members of the communities. They could not deal with ordinary civil and criminal matters.

In reply to a question by the Chairman, he stated that, if a community wished to make a complaint to the Government, it would do so, not through the council, but through the head of the community.

He quoted passages from the law of the Armenian Orthodox community establishing in the capital of Iraq the Head of the community, a Spiritual Council, a Lay Council and a General Council. The Head of the community was to be President of these Councils and cause their decisions to be carried out. He would also represent the community before the Government. The Spiritual Council was to supervise the spiritual affairs of the community, safeguard its doctrines, train ecclesiastics and solve religious questions. It was also to confirm the elections of church representatives in the towns of Iraq. It had jurisdiction in matters relating to marriage, divorce, etc. The functions of the Lay Council were the administration of Waqf buildings and properties, the collection of their revenue, the supervision of orphans' properties and the administration of charitable institutions. The General Council elected the Head of the community and the members of the Lay and Spiritual Councils. It also elected persons to represent the community at the election of the Head of the Armenian Orthodox Church. It further examined and approved the yearly estimates of revenue and expenditure prepared by the Lay Council and the Church Assemblies.

Question of the Emancipation of Iraq (continuation).

QUESTION WHETHER IRAQ HAD A SETTLED GOVERNMENT AND AN ADMINISTRATION CAPABLE OF MAINTAINING THE REGULAR OPERATION OF ESSENTIAL GOVERNMENT SERVICES.

The CHAIRMAN pointed out that, by the Council resolution of September 4th, 1931, the Commission had been requested to submit its opinion on the proposal of the British Government for the emancipation of Iraq after consideration of the actual conditions in the territory, the guarantees to be demanded, and, finally, the undertakings given by Iraq to the British Empire.

The first question to be considered was whether Iraq had a settled Government and an administration capable of maintaining the regular operation of essential Government services.

M. PALACIOS noted that, when the new Treaty of Alliance between the United Kingdom and Iraq had been published, it had been subject to newspaper criticism in Iraq. He did not understand this criticism, since the object of the Treaty was to grant independence to the territory. He would be glad to know the reason for this unenthusiastic and even—according to the report (page 14)—cold reception. Was there a party in Iraq which desired to go even further than the provisions of the Treaty? Moreover, he noted on page 11 of the report that a public demonstration had taken place in Baghdad in favour of independence. The idea of the Treaty, already published or in preparation, had possibly some connection with that demonstration.

Sir Francis HUMPHRYS replied that the organs of the Press that supported the Government gave the Treaty their blessing. The opposite newspapers were critical. The demonstration referred to had no connection with the Treaty and had taken place before the negotiations began. At the time of the demonstration, it was not known what conditions were suggested, except that the Treaty would be based on the Anglo-Egyptian proposals.

The CHAIRMAN said it was well known that the Press and the public had protested against the Treaty. He reserved his right to refer at a suitable moment to the Treaty; in the meantime, he asked whether there was not a feeling in Iraq that the Treaty had too much the appearance of establishing a protectorate over the country. He asked if there was any basis for this discontent.

Sir Francis HUMPHRYS replied that, when the ratification of the Treaty was discussed in the Chamber, sixty-nine votes had been cast in favour and thirteen against. The thirteen adverse votes were given mainly, if not entirely, by those who were known to be in political opposition to the Government of the day. There were, naturally, people in Iraq who were extreme nationalists, and who would like their country to be without an ally and without any foreign assistance. But he was satisfied that the immense majority of the population would be glad of an alliance with a European Power.

The CHAIRMAN asked the accredited representative whether the first condition mentioned in the Annex to the Council resolution could be considered as fulfilled — that was to say, whether the territory had a settled Government and an administration capable of maintaining the regular operation of essential Government services.

Sir Francis HUMPHRYS, while he did not claim that the administration was perfect, held that both these conditions were fulfilled.

The CHAIRMAN asked if this was his personal belief, or if he was speaking on behalf of his Government.

Sir Francis HUMPHRYS replied that he was speaking on behalf of His Majesty's Government.

CAPACITY OF IRAQ TO MAINTAIN ITS TERRITORIAL INTEGRITY AND POLITICAL INDEPENDENCE.

The CHAIRMAN recalled that, at the twentieth session,¹ Sir Francis Humphrys had referred to the fact that the Persian Government refused access to its territory to certain nomadic Kurds. He had added that these tribes would either have to acquiesce in starvation or would force their way through to Persia, unless the Persian Government reversed its decision.

The Chairman asked whether the position had been changed, and, if not, whether trouble might be expected on the Persian frontier.

Sir Francis HUMPHRYS replied that a report had been received that the majority of the nomads had remained in Iraq, and had, in consequence, suffered severe hardships. These nomads were ordinarily resident in Iraq, and crossed over into Persia in the spring for pasturage. He hoped that by next spring the matter would be settled with the Persian Government.

The CHAIRMAN referred to the accredited representative's statement at the twentieth session² that representations had been made with a view to inducing the Turkish Government to re-establish its frontier posts on account of the danger to which Iraqi subjects were exposed. He asked if these representations had brought about a satisfactory result.

Sir Francis HUMPHRYS replied that the position was unchanged, as the Turkish authorities doubtless felt that it was inadvisable to re-establish the garrisons until the Kurdish question in Turkey was definitely settled.

M. ORTS considered that its alliance with Great Britain enabled Iraq to satisfy the condition that it was capable of maintaining its territorial integrity and political independence. He asked whether in the event of war Article 4 of the Treaty of Alliance would come into play, irrespective of the circumstances in which that war might break out.

Sir Francis HUMPHRYS replied that the article in question would apply in all circumstances subject to the provisions of Article 9, according to which nothing in the Treaty should prejudice rights and obligations devolving upon either of the contracting parties under the Covenant of the League or the Briand-Kellogg Pact.

M. ORTS asked whether Great Britain would protect Iraq if the latter was involved in a war which it might have provoked either directly or indirectly as a result of the adoption of a somewhat rash policy.

Sir Francis HUMPHRYS replied that, under Article 3, the Government of the United Kingdom would be consulted in the event of a risk of war, and that efforts would be made to settle the dispute by peaceful means, in accordance with the Covenant of the League and any other international obligations applicable to the case.

QUESTION OF THE SIMULTANEITY OF THE TERMINATION OF THE MANDATE AND THE ADMISSION OF IRAQ INTO THE LEAGUE.

M. ORTS noted that the Preamble of the Treaty of Alliance between the United Kingdom and Iraq stated that the mandatory responsibilities of the British Government would be terminated on the admission of Iraq to the League of Nations. This formula was not in accordance with the manner in which the matter had been submitted to the Commission. The Commission had been invited by the Council to consider only the question of the termination of the mandate; the admission of Iraq to the League was another question which would arise in due course. He asked if the mandatory Power considered that the two questions were connected and must arise simultaneously.

Sir Francis HUMPHRYS replied that His Majesty's Government had always contemplated the following procedure. The Mandates Commission would report to the Council that Iraq was fit to be released from mandatory control, provided the principles indicated in the report to the Council were fulfilled. If the Council accepted that position in January next, it would approve the termination of the mandate, to take effect on the entry of Iraq into the League

¹ See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), pages 121, 125.

² See Minutes of the Twentieth Session of the Permanent Mandates Commission, page 134.

of Nations. Iraq could only enter the League if it were prepared to give the necessary guarantees. Negotiations would then be carried out between the Council and the Iraqi Government in respect of those guarantees. If the Iraqi Government were prepared to give guarantees and the Council were prepared to accept them, the question of the entry of Iraq into the League would be placed before the Council and Assembly in September.

M. ORTS imagined the following hypothetical case. The Council approved a report from the Mandates Commission to the effect that Iraq was able to stand alone; subsequently, Iraq, for some reason, postponed its application for admission to the League; or the Council considered as insufficient the guarantees offered by Iraq. In such a case, would Iraq continue to remain a mandated territory?

Sir Francis HUMPHRYS replied in the affirmative. The previous British treaties would in that case still remain in force. According to those treaties, mandatory control would only cease when Iraq was admitted to the League.

M. ORTS concluded that, in the view of the British Government, the termination of the mandate and the entry of Iraq into the League could only be simultaneous.

Sir Francis HUMPHRYS replied that his Government had always thought that, if the country were regarded as fit for emancipation, it was also fit for entry into the League, and that these two operations would therefore coincide.

M. ORTS said that one difficulty was that emancipation was within the competence of the Council and the entry into the League within that of the Assembly.

M. MERLIN asked whether the mandatory Power regarded itself as bound by its obligations until Iraq entered the League, or whether it would consider itself released from those obligations after the Council's decision.

Sir Francis HUMPHRYS replied that, unless formally released by the Council, the mandatory Power would be bound by its obligations until Iraq entered the League. The Anglo-Iraqi treaties of 1922 and 1926 remained in force until Iraq entered the League, while the new Treaty of Alliance only came into force upon the admission of Iraq into the League. He referred to paragraphs I and VI of the Council's decision of September 27th, 1924.

M. RUPPEL pointed out that the Council, in dealing with the Mosul question, had decided that the mandate should remain in force for twenty-five years, unless Iraq entered the League. The Council was bound by this decision. Consequently, it could only agree to the emancipation of Iraq on condition that Iraq was admitted to membership of the League of Nations. The termination of the mandate therefore implied the entry of Iraq into the League. The question of an interval between emancipation and entry into the League did not arise.

Sir Francis HUMPHRYS remarked that his Government had this decision in mind also.

THIRTEENTH MEETING.

Held on Tuesday, November 3rd, 1931, at 10.15 a.m.

Iraq: Petition from Mr. Hormuzd Rassam, dated September 23rd, 1931.

The CHAIRMAN noted that the Commission had received a new petition from Mr. Hormuzd Rassam, dated September 23rd, 1931, transmitted by the British Government on October 28th (document C.P.M.1246). He requested M. Orts to be good enough to report on this matter.

M. ORTS agreed.

Question of the Emancipation of Iraq (continuation).

Sir Francis Humphrys and Mr. Hall Came to the table of the Commission.

MILITARY AND POLICE ORGANISATION : MAINTENANCE OF INTERNAL ORDER.

M. SAKENOBE asked, with reference to Articles 1 and 5 of the Anglo-Iraqi Treaty, which referred to the retention of British forces at Hinaidi and Mosul for five years, what was the position of these troops, and if, during this period, the British troops were to be called up for

maintaining internal order in Iraq, and what kind of control the ex-mandatory Power would exercise on the internal administration of Iraq.

Sir Francis HUMPHRYS replied that the word "forces" meant "air forces". The Iraqi Government intended, in the course of time, to organise its own air force, and hoped to have one fully equipped air squadron by 1937. There was no question of maintaining any British "ground forces" in Iraq, except those ancillary to the Royal Air Force. Article 5 of the Treaty showed that the forces in question were intended for purely external defence.

Lord LUGARD asked whether there were still any British officers with the Iraqi "ground forces".

Sir Francis HUMPHRYS replied that there was a British Military Mission acting in an advisory capacity (see letter IV in the Annex to the Anglo-Iraqi Treaty of Alliance). The Iraqi Government had expressed its intention to maintain a British Military Mission after the Treaty had come into force.

COUNT DE PENHA GARCIA asked what means Iraq had at her disposal to maintain internal order. For instance, could she count on assistance from Great Britain for this purpose, or would she have to rely entirely on her own forces? Again, was the Iraqi army conscripted or enrolled voluntarily?

Sir Francis HUMPHRYS replied that Iraq possessed a voluntarily recruited army of about 10,000 men, but there was also, as he had explained to the Commission at the last meeting, a highly organised and efficient police force of about 8,000 men. Under the Treaty, Iraq was solely responsible for the maintenance of internal order.

COUNT DE PENHA GARCIA asked whether the members of the army and police were enrolled simply on their individual merits without regard to the due representation of minorities.

Sir Francis HUMPHRYS replied that the army was, and always had been, recruited from all fighting classes of the country. For instance, the Kurds had supplied recruits to the army from Turkish days. There were also a number of Assyrians in the army and police.

COUNT DE PENHA GARCIA asked whether these races could be mixed without causing any difficulties in the matter of discipline.

Sir Francis HUMPHRYS replied that there had been practically no difficulties. There had been one or two rare and isolated cases of excited behaviour, and last year three Kurdish soldiers had deserted to Sheikh Mahmoud under very exceptional circumstances, of which the Commission was aware. These deserters had eventually returned and had been pardoned.

In reply to a further question by Count de Penha Garcia, Sir Francis Humphrys said that he had never heard of any disinclination on the part of Arabs to serve with Kurds and Assyrians. It should be remembered that, even in Turkish times, there were many Kurdish officers in authority over Arab troops. Some of those officers had received their training at the Constantinople Military Academy.

M. VAN REES observed that, as the Commission had to pronounce on the real and existing situation in Iraq, he would ask the accredited representative whether he could affirm that the army and police forces would be sufficient in all circumstances to maintain law and order.

Sir Francis HUMPHRYS replied that the Iraqi army and police would be sufficient to cope with anything that could be reasonably foreseen.

Lord LUGARD asked whether the British Military Mission, acting in an advisory capacity only, would have to advise as to the use of troops in punitive measures. Would the Iraqi Government perhaps be tempted to shield itself behind that advice in taking steps which might not be popular or even absolutely necessary?

Sir Francis HUMPHRYS replied that, if troubles arose, they would first be dealt with by the police force, with which the Military Mission had absolutely nothing to do. In nine cases out of ten police intervention would be sufficient. In any case, the Military Mission would have absolutely nothing to do with any policy pursued in the matter of quelling internal disorder. The Mission dealt solely with technical matters and the training of the forces. It could not decide as to the manner in which those forces could or could not be employed. Under the Treaty, such a decision rested with the Iraqi Government.

In reply to a further question by Lord Lugard, Sir Francis Humphrys said that he could not tell the Commission exactly how many British police officers would remain after the mandatory regime had come to an end. The Iraqi Government probably intended to maintain a British Inspector-General and a few other officers and to institute a police school with British instructors, but it would be for the Government to decide.

M. RAPPARD asked whether any further steps had been taken in connection with the King's suggestion that an army might be established on the basis of universal conscription.

Sir Francis HUMPHRYS, after referring to the King's speech reported on page 17 of the report, explained that consideration of the national service proposals had been indefinitely postponed. He felt sure that the Iraqi Government would sound leading public opinion before introducing such a measure, and there was no question of interference by the British Government.

M. RAPPARD pointed out that it might be difficult in certain cases to distinguish between external aggression and internal disorders. He quoted the case of Sheikh Mahmoud, who had come in from Persia and started a rebellion in the country. Was that an external or internal question? Personally, of course, he did not in any way deprecate the possibility of British forces intervening, as that would constitute an additional guarantee for the minorities in whose future the Commission was so deeply interested.

Sir Francis HUMPHRYS replied that the case of the Sheikh Mahmoud rebellion could not be regarded as external aggression. The Sheikh was a Kurd who had promised to live in Persia, had broken his word and returned to the country to start a rebellion with about 300 bandits. That was obviously an internal matter.

M. RAPPARD wished to obtain a little information on what he fully understood to be a very delicate point. Had there not been some opposition to the maintenance of British air forces in the country? What, for instance, had been the motives of the minority in Parliament which had voted against that article in the Treaty? Was the retention of the air forces regarded by Iraqi opinion on the whole as a concession made *to*, or a concession made *by*, the mandatory Power?

Sir Francis HUMPHRYS explained that, in certain quarters, the relative advantages and disadvantages for Iraq of the maintenance for twenty-five years of a British air force had not perhaps been fully understood. Such misunderstanding might have led to a certain amount of opposition. The Iraqi Government had, however, asked for an alliance with Great Britain. The advantage from the point of view of Iraq was that Baghdad was tending to become, to an ever greater extent, a very important centre of air traffic between West and East. There were already German, French, Dutch and British air lines operating this route. If air traffic across Iraq was to continue and develop and the importance of Baghdad as an air-port be enhanced, foreign air companies would require to be assured that a high technical standard (in the matter of relief, life-saving, aerodrome organisation, etc.) should be maintained. The Iraqi Government was not yet in a position to provide the facilities and safeguards. Consequently, the presence of a British air force which would ensure the necessary confidence would be greatly to the economic advantage of Iraq.

Moreover, owing to the remote geographical position of Iraq, which was practically land-locked, the retention of a skeleton British air force in the country was essential in order to enable His Majesty's Government to discharge the obligations of its alliance. Air reinforcements could not be sent to Iraq in case of need unless there were some nucleus of a British air force and aerodrome organisation on the spot to receive them. Stores, spare parts, repairing workshops, etc., would have to be maintained; and apart from this, it would be clearly impossible for air reinforcements to set out for Iraq without the assurance that they could land at aerodromes there in safety. Reinforcements could not reach Iraq by sea — that was to say, via the Persian Gulf and Basra — in time to be effective.

M. RUPPEL was glad to note the statement to the effect that the aviation of all countries would receive equal assistance and help from the British air forces.

M. PALACIOS wished to revert to the clause to the effect that, after the twenty-five years had elapsed, it would be for the League of Nations to decide whether any modifications were necessary. When Iraq had obtained her absolute independence, it would even have the right, after two years' notice, to withdraw from the League of Nations. In that case, how could the League intervene in this matter? The international obligations required must be those to which reference was made in Article 1, paragraph 3, of the Covenant.

Sir Francis HUMPHRYS replied that both countries had specifically agreed in the Treaty to refer the matter to the League of Nations.

In reply to M. Orts, Sir Francis Humphrys added that the Iraqi army consisted of 10,000 men on a peace footing. There were no reserves. It should, however, be remembered that there were also some 8,000 police.

PUBLIC FINANCE.

The CHAIRMAN asked whether a decision concerning the maintenance of British financial advisers after the termination of the mandate depended exclusively on the Government of Iraq, or had the mandatory Power reserved the right to insist on the maintenance of financial advisers?

Sir Francis HUMPHRYS replied that there were at present one British adviser and two assistant advisers, the first with a contract for two years and the latter with a ten years' contract.

each, of which several years had still to run. The Iraqi Government could, however, if it wished, terminate those contracts before maturity. He thought that the Iraqi Government would probably decide to retain the services of British advisers for some time to come, particularly as there were many new economic problems to be faced arising out of the development of oil production and railway extension. In addition, the Iraqi Government was considering an alteration of the revenue system and would need advice on this.

The CHAIRMAN then asked whether the exchange of notes in London in August 1930 between the High Commissioner and the Iraqi Prime Minister on the settlement of financial questions, which appeared to have come into force in January 1931 on the exchange of the ratifications of the Treaty of Alliance, covered all outstanding financial questions between the mandated territory and the mandatory Power, or were there other agreements which had not been published?

Sir Francis HUMPHRYS declared that the exchange of notes covered all outstanding financial questions between Great Britain and Iraq. It did not, of course, cover international questions, such as the Ottoman Public Debt and the tobacco Régie.

The CHAIRMAN then enquired as to the position with regard to the settlement of accounts between the mandatory Power and Iraq. What sum was owing to the British Government? How had that sum been calculated, and in what way would it be paid?

Sir Francis HUMPHRYS replied that his Government had almost entirely remitted the indebtedness of Iraq. There were only a few small sums outstanding in connection with railways and ports, and the transfer of the Hinaidi and Mosul aerodromes. The British Government had, he believed, spent over eleven million pounds in developing the Port of Basra, but had accepted the sum of half a million in full settlement. Of that sum, over one-third had already been repaid from port revenues.

The CHAIRMAN noted, consequently, that Iraq had no further debts to Great Britain apart from those mentioned in the exchange of notes.

M. RAPPARD thought that the financial arrangement to be concluded by Great Britain with Iraq was extremely generous, and that it would be even more so were it not for the clauses relating to the railway and the Port of Basra. He enquired on whom the beneficial ownership of the port would devolve.

Sir Francis HUMPHRYS said that beneficial ownership would be established in a Port Trust under a statute until the debt had been paid off to Great Britain by instalments, but there was no provision for any preponderance of British interests. The new draft statute would have to be approved by both Governments.

M. RAPPARD, commenting on the clause which provided that the property of the Port of Basra should be transferred to the Iraqi Government and the port administered by a Port Trust, noted that there was no provision for the conclusion of any agreement in the matter.

Sir Francis HUMPHRYS said that the legislation governing the matter would need to be approved by both Governments.

M. RAPPARD enquired, supposing that the arrangement was mutually beneficial and that the port dues allowed of paying off the debt, what would be the position as regards further profits, and whether such profits would go towards paying off the original eleven millions.

Sir Francis HUMPHRYS repeated that the balance of the eleven millions had been finally remitted. The Port of Basra would function like the Port of London or the Port of Calcutta, for example. The Port Trust would collect dues and establish reserves and would apply any balance to the reduction of dues.

M. RUPPEL, commenting on the financial position of the port, as described in the annual report (pages 91 and 92), enquired whether the capital debt payment of upwards of Rs. 5 lakhs was in respect of a debt to the British Government.

Sir Francis HUMPHRYS pointed out that the amount, as explained in the report, represented the seventh instalment in repayment of a capital debt and interest to His Majesty's Government.

M. RUPPEL enquired what was the capital debt in connection with the dredging service in respect of which £40,000 sterling had been paid for amortisation.

Sir Francis HUMPHRYS explained that, before the war, the Shatt-el-Arab beyond Basra could only take vessels drawing 15 feet; it had now been dredged so as to take vessels up to 29 feet. The cost of the dredging operations had been undertaken by the Port of Basra, which had taken up a private loan of £500,000 for the purpose.

M. RUPPEL, referring to the capital of the new railway corporation, noted that Rs. 275 lakhs of preferred stock were to be allotted to the British Government, of which only Rs. 25 lakhs represented the repayment of a debt, and enquired for what reasons the further amount of Rs. 250 lakhs had been allocated.

Sir Francis HUMPHRYS explained that, some years previously, the railways had been valued at about three and a half millions sterling — a very low estimate. His Majesty's Government had agreed with the Iraqi Government to take half that amount (Rs. 250 lakhs). There was, in addition, Rs. 25 lakhs representing the value of stores handed over to the railways by His Majesty's Government. The reason that the Iraqi Government had Rs. 45.85 lakhs of preferred stock was because it had advanced that sum for the extension of the railway line. In order that the railway might become profitable and not carry a dead weight of interest, the mandatory Power had agreed that, for a period of twenty years, the interest on the preferred stock should be non-cumulative.

The accredited representative stated, in reply to a further question of M. Ruppel, that the British Government had probably spent about fifteen millions sterling on constructing the railways. That had been, as M. Rappard suggested, partly a military enterprise, but a great deal had been added. There had been two debits which the mandatory Power had remitted — one, amounting to £700,000, was for public works which the British Government had made over free of cost; while the other, amounting to two millions, had been a debit on administration when the country was handed over to the present Government. This deficit had been made good by His Majesty's Government. There were no debts at present outstanding beyond those mentioned in the note of August 1930.

M. RAPPARD asked what were the approximate figures for sums which would be due to British advisers on the termination of the mandate.

Sir Francis HUMPHRYS stated that compensation was paid only if a contract was prematurely terminated. There was no pension liability; there was a provident fund to which officials and the Iraqi Government contributed monthly, but that scheme did not go beyond the term of the official's contract.

The CHAIRMAN, referring to the accredited representative's replies concerning the establishment of a national currency, enquired whether it was proposed to set up a National Bank and who would be responsible for regulating Iraqi money.

Sir Francis HUMPHRYS replied that the Currency Board would be responsible for regulating Iraqi money, and stated, in reply to a further question by the Chairman, that the Currency Board would invite tenders for the new currency and place orders. Its activities would be governed by a law just passed by Parliament.

JUDICIAL ORGANISATION : GUARANTEES.

The CHAIRMAN, observing that, on the termination of the mandate, the Judicial Agreement would lapse, enquired what form of judicial organisation would be regarded by the mandatory Power as affording equal and regular justice for all members of the community and for all foreigners.

M. ORTS thought that a distinction should be drawn between the various classes of persons amenable to justice — namely, the general mass of the population, the communities for which the Constitution had provided special tribunals and, finally, foreigners.

M. MERLIN considered that the point mentioned by the Chairman was one of the most important that the Commission had to discuss. Assuming that Iraq had a settled Government and satisfactory administration, and that her financial position was sound, there still remained one important question — the administration of justice, including the protection of minorities and the treatment of foreigners. Members of the Mandates Commission felt some apprehension on that point. They appreciated the remarkable work done by Great Britain, but regretted that the mandatory Power should be relinquishing its task after so short a period, and were anxious to know whether adequate guarantees would be provided after the termination of the mandate. Certain guarantees would, of course, exist, in the form of the Treaty of Alliance with Great Britain and the continued presence of British advisers and British forces in the territory.

Iraq had promised, under the terms of the Judicial Agreement, to enact certain legislation. Had that yet been promulgated? The Judicial Agreement would lapse on the termination of the mandate, and M. Merlin would be interested to know what would happen in the interval between then and the time when Iraq became a Member of the League. He enquired whether, apart from the Ottoman legislation in force before and during the mandate, Iraq possessed a civil or criminal code, a code of criminal procedure or a commercial code. His apprehensions were justified, he felt, by the reference in the special report for the period 1920-1931, page 83, paragraph 12, from which it would appear that the mandatory Power was not quite satisfied.

Sir Francis HUMPHRYS stated in reply that the judicial system in Iraq, as it existed at present, had been subject to the assistance and advice of five or six British officials — an adviser, a president of appeal and three judges of the first instance. The judges of the first instance were to be increased to six, and there was to be an assistant to the adviser.

As regards the position of foreigners, he could not recall a single instance of a judgment given by an Iraqi court having been called in question by a foreign national. His own suggestion would be for the League to ask, as a guarantee, that the present judicial system should be extended for a period of ten years. That would, he considered, be quite sufficient. As regards the question

whether the legislation envisaged in the Judicial Agreement had been passed, he had given the answer the previous day to M. Ruppel and had communicated a copy of the enactment at the previous session.

M. Merlin would, he thought, perhaps derive satisfaction from the fact that the existing law of Iraq was based generally on the Napoleonic Code. The criminal and civil codes were in process of revision. The codification of the laws was already in draft; much old and obsolete matter had been cut out, and the laws had been brought up to date. It was inevitable, in a fair, frank and impartial review of the judicial system in Iraq, that the mandatory Government should point out such defects as existed, but he would ask the Commission not to take those effects as seriously impairing the system. The latter was not yet perfect, but Parliament passed fresh laws every year, and he was confident that, within ten years, no serious omissions would remain. The judicial system of Iraq could challenge comparison with that of her neighbours.

The CHAIRMAN said that the Commission would be grateful if the accredited representative explained his views on the matter, which would be of great service to the Commission in connection with the fixing of the guarantees. The accredited representative had mentioned ten years as the period for the continuance of the present system, though the Treaty of Alliance was for a period of twenty-five years.

Lord LUGARD pointed out that there was nothing in the Treaty to prevent Iraq, when independent, from repealing or radically changing the Organic Law and the Criminal and Civil Codes. When insisting on the permanence of the judicial system, would it be possible to give similar permanence to those laws?

Sir Francis HUMPHRYS said that he had not connected the Organic Law with the judicial system. In order to amend the Organic Law, there must be a two-thirds majority of both Houses, followed by a dissolution of Parliament, and the new Parliament must then approve the alteration by a two-thirds majority of both Houses.

As regards the codes, he hoped that they would gradually be improved and perfected, and any proposals for their alteration would be shown beforehand to the foreign diplomatic missions at Baghdad. He pointed out that it was impossible for any constitutional amendment to be suddenly put through, and quoted from the relevant article in the Organic Law.¹

Lord LUGARD replied that this article might itself be revised and radically altered. He did not, of course, refer to minor changes and improvements, but to the essential principles of the Organic Law and the codes — in particular, to the clause cited.

Sir Francis HUMPHRYS replied that about a year and a half would be required to make a change.

The CHAIRMAN returned to the general question. What were the guarantees that the mandatory Power contemplated after the termination of the mandate for the protection of the interests of natives and foreigners in Iraq? Was the accredited representative of opinion that the present judicial organisation offered sufficient guarantees?

Sir Francis HUMPHRYS replied in the affirmative to the latter part of the question.

M. RUPPEL put the question in a different form. Leaving aside the foreigner and supposing that there were no foreign judges in Iraq, did the accredited representative think that the courts would afford equal justice for the natives?

Sir Francis HUMPHRYS replied that that was a very delicate question to answer. There had been a great many cases in which no foreign judge had had any part and in which there had been no complaint. His own feeling was that provision should be made for a transitional period of ten years, in order to maintain the confidence of Iraqis and foreigners alike in the Iraqi judicial regime.

M. VAN REES observed that it was most important for the Commission to know definitely whether, in the view of the mandatory Power, Iraq now possessed a system which would ensure equal justice for all persons subject to the law.

Sir Francis HUMPHRYS replied that he held that Iraq did, in fact, possess such a system.

M. PALACIOS recalled the terms of the question which, in his view, arose in connection with the statement on page 35 of the report. The mandates for Palestine and Syria contained a clause providing that, on the termination of the mandate, the system of capitulations would again be fully applicable. It seemed certain that the same applied to Iraq at the time when the Judicial Agreement, now in force, ceased to apply.

Sir Francis HUMPHRYS observed that the point had been discussed at length by the Council.

¹ Article 119. — Every amendment must be approved by a two-thirds majority of both the Chamber of Deputies and the Senate. After such amendment has been approved, the Chamber of Deputies shall be dissolved and a new Chamber elected. An amendment which has been approved by the former Chamber shall be submitted again to the new Chamber and Senate. If approved by a two-thirds majority of each Assembly, the amendment shall be submitted to the king for confirmation and promulgation.

M. ORTS noted that the accredited representative had said that the present judicial arrangements were satisfactory. He understood, however, that the Spiritual Councils (Article 75 of the Organic Law) had not yet been established for all the communities, and that the special law conferring jurisdiction on them had not been enacted.

Sir Francis HUMPHRYS replied that Spiritual Councils already existed for the Jewish and Christian communities, but that they had not yet been established for the Yezidis, the disputes between the latter being of comparatively recent date. The Government, he said, would prefer that the Yezidis should settle their religious difficulties themselves, and had suggested their establishing a council on the lines of the Christian Spiritual Councils.

M. ORTS observed that, in addition to religious matters, the Spiritual Councils dealt with matters relating to the personal status of members of the communities.

Sir Francis HUMPHRYS said that, in the case of certain of the Christian communities, the new laws provided for in Article 78 of the Constitution were not yet in existence. The old Turkish law was still in force, and the religious courts were actually functioning. New laws had, however, been enacted in the case of the Armenian and Jewish communities.

M. ORTS supposed that, as the need for codification had been recognised, the present system had not been found satisfactory. There would still, therefore, be a gap in the present judicial organisation.

Sir Francis HUMPHRYS thought that that was not the case. The old Ottoman Law had been very generous, and he did not think that any very substantial improvements would be found to result when codification was completed. The difficulty was to get the spiritual and lay elements in the communities to agree to codification.

The CHAIRMAN summed up the position as it appeared from the accredited representative's statements. The latter regarded the present judicial system as satisfactory so long as there were foreign advisers, and suggested the extension of the system for a period of ten years.

M. VAN REES noted also that M. Orts' observation concerning the fact that certain Spiritual Councils had not been set up did not refute the reply of the accredited representative. So long as those Spiritual Councils did not exist, the ordinary courts would act, so that the Commission might say that the present system ensured equal justice for all persons subject to the law.

M. RAPPARD observed that the accredited representative had given a definite reply to a direct question; he had said that the judicial system had given satisfactory results. M. Rappard assumed that the accredited representative had in mind the present foreign element, and enquired what was the real purport of his suggestion that the existing system should continue for a period of ten years.

Sir Francis HUMPHRYS said that what he had had in mind had been the Rapporteur's statement in his report to the Council, dated September 4th, 1931 :

“ It is my impression that, in thus distinguishing between the system of the capitulations to be reintroduced automatically on the termination of the mandate and that of an arrangement previously approved by the Council in concert with the Power concerned, the Commission has expressed a certain preference in favour of the latter system. The recent example of the judicial agreement in respect of Iraq, which has received the approval of both the Mandates Commission and the Council, shows how it is possible, by previous agreement, to establish the guarantees essential in order to secure the same legal protection to all nationals of States Members of the League on a footing of perfect equality.”

What the accredited representative, speaking as the mouthpiece of the mandatory Government, had contemplated in that particular case was that the Commission should report to the Council that it would expect that, in return for the abolition of the capitulations, certain guarantees should be given to the League during a transitional period, that the easiest way would be for the Council to extend the existing judicial system for x years, and for the Council or its Rapporteur to get into touch with the representative of the Iraqi Government, in order to fix a period — and other details — acceptable to both parties, the point being that the matter should be settled by negotiation.

FOURTEENTH MEETING.

Held on Tuesday, November 3rd, 1931, at 3.30 p.m.

Question of the Emancipation of Iraq (continuation).

Sir Francis Humphrys and Mr. Hall came to the table of the Commission.

JUDICIAL ORGANISATION. — GUARANTEES (continuation).

M. RAPPARD said that, in discussing the advisability of extending the Judicial Agreement for a certain number of years, there were three alternatives. The proposal so to extend the Agreement might be made either by the mandatory Power or by the Mandates Commission or by the Council itself. Had the mandatory Power a preference for one of these methods?

Sir Francis HUMPHRYS imagined that, since no mention was made in the new Treaty of judicial safeguards, the League would ask the Iraqi Government, before consenting to the termination of the mandate or the entry of Iraq into the League, for some judicial guarantees during a transitional period. Presumably, foreign Powers, in return for the abandonment of the capitulations, would want assurances in regard to the judicial system that would be in force for the next few years. As was evident from his report, the Rapporteur to the Council considered that there was a better alternative than the resumption of the capitulations — namely, that the regime provided for in the Judicial Agreement should be extended for a number of years. In any case, Sir Francis Humphrys regarded a resumption of the capitulatory regime as impracticable.

M. RAPPARD understood that the mandatory Power did not wish to take the initiative of proposing the extension of the Agreement, but it would agree to such extension if proposed by the Council.

Sir Francis HUMPHRYS said that the United Kingdom was not the only State affected, and, in the circumstances, it would hardly have been appropriate for His Majesty's Government to take the initiative. Moreover, the Iraqi Government itself considered that the matter was one to be settled with the League rather than with His Majesty's Government.

The CHAIRMAN asked whether the accredited representative agreed with his summary of the discussion at the previous meeting. On that occasion, Sir Francis Humphrys had said that, in the past ten years, the administration of justice to natives and foreigners with the help of English advisers had worked well, and that it would be advisable for the foreign advisers to remain a certain number of years after the termination of the mandate.

Sir Francis HUMPHRYS agreed, and said that, otherwise, the termination of the old regime would be too abrupt. The British Government thought that, if the general principles of safeguarding judicial interests which had been laid down in the Commission's report to the Council were accepted, the Rapporteur to the Council should have means of getting in touch with a representative of the Iraqi Government to discuss the details. In this manner, it would be possible to avoid the appearance of an ultimatum to the Iraqi Government.

M. RAPPARD had been struck by the fact that, in other matters, such as military questions, the British Government had negotiated direct with the Iraqi Government. With regard to the judicial regime, on the other hand, it had stood in the background and wished to let the Council arrange matters with the Iraqi Government.

Sir Francis HUMPHRYS did not agree. He pointed out that it would scarcely be appropriate for the Rapporteur to the Council to negotiate with the Iraqi Government regarding the employment of British military forces in Iraq.

It would have been difficult to insert judicial safeguards in the Treaty of Alliance. That Treaty was not to take effect until Iraq had been emancipated. It was therefore a treaty between two independent States, and he thought the Iraqi Government would rightly have refused to include any provisions for judicial safeguards in the Treaty. The matter was one that concerned a number of States besides the United Kingdom, and the League was the proper authority to deal with it.

COUNT DE PENHA GARCIA understood that the mandatory Power regarded the country as ripe for release from mandatory control. That release involved questions, in the first place, between Iraq and Great Britain and, in the second place, between Iraq and other countries. Questions regarding Great Britain were settled by the Treaty of Alliance, while those concerning other countries were to be regulated by the League of Nations.

Sir Francis HUMPHRYS agreed, and said that for this reason the minorities were not mentioned in the Treaty.

M. MERLIN said the Commission was in a special position. Under its instructions from the Council, it had to enquire whether conditions in Iraq were such that the mandate could be terminated. It was not for the Mandates Commission to establish a list of the conditions to be imposed before the mandate was terminated. It was for the mandatory Power, when stating that the time was ripe for emancipation, to submit to the League certain guarantees for the transition period. The Commission should then state its opinion on the mandatory Power's proposals.

Sir Francis HUMPHRYS said that, if he were asked to make a suggestion which would be acceptable to His Majesty's Government, it would be that the judicial regime, although legally terminated on the entry of Iraq into the League, should be extended for a number of years. He suggested that the number of years should be settled in negotiation between a representative of the Council (possibly the Rapporteur) and a representative or representatives of the Iraqi Government.

The CHAIRMAN remarked that the Rapporteur could hardly get into touch with the representative of a country which was not a Member of the League and was still under mandate.

M. RAPPARD noted the accredited representative's statement that his Government would accept an agreement arrived at between the Rapporteur to the Council and a representative of Iraq. This statement showed that the British Government's consent to the agreement was required. He did not think it would be appropriate to negotiate, without the assistance of the British Government, with a country for which that Government was responsible.

Sir Francis HUMPHRYS said the discussions might be conducted with representatives of Iraq and of the United Kingdom.

The CHAIRMAN remarked that the discussion now taking place between the Commission and Sir Francis Humphrys already prepared the way for those negotiations.

Sir Francis HUMPHRYS thought there must be numerous precedents for discussions with States seeking entry into the League. He pointed out that Iraq occupied a different position from that of other mandated countries, since the right to accede independently to international conventions and to make treaties had been formally recognised by the Council, and the mandatory regime was itself based on a treaty. Moreover, Italy, France, Germany, Turkey and Persia all had diplomatic representatives at Baghdad who could treat direct with the Iraqi Foreign Office.

M. VAN REES thought the Commission should distinguish clearly between its own rôle and that of the Council. The Commission had merely to reply to the questions put to it by the Council and was not entitled to enter into any negotiations. The Commission should merely give its advice to the Council, which would, if necessary, carry out negotiations. The question before the Commission was, therefore, what guarantees Iraq could give on various matters. Progress had been made by the statement as to the guarantees obtainable in respect of judicial questions. The Commission must decide whether those guarantees were sufficient. If any member thought them insufficient, he should suggest the necessary changes, and the accredited representative should state whether those changes were acceptable. On the conclusion of the discussion, the Commission should draw up a report, either approving the guarantees offered or suggesting additional ones.

Count DE PENHA GARCIA pointed out that the difficulty arose from the fact that two questions were involved: (1) the termination of the mandate and (2) the entry of Iraq into the League. The former question should be discussed with the mandatory Power and the latter with the applicant. It was for the Council to decide on the procedure in the latter case.

M. RAPPARD thought the question of procedure was one of extreme importance. The mandatory Power asked the Commission to state that, in its opinion, Iraq was able to stand alone. This was an experiment which some people regarded as dangerous, but which the British Government considered was safe. The advice of the Commission would depend on whether the mandatory Power were prepared to give guarantees after the emancipation of Iraq. Should Iraq be emancipated and foreigners be subsequently unfairly treated, the British Government would feel greater responsibility if it had proposed the judicial regime than if the arrangements had been made by the League. If Great Britain were reticent in making positive proposals, he considered this should induce the Commission to show greater caution.

The CHAIRMAN said that it was the duty of the Commission to fix for the Council the guarantees which it considered necessary. He noted that the mandatory Power did not wish to make concrete suggestions regarding this matter.

In the Chairman's view, it would be more in conformity with the spirit of the Covenant to choose legal advisers not only from among British nationals, but also from among the nationals of any other Member of the League of Nations.

Sir Francis HUMPHRYS thought it was quite clear why the British Government hesitated to make direct proposals regarding judicial guarantees. Such guarantees would have to be given, not to Great Britain, but to the League; other countries were almost as greatly concerned as Great Britain. At the meeting of the Council on September 4th, Lord Cecil had stated that he hoped the report of the Mandates Commission would be ready in time for the January session of the Council, and had added that the British Government would be willing to give its help, and that he hoped the Council would make use of its assistance.

Sir Francis Humphrys thought it would be wrong for his Government to draft the guarantees, but that the details would be settled by the Council in conjunction with Iraq and with the help of the mandatory Power.

The CHAIRMAN, referring to his proposal that a wider judicial agreement should be concluded admitting judges nationals of any State Member of the League, asked whether this proposal would be well received by the Iraqi Government.

Sir Francis HUMPHRYS said he had never discussed this question with the Iraqi Government.

The CHAIRMAN asked whether an extension of the present Judicial Agreement would be acceptable.

Sir Francis HUMPHRYS replied that he had reason to believe that an extension for ten years would be acceptable.

The CHAIRMAN asked whether there would be any insurmountable objections to the extension of the recruitment of judges to other countries.

Sir Francis HUMPHRYS thought that his Government would have no objection to the principle that judges of other nationalities, as well as British, should be considered for appointment to future vacancies in the foreign judiciary in Iraq after Iraq's admission to the League. He pointed out that there might, however, be certain practical difficulties connected with the long-term contracts of the judges. Some of these judges would, however, doubtless leave Iraq before their contracts expired.

M. VAN REES asked whether the language question might not also be a difficulty.

Sir Francis HUMPHRYS replied that the judges must have a good knowledge of Arabic.

The CHAIRMAN was glad to hear Sir Francis Humphrys' statement that, in principle, there would be no objection.

Sir Francis HUMPHRYS replied that he did not anticipate that his Government would have any objection to the principle.

M. RAPPARD pointed out that the Commission had not expressed its opinion on this question. Personally, he thought there were advantages in leaving jurisdiction in the hands of the present judges.

PROTECTION OF MINORITIES.

At the request of the Commission, M. de Azcarate, Director of the Administrative Commissions and Minorities Questions Section, took his place at the table of the Commission.

M. ORTS was not convinced that the guarantees laid down in the Constitution adequately safeguarded the future of the racial and religious minorities, regard being had to the spirit prevailing among the Moslem majority. The Commission received information from various sources. In addition to that provided in the reports of the mandatory Power and the replies of the accredited representative, there were the petitions and information from other private sources. The Commission could not altogether neglect the latter, but it had made a rule to take it into consideration only after the accredited representative had had an opportunity of refuting it. The Commission had also received information to the effect that Article 6 of the Iraqi Constitution, which provided that all Iraqis were equal before the law, would be a dead letter and the protection of minorities therefore illusory. It was alleged that the courts of the Patriarchs and religious communities existing under Turkish rule had not been replaced, and that disputes between Christians were brought before ordinary courts presided over by Moslem officials. As, according to the Koran, however, the evidence of a Moslem was always credible, even against the contradictory evidence of ten Christians, there was no jurisdiction for the Christians. The equality of all Iraqis before the law did not therefore exist in fact. It was further stated that, in the vilayet of Mosul, where there would be over 100,000 Christians at the present time, there was no Christian magistrate.

M. Orts did not accept these allegations as facts, but they were so frequently made that he was anxious to know what the accredited representative thought of them.

Sir Francis HUMPHRYS replied that the religious courts existed for the various religious communities and dealt with questions of personal status. In other questions every individual,

whether Christian, Jew or Moslem, was subject to the law administered by the civil courts. That law had inherited many of the principles of Mohammedan law, but in its more important essentials it derived its origin from sources non-Islamic in character. For instance, the Baghdad criminal code and criminal procedure regulations were enacted during the British occupation. They were based on the criminal codes of Egypt and the Sudan, which were derived from the Napoleonic Code.

The religious courts never dealt with criminal cases. Efforts were being made to improve and codify their regulations, and this had already been done for the Jewish and Armenian communities. No complaints had ever reached him as to the action of the spiritual courts.

Except in the Sharia, or Moslem religious courts, before which no Christian need appear, the evidence of all persons was equally credible. There was no foundation for the statement that, in the civil and criminal courts, the evidence of a Moslem was preferred to that of a non-Moslem.

M. ORTS asked what court would have jurisdiction in a case of personal status between a Moslem and a Christian. For instance, what would happen if a Moslem who had abducted the wife of a Christian claimed that, according to Moslem law, she was not legally his wife?

Sir Francis HUMPHRYS replied that, in a matter of personal status, in which a Moslem and a Christian were concerned, the Christian was entitled by law to apply for the transfer of the case to a civil court. The case cited might, however, be for the criminal courts.

With regard to the question as to the number of Christians in the vilayet of Mosul, he stated that the total Christian population of Iraq was only 88,000, of whom 62,000 were in Mosul. The superintending judge at Mosul was British and a Christian.

M. ORTS asked if the Mosul court was a court of appeal.

Sir Francis HUMPHRYS replied that it was a court of first instance.

Mlle. DANNEVIG asked whether the application of a Christian to have his case transferred to another court would necessarily be granted.

Sir Francis HUMPHRYS replied that the president of the court would be obliged by law to grant such an application.

M. ORTS again drew attention to an allegation that there were numerous cases of Christians being murdered in which the criminals were not punished. He asked if this was an exceptional situation or if it implied that the authorities had been apathetic or negligent in suppressing such crimes.

Sir Francis HUMPHRYS replied that such murders took place chiefly in very hilly country near the border. Bandits from across the frontier were responsible for nine out of every ten murders of this kind. After looting the murdered persons, they recrossed the frontier, where they were safe from pursuit. He hoped this state of affairs was only temporary. Sir Francis Humphrys pointed out that probably more Moslems than Christians were murdered, but that less was heard about the former.

M. ORTS asked if it were correct that the Assyrian Patriarch had supplied the High Commissioner with a list of seventy-nine unpunished cases of murder of Christians.

Sir Francis HUMPHRYS replied in the affirmative, but added that the latest case quoted by the Patriarch was in 1926. This did not mean that, in fact, there had been no such cases since that year.

He related two cases in which Christians had been attacked and killed and in which the murderers had been pursued and apprehended. In one case, seven Christians had been murdered near the frontier and the Iraqi Ministry of Defence had sent off two companies of infantry for the protection of the population.

M. ORTS asked what was the explanation — notwithstanding the progress which had already been made, the constitutional guarantees applicable to the minorities, and the tolerance which had always been shown by the Moslems in Iraq — of this apprehension which all the minorities felt at the coming cessation of British control.

M. SAKENOBE asked for further information regarding the relations between the Kurds and the Arabs. Four months previously,¹ the accredited representative had said it was desirable that there should be greater confidence on the part of Kurds in Arabs, and greater sympathy on the part of Arabs towards Kurds.

Sir Francis HUMPHRYS replied that, since that time, the King had visited the district and reassured the Kurds. The Prime Minister had also spent a month in Kurdistan, with beneficial results. The atmosphere was now much better.

In reply to M. Orts, he did not believe the statements made in the petitions that the minorities were afraid of oppression. Their fear was dictated by mere material reasons. For instance, 1,800 Assyrians were employed in the Iraqi levies at a high rate of pay — namely,

¹ See Minutes of the twentieth session, page 121.

about 35 rupees per month on an average. When the mandate came to an end, the majority of these men would lose their posts.

Moreover, what reason had they to be afraid of oppression now, if they were not afraid before mandatory control was established? The Assyrians, Chaldeans and Yezidis were well treated in the time of the Turks, and there was no reason why they should be badly treated after the termination of the mandate.

Mlle. DANNEVIG had been informed that, before the war, the Christian youth of Mosul was better educated than the Moslems, and that the latter, if they wished to receive instruction, attended Christian schools. She asked if it was correct that there were practically no Christian schools now, and that the so-called national schools, which were under the Department of Education, paid no attention to the religious and national traditions of the Christian minorities.

Sir Francis HUMPHRYS said it was still true that Christians and Jews were generally better educated than Moslems in commercial subjects. For this reason, banks and business firms requiring clerks usually took them from the Christian and Jewish schools. Moslem schools, he thought, made a mistake in trying to teach too many subjects.

Mlle. DANNEVIG understood that there were no private schools in the northern liwas, on account of the lack of funds, and that the children had to attend Government schools, where no regard was paid to their language and religion.

Sir Francis HUMPHRYS referred to page 229 of the special report on Iraq for 1920-1931, which showed that, in the Mosul area, there were twenty-seven Government Christian schools and one Government Jewish school. The principle was that, if a Christian school was willing to conform to the Government curriculum, it received a grant. If, on the other hand, it refused to conform on the grounds that too much time was given to secular subjects, it did not obtain a grant. Christian religious holidays were always observed in the Government Christian schools.

Mlle. DANNEVIG asked if children were taught in their own language.

Sir Francis HUMPHRYS replied that, except as regards elementary education, this was impossible in the case of such languages as Syriac, which was spoken by very few people.

Mlle. DANNEVIG asked if it was correct that, while during the occupation an agreement had been concluded with the religious authorities of the Christian minorities to pay the expenses of the schools provided the clergy supplied the teachers, the Ministry of Education had, since that time, systematically sent the teachers away from the schools so that the Christian schools now existed in name only.

Sir Francis HUMPHRYS referred to page 229 of the special report for 1920-1931, where it was stated that these schools had been taken over by an agreement with the heads of the Chaldean, Syrian Orthodox and Syrian Catholic minorities. The arrangement had been acceptable to the religious heads at the time on account of the poverty of their people. It was less so now because the conservative element among the religious leaders found its influence decreasing owing to the secular tendencies of modern education. But there was no reason to think that the laity of the different communities disapproved of the arrangement.

The CHAIRMAN asked whether Sir Francis Humphrys could say that Iraq would be prepared to accept obligations for the protection of minorities like those which had been accepted by certain European countries.

Sir Francis HUMPHRYS replied in the affirmative. The British Government was of opinion that the Albanian Declaration would be the best for Iraq, except the nationality clause (Article 3), which was no longer necessary, as the principle had already been incorporated in the nationality law of Iraq.

[The Chairman caused Articles 1 and 7 of the Albanian Declaration with regard to minorities to be read.]

The CHAIRMAN noted — apart from any question as to whether the guarantees contained therein would be sufficient — that Iraq would, in the opinion of the accredited representative, be prepared to accept a similar text.

M. DE AZCARATE explained that the text of the Albanian Declaration had been adapted to meet the special circumstances in that country. The Commission, therefore, need not examine the details of the text, but need only decide whether the general provisions, including that of nationality, could be applied to Iraq. In any case, Articles 1 to 7 must be regarded as fundamental law.

M. ORTS asked what was meant by "fundamental" law. The common acceptance of the term was synonymous with "constitution", but all constitutions could be revised in accordance with a procedure which they themselves laid down.

M. DE AZCARATE opined that " fundamental " in the present case meant obligations which would exist even as against national law. Any infraction of them would be regarded as an infraction of international law, and they could not be modified without the consent of a majority of the League Council.

The CHAIRMAN asked the members of the Commission to state whether they thought the proposed guarantees were sufficient. Personally, he thought they were, though the Council would doubtless be able to make certain slight improvements in detail.

M. PALACIOS agreed that the Council should be left free to decide all points of detail. It was not, in fact, the duty of the Commission to discuss these details, which were too specialised, and for the examination of which there existed a technical Section in the Secretariat. The Commission should, nevertheless, draw attention to the points in connection with which there were problems to be solved and threatened rights to be safeguarded.

M. RAPPARD expressed anxiety regarding the manner in which the discussion was proceeding. He would like to ask Sir Francis Humphrys whether he thought that, if the Council proposed and Iraq accepted guarantees similar to those contained in the Albanian Declaration, those guarantees would constitute a sufficient protection for minorities — or would the disadvantages of such a Declaration outweigh its advantages ?

Sir Francis HUMPHRYS replied that it was the considered opinion of the British Government that the Albanian text without Article 3 would serve as an entirely satisfactory model for Iraq. He had every reason to believe that Iraq would accept any existing model, and the Albanian one seemed to be the most appropriate.

M. RAPPARD observed that the question was not merely one of what would satisfy Iraq, but what would satisfy the desire to secure the full protection of minorities.

Sir Francis HUMPHRYS replied that the British Government did regard the Albanian model as affording the best possible guarantees which it would be humanly possible to provide for minorities. He felt bound to insist on the adoption of an existing model, because a new model might give rise to contentions, as being new and without precedent.

M. RAPPARD asked Sir Francis Humphrys whether he felt inclined to state his personal opinion as to whether the proposed Declaration would be anything more than a guarantee on paper alone.

Sir Francis HUMPHRYS replied that, while obviously no written guarantee could be absolutely water-tight, neither he nor the British Government could, he believed, devise any instrument which would be more effective in protecting minorities in Iraq.

In reply to a further question as to why it was proposed to omit Article 3 of the Albanian Declaration, Sir Francis Humphrys explained that this article had been based on a clause in the non-operative Treaty of Sèvres, which had been replaced by the Treaty of Lausanne. As he had already pointed out, Iraq had, in compliance with the Treaty of Lausanne, incorporated the nationality provisions in her nationality law. The British Government had no objection, in principle, to Article 3, but thought it was redundant.

M. ORTS thought that some wording similar to Article 3 would be necessary. It was important that there should be no doubt as to what persons were entitled to benefit from the Declaration. There should be no possibility of withholding their right on the pretext that they were not nationals.

COUNT DE PENHA GARCIA, after pointing out that 25 per cent of the population of Iraq belonged to the minorities, desired to examine what the possible dangers of minorities might be. First, was there any danger that the majority would adopt a policy of assimilation (by marriage, persecution, etc.), or did the Arabs recognise that at least some of those minorities were not assimilable ?

Sir Francis HUMPHRYS replied that there was no intermarriage between Jews, Christians and Moslems, but members of these different communities lived together on perfectly amicable terms in the same villages. If that were the interpretation given to assimilation, the process would continue.

COUNT DE PENHA GARCIA, noting then that there would be no question of assimilation by compulsion, enquired whether it would be desirable to establish certain racial or ethnic groups together in certain localities in order to maintain for them their ethnic characteristics. For instance, the Assyro-Chaldeans might be given lands for compact settlement.

Sir Francis HUMPHRYS replied, in connection with the Assyrians, that these people would have been settled in the Hakkiari if the League had acceded to the request of his Government and had assigned that region to Iraq instead of to Turkey. At present, no land was available for the compact settlement of Assyrians, except in the plains. But the Assyrians preferred

to live in the hills, where they could not be settled compactly without dispossessing Kurds from their ancestral homes, and, consequently, the Assyrian settlements were unavoidably scattered among Kurds, Chaldeans and Arabs. They seemed to be quite contented and lived at peace with their neighbours.

COUNT DE PENHA GARCIA then asked the accredited representative whether he thought the guarantees which had been mentioned were sufficient to safeguard the language and religion of the various communities.

SIR FRANCIS HUMPHRYS replied that he thought Articles 5 and 6 of the Declaration should be sufficient for that purpose.

Mlle. DANNEVIG interposed that it was most desirable to give special attention to the Assyrian and Chaldean communities, which represented the remnants of a civilisation three thousand years old.

LORD LUGARD said that it was obviously the duty of the Mandates Commission to see that any guarantees that it might recommend to safeguard minorities were really effective for the purpose.

In Article 7 of the Declaration by Albania, which the accredited representative proposed should be adopted for Iraq, the following words occurred :

“ Any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of the Declaration.”

This was suitable to a European State like Albania, but was it equally suitable to the conditions of Iraq, a distant country in regard to which few Members of the Council would be interested to bring before the League any infraction of the guarantees ? In the pamphlet on the protection of minorities which had been circulated to the Commission, he found that Upper Silesia was allowed to approach the Council direct without the intermediary of a Member of the Council to put the matter on the agenda. He hoped that that course would be adopted for Iraq. The High Commissioner had told the Commission that Iraq would be willing to accept any course for which there was a precedent, and Upper Silesia afforded such a precedent.

The procedure of the Council in the case of minorities was to empower them to appeal to the League by petition — and “ these petitions ” (to quote the actual words) “ may be addressed to the League by any person or association whether belonging to the minority of the country concerned or not, or by any Government ”. There were many well-informed people who thought that, after Iraq was emancipated from the mandate, individuals or groups in the minority sections of the population would be afraid to address petitions to the League lest it should be regarded as a token of disaffection to the Iraqi Government. The only way, therefore, to make the guarantee really effective was, in Lord Lugard's view, to adopt the liberal procedure described in this pamphlet as being the generally recognised method, and allow any person to petition on behalf of the minority concerned, and that the petition — which, of course, must conform to all the rules governing petitions — should be received by the Council without further formality.

Lord Lugard added that he had noted with interest that it was the task of the Minorities Section of the League Secretariat to collect information regarding minorities from all possible sources, and the Director or a member of that Section had, on the invitation of the Governments concerned, made visits to the countries concerned. He felt sure that, if the Government of Iraq agreed to adopt the course he had suggested, it would go far to relieve the apprehensions of those who were interested in the Christian and other sections of the population, and who none the less wished well to the future Government of Iraq.

M. RAPPARD examined the difficulty of making minorities principles laid down for one country apply to another. He outlined the history of minorities procedure which had been begun in Poland and had later been extended to other countries, including the Balkans. Even in those countries, which were much more highly developed, the effectiveness of that procedure had proved doubtful. It was now proposed to apply similar principles to Iraq. He had been struck by the fact that no circumstances which had led to the adoption of the original principles in Poland applied to Iraq. Iraq, moreover, was far away from the seat of the League. Even the very much simpler methods adopted in the matter of petitions addressed to the Mandates Commission had not yet given full satisfaction. How, therefore, could a much more complicated and much less effective system give satisfactory results after the termination of the mandate ?

M. Rappard felt that there should be some responsible representative of the League on the spot. That representative might either be appointed specially for this purpose, or he might be the British ambassador, or a judge, or there might be a body of judges, or some other body. He was very much afraid that the proposed guarantees would prove illusory. In that case, it would be better to forgo written guarantees altogether, in order to avoid dangerous disappointment to possible petitioners.

M. ORTS wondered whether it would not be possible for minorities to have the right to appoint a representative to the authority who would be recognised by the latter as the legal representative of all their interests.

M. PALACIOS agreed with M. Rappard, but thought it would be better for the League to have its own representative rather than to rely on some other person.

M. RUPPEL shared M. Rappard's anxiety. Would it not be possible to create a special Iraqi tribunal for dealing with minorities questions — consisting, for instance, of two British and one Iraqi magistrates — with a right of appeal therefrom to the Council?

Sir Francis HUMPHRYS very much regretted that M. Rappard seemed to have little faith in the efficacy of what he called paper safeguards. When Sir Francis had toured Northern Iraq he had been asked by the minority communities why no guarantees for the minorities had been included in the Treaty. He had explained the reasons (as he had explained them to the Commission subsequently) and had assured the minorities that the League of Nations would, before admitting Iraq, demand adequate guarantees for minorities, like those which had been granted by other countries. The chiefs of the various communities had expressed their entire satisfaction at this solution.

Sir Francis Humphrys had informed the Commission of his Government's opinion that the appointment of a League representative on the spot would be open to the most serious objections. His statement was recorded on page 140 of the Minutes of the twentieth session. His Government had no reason to alter that view, which had only been reached after the most earnest consideration. On this subject his Government felt very strongly, and he hoped the Commission would not feel obliged to adopt any suggestion on the lines proposed. Too much importance should not be attached to local sectarian dissensions, the explanation for which was often to be found in some purely trivial matter or incident. No possible number of League representatives on the spot could settle disputes such as he had in mind.

With regard to the suggestion that the British Ambassador should be the League's representative, he could not see how the Ambassador could be legally responsible to the League. On the other hand, the Ambassador would be there, and doubtless a number of foreign consuls throughout the country would be able to make representations if anything went amiss. Personally, he was confident that they would have nothing unfavourable to report. Even at the present time the heads of the various communities had free access to the King and to the Prime Minister.

He felt bound strongly to deprecate any proposal to add further safeguards to those which were provided in the Albanian Declaration. The Iraqi Government would feel itself absolutely bound by the Declaration and would not contravene it. A lack of confidence on the part of the League might have very adverse effects on the goodwill of the Arabs towards the minorities, whose real interests he was pleading in all sincerity.

The CHAIRMAN asked whether the members of the Commission wished to ask the accredited representative any questions on this point; if not, the Commission would discuss the other points concerning the Declaration at a subsequent meeting.

M. RAPPARD assured the accredited representative that the members of the Commission, although they had raised certain points more than once in their anxiety to secure the best possible solution, nevertheless gave due weight to the impressive arguments advanced by Sir Francis Humphrys.

Sir Francis HUMPHRYS assured the Commission that, from his own experience and on the testimony of many others, the Arabs of Iraq had as good a record for tolerance as the people of certain European countries.

M. ORTS pointed out that one precedent for the inclusion of minorities guarantees in a treaty between two sovereign States was afforded by the Treaty of Paris between Great Britain and France in 1763 — with regard to the religious and linguistic freedom of French-speaking Canadian Catholics.

Sir Francis HUMPHRYS replied that he was relieved to find that M. Orts could quote no more recent precedent than one that was more than 160 years old. Moreover, the precedent quoted referred to the transfer of nationals, and the circumstances were not, he thought, analogous.

FIFTEENTH MEETING.

Held on Wednesday, November 4th, 1931, at 10.30 a.m.

Iraq: Petition, dated May 16th, 1931, from Mme. Assya Taufiq (document C.P.M.1250): Appointment of a Rapporteur.

The CHAIRMAN requested M. Rappard to be good enough to report on this petition.

M. RAPPARD agreed.

Question of the Emancipation of Iraq (continuation).

Sir Francis Humphrys and Mr. Hall came to the table of the Commission.

GUARANTEES AS REGARDS FREEDOM OF CONSCIENCE, ETC.

The CHAIRMAN asked whether the accredited representative thought that freedom of conscience and the other points defined in paragraph (d) of Part II of the conclusions of the Commission would be adequately safeguarded by a declaration such as the Albanian Declaration.

M. PALACIOS stated that the guarantee of religious liberty had passed from the Treaty concluded by the mandatory Power with Iraq into the constitutional Charter in force in the country. This Charter should not be revised in a sense contrary to this essential principle of all civilisation. The present case was not that of minorities, but of individuals, whether nationals or foreigners. On this point, there should be a very definite guarantee. M. Palacios thought this condition would be fulfilled by a declaration similar to that contained in the second paragraph of Article 2 of the Albanian Declaration, provided, naturally, that the undertaking which Iraq accepted *vis-à-vis* the League of Nations had an international character and was always interpreted in accordance with Article 1 of that Declaration. In other words, provisions of this kind should be recognised as fundamental laws in Iraq and should not be able to be overridden by any law, regulation or official act either at present or in the future. It should be expressly provided that the missions should be entitled to carry on their customary activity, whatever the religion or nationality to which they belonged.

M. RAPPARD asked whether there had ever been any violation of freedom of conscience in Iraq, apart from the Bahai incident which was apparently of a different nature.

Sir Francis HUMPHRYS said that he had never heard of any instance of a denial of freedom of conscience in religious matters and that, speaking personally, he had no cause for apprehension that there would be any such denial in future.

M. RAPPARD enquired whether, that being so, the accredited representative would have any suggestion to offer as to the best political treatment of the question.

Sir Francis HUMPHRYS replied that, personally, he thought that it would be very valuable to stereotype the formula relating to freedom of conscience as part of the law of the land. It would have a great moral effect.

The accredited representative informed the Commission that, on his northern tours, he had said that he felt certain that the League, before admitting Iraq, would demand guarantees such as had been demanded from the Balkan States. Those persons with whom he had spoken had been very much relieved and had declared that, if something on the lines of the Balkan guarantees could be incorporated in the law, they would feel much happier about the position.

M. RAPPARD urged that it was essential to avoid the danger of establishing prohibitions which might invite violation. The declaration must be couched in judicious terms.

M. RUPPEL observed that the only point not covered by the Albanian text was the principle of liberty of missions, which was not provided for in Article 5. He thought that the text of the Albanian Declaration should be supplemented to protect foreign missions.

M. VAN REES drew attention to the existing provisions applicable to religious questions and asked whether, in the accredited representative's view, they were adequate. Articles 3 and 12 of the Treaty of Alliance of 1922, guaranteeing freedom in religious matters at present, would both cease to have effect on the termination of the mandate. Article 3 of the Treaty had been re-embodied in Article 13 of the Constitution, but there was no provision in the latter

in regard to missions, which were dealt with in Article 12 of the Treaty. He suggested that it might be well to ask the Iraqi Government to sign a declaration, which should be framed in terms as explicit as those of the existing provisions. He enquired also whether the High Commissioner thought there would be any objection to asking Iraq to agree that disputes in religious matters should be settled by reference to the Permanent Court of International Justice.

Sir Francis HUMPHRYS said that he felt that anything to do with foreign missions should form the subject of a separate declaration rather than be included in the minorities declaration. Possibly an undertaking on the following lines might meet the case :

“ Religious missions of all denominations shall be free to undertake religious, educational and medical activities, subject to such measures as may be indispensable for the maintenance of public order, morality and good government.”

It was based upon paragraph (*d*) of the guarantees proposed by the Commission in its report.

He did not know whether Iraq would agree that any dispute should be referred to the Permanent Court, and enquired whether there was any precedent for such a suggestion.

M. VAN REES pointed out, in reply to the High Commissioner's question, that, at the termination of the mandate for Iraq, reference to the Permanent Court of International Justice as regards other questions than those relating to religious matters would probably be taken into consideration. That was why he had asked if the High Commissioner thought that the Iraqi Government would have any objection to such a clause.

He pointed out, as regards the accredited representative's statement that Iraq would be ready to sign a declaration relating to missions, that that would not settle the larger question of freedom of conscience and freedom of all religious sects. Such freedom was, of course, safeguarded in Article 13 of the Constitution, and there was no reason to suppose that Iraq would object to inserting an additional clause in this connection perpetuating an existing situation.

Sir Francis HUMPHRYS suggested that Article 2 of the Albanian Declaration, which referred to “all inhabitants of Albania”, might be a sufficient guarantee of freedom of conscience.

M. VAN REES agreed that, if the provisions of Article 2 could be reproduced in the declaration, and if a declaration relating to missions could be added, as the High Commissioner had suggested, the difficulty would be solved.

Sir Francis HUMPHRYS said that it had been his intention to suggest that the whole of the Albanian text should be adopted, with the exception of Article 3, and that there should be a separate declaration relating to missions.

(At the request of the Commission, M. de Azcarate came to the table.)

M. DE AZCARATE observed that the express guarantee embodied in Article 7 of the Albanian Declaration would apply only in the case of a minority.

Sir Francis HUMPHRYS suggested that Article 1 would have some force in connection with the point under discussion.

M. DE AZCARATE pointed out that, although the undertaking was laid down for all inhabitants of Albania, the Council's right of intervention applied only if the infraction affected a person belonging to a minority.

M. CATASTINI observed that the guarantee in regard to freedom of conscience was intended to cover any person living in Iraq — that was to say, including foreigners.

Sir Francis HUMPHRYS said that it might be possible to insert some provision about foreigners in the declaration relating to missions, but that he did not think it was really necessary; there would never be any danger of interference with foreigners which could not be adequately dealt with by a diplomatic representative.

M. CATASTINI pointed out that, even if trouble did arise in connection with foreigners, and even supposing that Iraq had not agreed to refer such questions to the Permanent Court, any Member of the League would have the right to apply to the Court in the interest of its nationals.

M. VAN REES urged that it might be useful if the declaration could cover both the points that he had mentioned.

The CHAIRMAN, referring to the question of financial obligations (paragraph (*e*)), to rights acquired legally (paragraph (*f*)), and to the maintenance of international conventions (paragraph (*g*)) thought that Iraq's general declaration would cover all these questions and that no special guarantees were required.

(M. de Azcarate withdrew.)

ECONOMIC EQUALITY : ARCHAEOLOGICAL RESEARCH.

The CHAIRMAN invited the accredited representative to make a statement, should he so wish, on the subject of economic equality.

Sir Francis HUMPHRYS pointed out that, in any declaration on the subject, most-favoured-nation treatment should not be held to include any special favours granted to goods of Turkey or of countries detached from Turkey under the Treaty of Lausanne, or Customs zones with coterminous countries.

He thought that Iraq would be prepared to accept the principle of reciprocal most-favoured-nation treatment as a temporary measure. When the present arrangement came to an end, there would have to be a period during which she could negotiate treaties with other nations, and during that period she would be prepared to accord most-favoured-nation treatment in return for reciprocity.

The CHAIRMAN said that he had hoped that Sir Francis would state what was the period in question, and asked whether he had any suggestion to offer as regards a time-limit.

Sir Francis HUMPHRYS replied that the Iraqi Government would, he thought, be most reluctant to agree to a period exceeding two years.

M. RAPPARD asked whether it was clear to Iraq that the change of regime would be to her real benefit, the new arrangement being based on the principle of reciprocity; whereas, at the present time, economic equality had to be extended unconditionally to all.

Sir Francis HUMPHRYS thought that M. Rappard, as a realist, would appreciate the position of Iraq. In the case of nine countries out of ten, the benefits of reciprocity to Iraq would be nil. Iraq's exports were limited to a very few countries consisting almost exclusively of her neighbours — with the exception of exports of dates, which were hard hit by the recently increased duties in Australia and the United States; she would get very little relief from any reciprocal arrangement. He thought that too much emphasis should not be placed on the word "reciprocity", which, in the case of Iraq, had little meaning.

Iraq felt very strongly that to enforce a long period for most-favoured-nation treatment would derogate from her sovereignty. Every nation had the right to negotiate for itself. The accredited representative stated that His Britannic Majesty's Government had no intention of concluding any treaty on the subject with Iraq before the termination of the mandate, so that Great Britain would be in the same position as any other country. The British Government, he said, would not attempt to obtain exclusive commercial privileges; its intention was, when the time came, to attempt to negotiate an ordinary commercial treaty to secure most-favoured-nation treatment.

M. RAPPARD wondered whether it was realised in Iraq that those countries which at present possessed complete freedom in the matter had not abused their rights, to the detriment of Iraq, or treated her on a differential basis. He enquired whether, when discussing the question of most-favoured-nation treatment, the accredited representative had had in mind only trade, or whether he had also considered establishment, immigration and emigration, shipping, etc.

Sir Francis HUMPHRYS said that he had not considered the principle in relation to immigration or emigration. As regards shipping, the Port of Basra would be open to all nations on the same footing.

COUNT DE PENHA GARCIA observed that equality of treatment in the matter of archaeological research was provided for under the Treaty of Alliance of 1922 and under the Iraq Law of 1924. When the treaty lapsed, however, Iraq would be free to disregard those provisions. He asked whether the High Commissioner thought that there would be any objection to a declaration by Iraq providing for equality of treatment in such matters for the specialists of all countries.

Sir Francis HUMPHRYS said that, at present, an eminent German scholar was Director of Antiquities in Iraq. Of the eleven excavations now being carried on in Iraq, one was being worked by the British, one by the British and Americans jointly (at Ur of the Chaldees), one by the Germans and one by the French, the rest being in the hands of Americans. There was thus no sort of priority enjoyed by the mandatory Power. It would be going unnecessarily far, he thought, to obtain a declaration from Iraq in regard to archaeological research.

COUNT DE PENHA GARCIA pointed out that differential treatment was impossible under Article 14 of the 1922 treaty. When that treaty lapsed, however, there would be nothing to prevent Iraq from saying that only Iraqis should excavate. He felt that it might be well to ensure against that contingency. A provision of that kind appeared in the Treaty of Sévres.

Sir Francis HUMPHRYS felt that any such stipulation would be resented by Iraq. Iraqis fully realised the advantage derived from the scientific exploitation of their "national antiquities". On the material side, also, there was much benefit to be obtained. For example, at Ur of the Chaldees, four hundred Iraqis were employed for six months of the year at good rates of pay. His impression, however, was that Iraq would resent any statutory restriction.

COUNT DE PENHA GARCIA remarked that the Iraqi Government had not objected to the clause embodied in the 1922 Treaty of Alliance. He suggested that, by means of a declaration, the principle laid down in that provision should remain in force.

Sir Francis HUMPHRYS pointed out that the Treaty of 1922 was of a mandatory character and that it contained many things that would no longer be applicable.

M. VAN REES felt that the Commission would be exceeding the limits of the duty with which the Council had entrusted it, if it asked Iraq for a declaration on the lines of Count de Penha Garcia's suggestion. The question had nothing to do with economic equality. The Commission had not referred, in its suggestions of June last, to objects of antiquity, and the Council resolution of September 4th made no mention of that matter.

COUNT DE PENHA GARCIA observed that he had raised the point in the interests of scientists throughout the world, not with reference to the principle of economic equality. In making his observations, he had not intended that they should be connected in any way with that problem.

M. RAPPARD explained what he understood to be the unanimous view of the Commission with regard to the substance of the question of archaeological research, in spite of the apparent difference between Count de Penha Garcia and M. Van Rees with regard to the desirability of requiring a guarantee in this matter.

Even if the Commission was not unanimous on some aspects of the question — and even if it had to recognise that one of the special guarantees was inadmissible — there was no doubt as to its unanimity on the point that no obstacles should be placed in the way of archaeological research. The greater the facilities given by Iraq in this connection, the greater would be the respect it would earn from civilised humanity.

The CHAIRMAN noted that the Commission unanimously agreed with this view.

M. ORTS, referring to Sir Francis Humphrys' statement concerning economic equality — *i.e.*, that Iraq would not be prepared to grant most-favoured-nation treatment for a period of more than two years — suggested that this would not satisfy the Council. The Mandates Commission had made a recommendation on the point, but the Council had transformed that recommendation into a condition. It obviously desired to ensure compensation for countries which would lose the benefit of economic equality, and there would be no compensation if the most-favoured-nation treatment was granted for only just the time required for negotiating a new treaty of commerce. That was the only point on which, up to the present, there seemed to be disagreement between the dispositions of the State claiming emancipation and the conditions to which the Council had subordinated the termination of the mandate. The Commission could only take note and communicate to the Council the arguments of the accredited representative.

M. MERLIN observed that M. Rappard had anticipated him to some extent. The Council asked that Iraq should agree to a system of reciprocity ; that implied no sacrifice. The petition would be very different from that obtaining under the present mandatory system, when Iraq had to keep an " open door " — without reciprocity.

M. VAN REES did not agree with M. Merlin that, once Iraq was emancipated, it would be in the same position as other States. There was no doubt, in his opinion, that the guarantee under discussion would impose on Iraq an obligation by which no other independent State was bound. If, for instance, France offered Iraq commercial treatment in accordance with the most-favoured-nation clause, Iraq would be compelled to grant the same treatment to France. M. Van Rees understood that the Iraqi Government would agree for two years to grant most-favoured-nation treatment on a basis of reciprocity to all States Members of the League. He asked whether a statement of that kind would apply only to the commercial or also to other spheres.

Sir Francis HUMPHRYS said that, from the point of view of Iraq, all existing commercial arrangements would terminate when the country entered the League. Iraq therefore hoped that, during a transitional period of two years, she could negotiate treaties with the most important countries with which she had commercial relations. The British Government did not intend to negotiate a commercial treaty before the mandate was terminated.

In the opinion both of Iraq and of the British Government, it would be unfair to impose an obligation to grant most-favoured-nation treatment for longer than the transitional period. He thought that all it was necessary to do at present was to accept the principle of the transitional period and leave it to the Council to fix the length of that period in consultation with a representative of Iraq.

He gave an example of the manner in which reciprocal most-favoured-nation treatment might not be of any practical assistance to Iraq. The Australian tariff on dates had recently been increased by 100 per cent or more. He submitted that it was not fair to impose an obligation for a long period on Iraq by which it would be deprived of all possibility of bargaining for a reduction of that tariff. Moreover, if this obligation were imposed for more than a purely transitional period, the independence of Iraq would be curtailed.

In reply to M. Van Rees, he stated that the most-favoured-nation treatment would, he presumed, apply to nationals, vessels and goods sent in transit through Iraq, including air transport.

Lord LUGARD concurred with M. Orts' remarks. The Commission, after a long discussion on Economic Equality, had decided to make a suggestion, which had subsequently been converted by the Council into an obligation. After having obtained Sir Francis Humphrys' views, it was now for the Council to decide on that obligation.

EXAMINATION OF THE ANGLO-IRAQI TREATY OF ALLIANCE, JUNE 30TH, 1930 (*continuation*).

The CHAIRMAN repeated the statement which he had made at the ninth meeting regarding the third paragraph of Article 1.

Sir Francis HUMPHRYS gathered that the Commission was asking him for explanations of the text and was not suggesting any changes in the wording. He pointed out that he had had no warning that he would be cross-examined on this Treaty, which, he had understood, would be scrutinised by the Council. The text had been available at Geneva for more than a year, and so far as he knew no criticism had hitherto been made.

The CHAIRMAN pointed out that, under the definite terms of reference given by the Council, the Commission had to form an opinion, in the light of the accredited representative's explanations, as to whether the Treaty in question was compatible with the rights of an independent State.

In reading the first paragraph of Article 1, a doubt arose as regards the equilibrium between the two parties.

He did not propose that the Treaty should be discussed word for word, but merely desired to have information so that the Commission could clear up that doubt.

Sir Francis HUMPHRYS said this paragraph was intended to prevent some future Iraqi Government from pursuing a policy towards her neighbours likely to implicate Great Britain in war. If the Commission suspected that this paragraph aimed at political domination, he could assure it that Iraq would not accept such a state of affairs.

The CHAIRMAN considered this explanation satisfactory, but also thought that it confirmed the view that one party would have an influence over the policy of the other party, even though in the interests of peace.

M. RAPPARD said the explanation given was to be expected. It was logical that, when an alliance went so far as to station troops belonging to one of the allies in the territory of the other, the former party should require of its ally some guarantee as to the safeguarding of foreign policy.

Sir Francis HUMPHRYS replied that the policy in question was not that of Great Britain, but of the world and of the League of Nations — namely, the maintenance of peace.

M. RAPPARD said that the paragraph in question did not really imply reciprocity. Great Britain could exercise a determining influence on the policy of Iraq, whereas the contrary would be inconceivable.

Sir Francis HUMPHRYS replied that the Treaty really provided for reciprocity in spite of the disproportion in the strength of the two parties. Circumstances might arise in which the Iraqi Government would be entitled to ask the British Government not to create difficulties — for instance, in the case of a possible British dispute with one of Iraq's neighbours.

M. RAPPARD said he did not wish to labour an obvious point; but, if the policy of Iraq became such as to cause uneasiness to Great Britain, the latter's disapproval of such a policy would have a decisive effect. On the other hand, Iraq would have little influence on the foreign policy of Great Britain.

If Iraq were prepared to accept this domination on the part of her ally, he did not understand why she was so sensitive regarding the appointment of a representative of the League of Nations at Baghdad.

Sir Francis HUMPHRYS thought M. Rappard was under a misapprehension regarding the clause in question. If either party broke this clause, the other party would be absolved from its obligations.

M. ORTS concluded from the explanations given that the clause had the same meaning as that found in many other treaties — namely, that no assistance would be given in the case of unprovoked aggression. If the clause had been so worded, it would have given rise to no doubts.

Sir Francis HUMPHRYS said this was not the exact meaning of the clause. It represented the first stage in an attempt to prevent war. If that attempt failed, then the question would be referred to the League of Nations. It was intended to forestall any action likely to lead to hostilities.

M. RAPPARD insisted on his objection regarding the disproportion between the two parties.

Sir Francis HUMPHRYS pointed out that the Treaty was actually reciprocal. He pointed out that any dispute in regard to the third paragraph of Article 1 could be referred to the League under Article 10.

M. RAPPARD replied that it could not be stated to be equally restrictive for both Powers.

The CHAIRMAN stated that the Commission did not want to raise difficulties, but merely to obtain information, and it had been struck by the disproportion in the Treaty between the position of the parties.

Sir Francis HUMPHRYS said that cases might arise in which Great Britain would have need of Iraq's assistance in the provision of transport facilities under Article 4.

M. RAPPARD thought such a treaty could never be concluded between two countries of such different strength without the weaker country losing part of its independence.

Sir Francis HUMPHRYS strongly demurred, and pointed out that there were many examples of alliances between powerful and less-powerful States, which in no way infringed the sovereign independence of the latter.

In reply to M. Rappard's previous remark regarding the sensitiveness of Iraq in respect of the appointment of a League representative in the country, he stated that the objections were not due to sensitiveness but to the conviction, which was shared by his own Government, that such an appointment would perpetuate sectarian differences and strife, and would thus defeat the very object it was meant to achieve.

SIXTEENTH MEETING.

Held on Wednesday, November 4th, 1931, at 3.30 p.m.

Question of the Emancipation of Iraq (continuation).

Sir Francis Humphrys and Mr. Hall came to the table of the Commission.

EXAMINATION OF THE ANGLO-IRAQI TREATY OF ALLIANCE, JUNE 30TH, 1930 (continuation).

The CHAIRMAN said it was essential to understand the real extent of the obligations entered into under Article 5 of the Treaty of Alliance. This article stated that the security of communications within the British Empire was essential to Great Britain and was in the common interests of both parties, so that Great Britain was granted the right to have air bases in Iraq while the Treaty lasted — that was to say, for twenty-five years. The first paragraph of the annex also laid down that the British Empire could maintain armed forces for a period of five years from the entry into force of the Treaty either in Mosul or elsewhere. The Treaty declared that these provisions in no way prejudiced the sovereign rights of Iraq. Nevertheless, already at the ninth meeting of the Commission he had expressed doubts with regard to that contention. Sir Francis Humphrys had, however, carefully explained the main reasons which would justify it including the importance of Baghdad as an air centre from the standpoint of main lines of communication. The presence of British troops was a fact and he would not insist upon the curious situation thus created. He would merely repeat what he had said at the ninth meeting — namely, that, in the military clauses of the Treaty in question, the extreme limit of what could be done without infringing the independence of a State as conceived by the Covenant had certainly been reached.

Sir Francis HUMPHRYS wished to emphasise once more that the only British forces remaining in Iraq after the Treaty would be air forces and a few ancillaries — that was to say, armoured cars and the aerodrome guards, who would all be Iraqis and would be subject to Iraqi military law. If there had been any question of maintaining infantry battalions, for instance, the Chairman's doubts might have been much more difficult to dispel. The Commission, however, must surely admit that, if it were in Iraq's interest to have an alliance with Great Britain — and Iraq had asked for such an alliance — it was also in the interests of that country that the fulfilment of the terms of that alliance should be made physically possible. No European country could effectively protect a landlocked country like Iraq without some skeleton preparation for sending the necessary reinforcements.

M. ORTS asked what was the proposed strength of the guards of aerodromes and air bases.

Sir Francis HUMPHRYS replied that there were 1,250 men, all Iraqis.

In reply to a further question by M. Orts, Sir Francis Humphrys said that their pay was provided by Great Britain. There were also something under 2,000 (he was not quite sure of the actual figure) British members of the Royal Air Force — pilots, riggers, mechanics, etc. — now in the country. They formed, of course, the merest skeleton.

M. ORTS observed that all that had been said as to the necessity for some kind of close co-operation as regards the foreign policy of the two allied countries, as to the weakness of Iraq, necessitating an alliance which, to be effective, required the constant presence in its territory at least of aerial forces belonging to its ally, was somewhat in contrast, to the eyes of the impartial observer, with the statement that these measures in no way "prejudice the sovereign rights of Iraq". He fully agreed, however, as to the necessity of implementing the alliance in some way, when once it had been concluded.

Sir Francis HUMPHRYS pointed out that all the measures in question had been asked for by Iraq herself. These steps had been taken in the common interest of both countries. Iraq could not take the risk of being left unprotected and Great Britain did not wish to take the risk of being unable to honour her word.

He referred the Commission to page 177 of the Minutes of the twentieth session, from which it was apparent that, at one time, the following passage had found a place in the Commission's draft report to the Council :

" . . . Either by its own strength or by its alliances or by the support it may receive from without — in particular, from the mandatory Power — the territory must be capable of upholding its independence against any encroachment from without."

That passage had not finally been adopted, since it was apparently thought inadvisable to specify the various means by which the State could safeguard its independence. But it was evident that the Commission itself had at that time no objection in principle to an alliance with the former mandatory Power.

The CHAIRMAN, referring to points 5 and 6 of the Annex to the Treaty, asked whether the stipulation contained in these paragraphs was compatible with the principle of economic equality. Would that stipulation not amount to excluding military supplies from other countries than Great Britain ?

Sir Francis HUMPHRYS argued that the principle of economic equality was not infringed. The paragraph merely meant that the British Government would place no obstacles in the way of the provision of arms and equipment, etc., for Iraq as it did in the case of certain other Oriental countries. It was obviously essential that the Iraqi forces should be provided with the same type of arms and equipment as the British forces. That would not prevent other countries from supplying arms, aeroplanes, equipment, etc., of the requisite type.

M. RAPPARD noted that, in addition to all the points mentioned by M. Orts, the railways — so essentially vital a factor in the life of any country — would also, in the form of the possession of shares, belong to the ex-mandatory Power. Looking at the question from any point of view other than that of sovereign independence, the solution was quite a natural one ; but, in view of the question of sovereignty, would it not be possible for these shares to be put on the international market ? Was it not a fact that the technical staff was also almost entirely British ?

Sir Francis HUMPHRYS asked M. Rappard if, supposing Switzerland had spent 15 million pounds on building railways and had received nothing in return, she would think it a mark of gratitude on the part of the Iraqis to demand that the staff should henceforth all be, say, Norwegians ? As a matter of fact, the Iraqis had not at present sufficient trained staff to run the lines, though a large number of Iraqis were at present studying in Europe and America. The intention was that the Board of the Railway Corporation should consist of five directors, two of whom would be appointed by the Iraqi Government, two by the Government of the United Kingdom and the fifth — the Chairman — by agreement between the two Governments. Iraq had the right at any time to buy the British holding at par.

RELATIONS BETWEEN THE FRONTIER TRIBES OF IRAQ AND PERSIA.

M. RAPPARD drew attention to a communication which had been received from the Persian Government that morning concerning alleged difficulties on the frontier¹.

Sir Francis HUMPHRYS said that he had not seen the letter, but the matter in dispute seemed to turn on a question of fact — namely, whether or not the Persian frontier tribes had, in fact, been disarmed. The Iraqi tribesmen, who had pasturage rights in Persia, had been refused entry into that country unless they surrendered their arms. They complained that if they (the Iraqis) were to enter Persia without arms they would be at the mercy of the Persian tribes. If, however, the Persian tribes had, in fact, been disarmed, they would have no grievance in being required to comply with this order. He had not heard of any massacres.

¹ Document C. P. M. 1253. See minutes of the Twentieth Session, pages 120 and 125.

CLOSE OF THE HEARING.

The CHAIRMAN expressed his great admiration for the admirable manner in which Sir Francis Humphrys had explained and defended the standpoint of the British Government and the remarkable efforts it had made.

He did not know what the Council would decide, but in all probability this occasion would be the last on which the Commission would have the pleasure of listening to Sir Francis as accredited representative. The Chairman therefore thanked him, in the name of the Commission, for his collaboration in the accomplishment of its task, which, in this particular case, was so difficult, and was glad to think that Sir Francis Humphrys would continue in one capacity or another to help guide the destinies of a very young and interesting country.

Sir Francis HUMPHRYS thanked the Chairman for his kind words and, in particular, for his reference to the efforts made by Great Britain. He also wished to thank the Commission for the consideration and courtesy it had invariably shown to him throughout.

He found himself in a difficulty. On the one hand, he must confess to a growing sense of disappointment that it was most unlikely that he would have the pleasure of being examined on the affairs of Iraq in the future by the members of the Commission. On the other hand, he knew that they would forgive him if he expressed the strong hope that he would not be required to appear before them again.

He took leave from this distinguished body of experts with much regret and with gratitude for the patience with which they had listened to his arguments. He had a final request to make, that they would not disappoint him in the unanimity of their report to the Council that Iraq was now fit to be released from mandatory control.

(Sir Francis Humphrys and Mr. Hall withdrew.)

Cameroons under French Mandate: Examination of the Annual Report for 1930.

M. Marchand, Governor of the Cameroons, and M. Besson, from the Ministry of Colonies, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed the accredited representatives and asked them to convey to the French Government the thanks of the members of the Commission for the hospitality offered to them in Paris and the opportunities afforded for visiting the Colonial Exhibition.

M. MARCHAND did not propose to make a general statement on the administration of the mandated territory, as there had been few changes during the year.

ACQUISITION OF FRENCH NATIONALITY.

M. RUPPEL mentioned that a decree of November 7th, 1930, laid down the conditions under which the population of the mandated territory, natives of Togoland and the Cameroons, could acquire French citizenship. The decree had not been mentioned in the mandatory Power's report. In the preamble, reference was made to the Council resolution of April 23rd, 1923, regarding the individual naturalisation of inhabitants of a mandated territory. The decree of November 7th, 1930, seemed to him to be in accordance with the Council resolution. He would like, in this connection, to know whether natives of Togoland or the Cameroons who had acquired French nationality were liable to military service and whether they were bound to serve, if necessary, outside the mandated territory.

He would also ask the accredited representative always to state in the annual report the number of natives naturalised during the year.

A second decree published on March 11th, 1931, the preamble of which also mentioned the Council resolution of 1923, regulated the naturalisation of foreigners domiciled in Togoland and the Cameroons. He assumed that this referred to persons who did not belong to the administered population.

M. MARCHAND replied that, hitherto, so few requests for naturalisation, such as those M. Ruppel had first mentioned, had been received that the matter was of no general interest.

Compulsory military service had not yet been contemplated, as natives only served in the army on a volunteer basis. So far, requests for naturalisation had only been received from officials who had been animated by considerations which were too subjective. The Administration had drawn their attention to the conditions laid down in the decree on naturalisation, and they had not pressed the matter.

He duly noted M. Ruppel's request that the report should always state the number of persons naturalised:

M. VAN REES, referring to the decree of March 11th, 1931, mentioned by M. Ruppel, congratulated the mandatory Power on this innovation. France was the only mandatory Power

which had made it possible for foreigners in the mandated territory to become naturalised. The example had so far not been followed by any other Power, and Great Britain still had the question under consideration.

Lord LUGARD pointed out that the question which the British Government had under consideration was whether natives (not foreigners) of the mandated territory should have the same right of naturalisation as if they resided in British territory.

DELIMITATION OF THE FRONTIER BETWEEN THE CAMEROONS UNDER BRITISH MANDATE
AND THE CAMEROONS UNDER FRENCH MANDATES (*continuation*).

M. ORTS pointed out that, at its nineteenth session,¹ the Commission had discussed the question of the delimitation of the frontier between the Cameroons under French and British mandates. The accredited representative had told the Commission that the delimitation protocol had already been ratified and that both the Powers concerned believed that it need not be submitted to the Council of the League of Nations. On the other hand, the map showing the final delimitation would be communicated.

Replying to a remark by one of the members of the Commission that, according to the mandate, one of the three originals of the final report of the Mixed Delimitation Commission, with its annexes, should be filed with the League of Nations, the accredited representative had said that this would certainly be done. As the document had so far not been filed, the Commission would be grateful to the accredited representative for an explanation of the delay. Had any difficulties arisen between the two mandatory Powers on the subject?

M. MARCHAND replied that the work of delimitation had not yet started. The authorities of the French and British Cameroons had come to an agreement. The work of delimitation, which was to begin in 1932, would take a considerable time. The head of the French Delimitation Mission had already been appointed, and would probably be able to start work, together with the officers of the Survey Department, at the beginning of 1932.

ECONOMIC EQUALITY.

M. ORTS drew attention to a statement, on page 21 of the report, to the effect that the application of the rule regarding economic equality had led to a complaint from a cement company. This claim was based on the fact that, in the notice sent to possible tenderers, which had been prepared by the local public works department, the exclusion clause would have been enforced against cement of a particular origin. Could the accredited representative give any additional explanations on the point?

M. MARCHAND explained that the Press report in question referred to the award of a tender for public works. No firm was excluded, but the contract stipulated certain qualities of cement. Belgian cement, as a matter of fact, was very widely used in public works. The incident, moreover, had been settled after the necessary explanations had been given to the parties concerned.

M. ORTS had learnt from the Press that a personal tax of 100 francs had been levied on Europeans in the Cameroons, starting from the middle of November. Were French nationals also liable to this tax?

M. MARCHAND replied that there was complete equality between Europeans in the Cameroons as regards taxation. The tax mentioned by M. Orts was intended to restore the proportion between the taxes paid by Europeans and those paid by natives. For the year 1931 this tax had been raised to 250 francs.

M. RUPPEL said that last year,¹ when he had raised the question of the port taxes and charges levied at Duala, the accredited representative had told the Commission that no discrimination was made between French and foreign vessels, and that all paid the same taxes. There seemed to have been a misunderstanding, as it was no longer denied that some French vessels were exempted from port taxes at Duala. If his information was correct, the French Government had concluded with certain French shipping companies a Convention dated July 18th, 1925, under which these companies had to carry mails and undertake other services, and were in return exempted from port taxes. The view of the mandatory Power seemed to be that Article 6 of the Mandate authorised it to grant such privileges, as it was a case of a public service essential to the territory.

To be able to form a correct opinion on the subject, it would be necessary to know the text of the Convention, and he would, therefore, ask the accredited representative to furnish the Commission with a copy.

He would, however, make the following remarks. Even if a study of the wording of the Convention led to the inference that the services which the companies undertook could be regarded as essential public services in the sense of Article 6 of the Mandate, it did not follow that the mandatory Power could, in return for those services, grant privileges which undoubtedly amounted to preferential treatment for certain shipping companies. On the contrary, the

¹ See Minutes of the Nineteenth Session, page 108.

exemption granted to these companies seemed to him inconsistent with the principle of economic equality laid down in the Mandate.

The Convention would also have to be examined to see whether the privileges granted to the companies were reasonably commensurate with the services rendered by them to the mandated country — that was to say, whether the interests of that country did not suffer. In particular, he would draw the accredited representative's attention to the fact that, as he understood the situation, not only mail-boats, but also tramp steamers were exempted from harbour dues. That, he thought, was unjustifiable.

M. MARCHAND replied that the exemption to which M. Ruppel had referred was accorded under the terms of the Postal Convention, and did not constitute in any sense a violation of the principle of economic equality, being granted to the vessels of certain shipping companies — to the exclusion of all other companies, whether French or foreign. Other French vessels paid port dues at Duala. When the Postal Convention was concluded, it had been found necessary to accord privileges to companies carrying mails, in order to compensate them for the service they were prepared to perform. The granting of exemption might mean some falling off in the revenue of the territory; but since, but for the granting of that privilege, the territory would have been obliged to subsidise the companies carrying mails, the two items might be taken as balancing.

In reply to a further question of M. Ruppel, the accredited representative explained that certain cargo-boats enjoyed exemption from duties if they were carrying transports for the territory, as they had sometimes to be diverted from their regular route in order to take the freight for the Administration.

He explained, further, that all the French colonies subsidised certain shipping companies under the terms of the Postal Convention.

M. RUPPEL said that he would reserve his final opinion until he had had an opportunity of examining the text of the 1925 Convention. He added that, in other countries, the subsidy for mails was paid by the mother country, or at all events was not in the form of exemption from port taxes.

M. BESSON said he would inform the department that M. Ruppel desired to examine the text of the Convention, but made every reservation as to the possibility of communicating it to him.

Referring to the question of the conveyance of postal packets from non-French countries to countries under French mandate, M. RUPPEL observed that, at the fifteenth session,¹ the accredited representative had replied to M. Kastl on the subject as follows :

“ Parcels might therefore be taken to the country by a steamship of any nationality. Parcels sent from the territory addressed to Hamburg, for example, could, if it were thought desirable, be handed over by the French postal services at Duala to German steamships. If a German steamship left before a French boat, even letters were handed to it in order to save time. Such action, however, was unofficial, and no payment was made to the captain of the German steamship. The transaction only took place in agreement with him.”

Referring simply to the question of the conveyance of postal packets from Europe to the mandated territory, M. Ruppel pointed out that, according to information he had received, the French postal services at Duala did not accept packets conveyed by a German company, despite M. Kastl's statement. Such an attitude seemed to him incompatible with the principles of economic equality, since the privilege refused to a German company had, according to the reliable information which he possessed, been granted to a Netherlands company, which, under the terms of a special agreement, had the right to convey postal packets even from a French port — the port of Bordeaux — to ports in the countries under French mandate in West Africa.

M. MARCHAND asked M. Ruppel whether he could say by whom the privilege had been granted to the Netherlands company.

M. BESSON added that the French Ministry for Posts and Telegraphs might have taken some measure in this connection without having notified the Ministry for the Colonies. He would take note of the question raised by M. Ruppel and an answer would be given later.

M. VAN REES said that he had no knowledge of the agreement concluded with the Netherlands company. He proposed to return later to the main question raised by his German colleague.

M. RUPPEL, referring to the conditions for the admission to the Cameroons of foreign nationals, pointed out that the matter had been settled by a decree of October 7th, 1930. He had had occasion during the nineteenth session² to raise the question of consular visas. The Commission, in its report to the Council, had expressed the hope that full information on the point might be given in the next annual report. The report under consideration, however, did not mention the matter.

The situation was as follows. The Commissioner's Order of January 13th, 1928, provided that all French and foreign nationals should be in possession of a passport bearing the visa of the competent French or foreign authorities. The new decree abrogating that order provided

¹ See Minutes of the fifteenth session, page 143.

² See Minutes of the nineteenth session, page 109.

that a consular visa should be required only for nationals of countries for whom that formality was still required before entering France. The decree obviously established discrimination between French subjects and the nationals of certain foreign countries, on the one hand, and the nationals of other foreign countries on the other. Such discrimination, although of minor importance, did not seem to him to be compatible with the principle of economic equality.

M. BESSON pointed out that the reply to M. Ruppel's question might be found in the report on page 75, paragraph II. All foreigners were treated on a footing of equality. He read Articles 1 and 6 of the decree, and pointed out that, owing to an oversight, the decree had not been included among the annexes to the report. The procedure was the same as that followed in France, and did not exceed the mandatory Power's duty to ensure peace and good government in the mandated territory.

M. RUPPEL directed the attention of the accredited representative to another point on which he would be grateful for explanations.

Every person entering the territory was obliged to pay a certain sum, as security, into a Government fund. That security was intended to cover the costs of the passage if the Administration became responsible for repatriation ; it was refunded if the person concerned left the territory at his own expense.

Under the decree of January 13th, 1928, the amount in question had been fixed at 4,000 francs per person, irrespective of the country of origin. By a fresh decree, however, which had recently been promulgated, the amount had been reduced to 3,000 francs, except for nationals of Germany and certain other countries, for whom it had been increased to 5,000 francs. Obviously, there was discrimination between the nationals of different countries. It could not be justified on the grounds of the difference between the costs of repatriation to the different countries of origin, that difference being far less than 2,000 francs. For example, the third-class passage was the same from Duala to Liverpool as from Duala to Hamburg and somewhat higher than from Duala to Marseilles.

M. MARCHAND replied that the basis taken had probably been the rates quoted by the German company at Duala, which were very likely higher than those of other companies. He would go into the question on his return and find out the rates charged by the different companies.

ECONOMIC REGIME AND MOVEMENT OF TRADE.

M. MERLIN noted that, according to the report, the country had not been very seriously affected by the economic depression in 1930. Accordingly, Government receipts had not reflected the after-effects of the crisis. He expected to see less favourable results in the report for 1931. The fact that the native undertakings in the country were agricultural in character safeguarded them to some extent from such repercussions.

M. MARCHAND replied that the report for 1931 would be less optimistic. The 1930 budget had been closed in May with a surplus of 3,373,000 francs. The figures for 1931, on the other hand, would probably show a big deficit, as there was already a deficit of from six to seven millions. He did not think that there was any cause for alarm, for the time being, as the territory had a fairly large reserve fund, by means of which the deficit could be made good.

M. VAN REES directed the Commission's attention to an extract from the colonial *Temps* of June 4th, 1931, relating to the organisation of the Cameroons Chamber of Commerce.

The article in question pointed out that the conditions for the election of members of the Chamber of Commerce had resulted in the constitution of a Chamber which, although actuated perhaps by the best intentions, was not particularly well fitted to examine or settle the important questions submitted to it. The situation had been discussed by the Togo-Cameroons Section of the French Colonial Union, which had put forward proposals for the amendment of the Statute of the Chamber of Commerce.

He read the last passage of the article, as follows :

[*Translation.*]

" M. Marchand, Governor and French Commissioner in the Cameroons, who discharges his important duties with such understanding and distinction, has prepared a draft decree on the subject which, generally speaking, takes very largely into account the desiderata put forward by the Colonial Union. It is hoped that this text, which would make it possible to set up a Chamber of Commerce on sound lines, will meet with the approval of the Department of the Colonies. The question, whatever may be thought, is of the greatest importance for the future of the Cameroons, as it is most essential that the Duala Chamber of Commerce should be able, by reason of its membership, to afford the local administration the assistance and reasoned advice which the latter so often has occasion to ask of it."

M. VAN REES asked whether the decree in question had been approved.

M. MARCHAND replied that, at the time when the system of election to the Duala Chamber of Commerce was decided upon, the drawbacks of general voting had not been foreseen. Certain important firms had emphasised the fact that they were not represented at the Chamber of Commerce. The electoral system had therefore been altered and a system based on the number of factories permanently established had been adopted. The present members of the Chamber of Commerce had rejected the scheme communicated to them for the purpose of obtaining their

views ; it had, however, been sent to the Ministry, and the new decree would only come into force when the Chamber of Commerce was re-elected in the normal course at the expiry of its term of office — that was to say, in May next.

Replying to Lord Lugard, he explained that the Chamber of Commerce consisted of representatives of commerce generally, including foreigners and a small number of natives ; there was a foreign vice-president.

M. RUPPEL noted, from page 52 of the report, that there had been a large drop in the amount of cocoa transported by the Northern Railway — from 2,714 tons in 1929 to 800 tons. As cocoa exports for the whole territory had increased from 100,000 to 105,000 quintals, he would like to know whether the export figures included the quantity of 12,276 quintals which was imported in 1930 from the Cameroons under British mandate according to the statistics for that territory. Also, did cocoa from the latter country benefit by a special preferential tariff on import into France ?

M. MARCHAND, replying to M. Ruppel's first question, said that the figures were not final and would be adjusted at the end of the year. The decrease reported was partly due to the fact that the British authorities had established a Customs barrier at the frontier between the two Cameroons. The shipments to Europe had actually not fallen very much, but he expected a rather large decrease in the current year owing to the lower prices.

The 12,276 quintals of cocoa from the British Cameroons shipped from Duala were included in the statistics. Cocoa passing through the French Cameroons was intended for France and enjoyed a preferential import tariff. The quota was fixed annually by the French Government on the Governor's proposal. Cocoa had no difficulty in reaching Duala, but had to pay exit duties, which were compensated by exemption from charges when entering France. That was a substantial advantage to planters in the British Cameroons.

There was a clearing-house for cocoa, coffee, etc., which did not discriminate according to nationality.

Replying to a question by M. Ruppel regarding the cessation, notwithstanding the favourable pre-war prospects, of tobacco-growing in the district served by the Northern Railway, he stated that the former German plantation which had been taken over by a French company had produced more than 400 tons of cap tobacco in three years, but the attendant difficulties having proved that the crop was not sufficiently remunerative, the company in question had asked permission to give up tobacco and start planting rubber and palm-trees. The crisis had then occurred, and the great European enterprises had suffered much more than the native enterprises. That made one wonder whether the system of native smallholders was not the best overseas, as the small cultivator could more easily stand hard times, seeing that he had not to remunerate large amounts of capital.

M. RUPPEL believed it was true to say that timber-felling was decreasing very rapidly. Forests alongside navigable waterways near the coasts and railways were already being abandoned by contractors, who were beginning to remove to the navigable banks of the Nyong—that was to say, to the interior, rather far away from the coast harbours. Did the accredited representative think that the territory could still reckon on timber exports as an item in its future balance of trade, or did he believe rather that this exploitation of the country's natural wealth would progressively decrease ?

Had there also been cases of sleeping-sickness among labourers lumbering in the trypanosomiasis belt on the Nyong ?

M. MARCHAND replied that no fear need be entertained for the future if timber prices were maintained in Europe and if production could therefore maintain its present level of 50,000 tons. Exports, however, would decrease substantially if prices fell. Deforestation was not to be feared, as timber concessions entailed the corresponding obligation to replant trees. Certain species of timber, such as mahogany, he agreed, grew extremely slowly, which meant that the results of replanting were not immediately perceptible.

With regard to the risk of trypanosomiasis in the timber zone, it was non-existent ; the terms of concessions called for extremely strict precautions, particularly in the case of timber concessions on the banks of the Nyong, where no cases of sleeping-sickness had been reported.

M. RUPPEL observed, on page 66 of the report, an interesting explanation of the disproportion between the figures of imports from and exports to Germany, but doubted whether the cost of freight and the cost price were adequate explanations, as freights for Liverpool and Hamburg were identical, and Germany sold very cheaply. He thought the disproportion was mainly due to the very small number of German firms established in the Cameroons under French mandate.

If the free transport of postal parcels were allowed, he thought the figures of German imports would rise.

M. MARCHAND agreed that the number of German firms which had returned to the Cameroons under French mandate was very small as compared with the Cameroons under British mandate, where all the plantations were in existence before 1914.

He was not in favour of facilitating the transport of postal parcels. The perusal of the catalogues of the big firms aroused such desire in the natives that they got into debt, ordering excessive quantities of articles for which they could not pay, and the Administration had to return the parcels and, by a strange irony, to recruit porters to carry them when the roads were not open. On the other hand, the local business houses insisted — logically enough — that the natives should buy from them.

M. VAN REES asked whether the Decree of February 14th, 1930, granting free admission into Algeria for the produce of the Cameroons, had come into force. This decree was to take the place of the drawback system for cocoa and coffee.

M. MARCHAND replied that the decree in question had been issued about May last, but, through an oversight, had not been mentioned in the report.

COUNT DE PENHA GARCIA asked whether the experience of 1930 showed that native production was resisting the crisis better than the European production, and whether any conclusions could be drawn with regard to the future European colonisation of the territory.

M. MARCHAND replied that the native and European farms were in the same position as regards the crisis, but that European colonisation should nevertheless show a certain caution. By the development of the system of native smallholdings it was hoped to create a solid framework in the country and to establish a native middle-class. He did not think the great European colonisation was doomed to failure, but there was no doubt it was going through a serious crisis.

COUNT DE PENHA GARCIA noted that the Government had contemplated various measures, including the opening of credits to the farms. He asked whether European farms alone received the benefit of these credits.

M. MARCHAND replied that a somewhat small agricultural credit fund had been created by means of a subsidy from the territory, for helping the small planters, European or native, by means of mutual aid funds, which themselves made applications for credit. In this way, the credits were more evenly distributed over a large number of planters. The large plantations had to have recourse to help from the mother country, and it would seem desirable to organise a system of banking credit for the granting of medium- and long-term loans.

In reply to Count de Penha Garcia, who asked whether the mutual aid societies had already come into force for the natives, M. Marchand stated that, up to the present, the natives had not required credit. Hitherto, they had made no applications, but they were included among the possible beneficiaries. The natives maintained their plantations without difficulty with the help of their families, while the Europeans, who had to employ labour, required more help.

In reply to a further question by Count de Penha Garcia as to whether it was possible for the products of native plantations to be properly prepared, M. Marchand stated that much better results had been obtained from the natives than had been expected. By exerting tutelary pressure on them, their plantations had become organised rationally, and surprising results had been obtained, especially in respect of coffee. Young plants were sold to them from nurseries, and they thus became more interested in maintaining their plantations in good condition. In fact, their plantations were as well kept as those of the Europeans.

Under a decree, the products offered for sale could be controlled and stocks seized if the products had not been properly prepared. In this case, the native was punished. According to this system, the products were assorted and standardised for export. The crisis which prevailed in the Cameroons, as elsewhere, would certainly be overcome if the European power of consumption were kept at the level of two years ago. There was at present a danger of a certain over-production in the territory, not for coffee but for cocoa, and it might be necessary to restrict cultivation. The natives had already become aware of this and of their own accord were gradually limiting new plantations.

In reply to a question by M. Ruppel, M. Marchand stated that the export taxes had been reduced on all products, in so far as the budget of the territory permitted. Moreover, the compensation fund came into play for cocoa, coffee, rubber, etc.

JUDICIAL ORGANISATION AND POLICE.

M. RUPPEL said that, if he were well informed, the organisation of native justice included three kinds of courts: the conciliation court, and the courts of first and second instance. The conciliation courts were presided over by the chiefs of tribes and villages. He would like to know: (1) whether these conciliation courts had jurisdiction only in civil questions, or also in penal matters; (2) if there was such a court in each village and for each tribe, or if they were only instituted in certain places; (3) whether there was a court of appeal presided over by a native, as in some British territories.

In the previous year, 1,682 judgments had been given in penal cases. The report (page 36) contained some general information on crimes and offences. Would it not be possible in future to give a complete table of the crimes and offences?

M. MARCHAND replied that the conciliation courts had jurisdiction only in civil cases. The courts of first and second instance were presided over by French magistrates — namely, by the Administrator or his assistant. The conciliation court was situated at the place where the native chief resided.

The Chamber of Homologation at Duala could take cognisance of any matter, and, in particular, those involving a sentence of more than three years. It was presided over by the president of the court of appeal, and included a public prosecutor, two officials and one native. In the villages, the chiefs only acted as conciliation bodies.

In reply to M. Ruppel's request, M. BESSON promised to give in the next report regular statistics of crimes and offences, according to category.

In reply to a question by Lord Lugard, he said the conciliation court was composed entirely of natives. The chief was in charge of the settlement of local matters, in order to avoid overloading the higher courts. Any native who was not satisfied with the attempt at conciliation brought his case before the Administrator, and, through him, before the courts of first and second instance, which were presided over, one by the chief of the district, and the other by the chief of the sub-division, and included two native assessors.

M. RUPPEL asked whether the native police were exclusively recruited in the mandated territory.

M. MARCHAND replied that natives who were not of Cameroon origin were also accepted though in very small numbers.

ARMS AND AMMUNITION.

M. SAKENOBE expressed his satisfaction that the regulations concerning arms and ammunition had been strictly enforced; there had been very few offences. He had asked at the last session¹ that the number of registered fire-arms might be stated in the report; but, as there was no mention of the matter, he would be glad if the information could be given in the next report, together with the number of permits issued.

M. BESSON took note of M. Sakenobe's request.

NATIVE ADMINISTRATION.

Lord LUGARD asked, in connection with Chapter VI (page 34 of the report), whether only the educated natives on the coast took part in the management of public affairs, and what was the situation in the tribes which were at a less advanced stage of civilisation.

He enquired also whether councils of notables existed in towns where there were Europeans.

M. MARCHAND replied that, even in the less advanced tribes, the natives took some part in the management of public affairs through the councils of notables and the agricultural councils. As Lord Lugard had pointed out, the more advanced natives were those who had been to the mission schools and Government schools, and they were able to put forward very useful suggestions in the councils of notables.

Councils of notables were found wherever there was an Administrator, and numbered fourteen in all. Duala was a case in point.

The accredited representative explained, in reply to a further question by Lord Lugard, that the councils of notables, which were advisory bodies, were convened twice a year to discuss an agenda drawn up by the Administrator. They were consulted on agricultural and financial questions and questions relating to public works; the Administrator presided, and the proceedings were attended by the leading Europeans, native chiefs, planters, etc. Questions were discussed which concerned the local area and the territory as a whole; the counsellors put forward suggestions freely and submitted recommendations, which were taken into account as far as possible. They also expressed criticisms in respect of taxes—either that they considered them undesirable, or that they should be raised.

CO-OPERATIVE SOCIETIES.

M. PALACIOS asked whether the co-operative movement referred to in Chapter VI was very widespread, and whether it played any educational part in the life of the natives.

M. MARCHAND replied that co-operative societies had been established through which the natives could buy seeds, tools, animals, etc. They were civil entities over which the Administration simply had certain rights of supervision; a minimum sum of one or two francs per annum was levied, together with the tax, in return for the issue of a ticket, and the total sums received in virtue of co-operation were paid into the privileged bank of the territory. The Administrator was president of the co-operative society, and represented the Government of the territory by which the society was subsidised. The natives were given instruction in the schools on the principles of mutual aid societies.

¹ See Minutes of the nineteenth session, page 114.

PUBLIC FINANCE.

M. RAPPARD noted that the mandated territory had hitherto, to some extent, escaped the ravages of the economic crisis and the budgetary consequences ensuing therefrom, thanks to sound administration and the wise handling of the State finances. The budget had been balanced by fictitious means — namely, as a result of a “more rigid adjustment of revenue estimates”. This had been made possible by reason of their previous elasticity, possible surpluses in prosperous years having been masked by official pessimism in preparing the budget. He wished to know what were the views of the accredited representative as regards the necessity for the Government of the territory to raise the native taxes in 1931 when the economic situation had become more serious.

M. MARCHAND replied that circumstances had made it necessary for the Administration to seek fresh resources in order to offset unavoidable expenditure. The native contribution had not been increased, but an attempt had been made to bring it more closely into line with that paid by certain districts in which hitherto the rate of taxation had been the highest. Exemption had been granted in the case of a certain class of women in order to encourage a higher birth-rate. The exemption of women with children, however, had led easily to evasion, and it had been found that it was quite unnecessary to encourage a higher birth-rate as, in principle, there was no danger on that score. Progress in this respect should be sought by means of public hygiene and medical care, with a view to reducing the infant mortality rate.

Referring to an incident at Duala which, moreover, had been settled in the courts, M. Marchand said that a competent person had sent him a letter drawing attention to the Administration's liberality.

M. RAPPARD said that he had received a letter couched in exactly the same terms as the one to which the Governor had referred.

He pointed out that the increase of 5 millions in the poll-tax estimates for 1931 was rather high for a total of 17 millions of inhabitants.

M. MARCHAND agreed that the financial effort was a considerable one ; it was, however, to be divided up amongst a population of 2,000,000. The natives were not overtaxed, and paid less taxes on the whole than natives of certain French colonies. He thought that the limit of taxation had almost been reached, and efforts should now be made considerably to reduce budgetary expenditure. France should aid the territory in the construction of the railway, the next loan for which was guaranteed to the extent of 130 millions by France and 20 millions by the territory. That loan, however, was still being discussed in the Senate, after having been adopted by the Chamber of Deputies in July 1931.

M. RAPPARD had not the impression that the natives were overburdened with taxes. It was, however, desirable, in the present situation, that France should give financial aid whenever possible, as M. Marchand had pointed out.

M. MARCHAND said he was not in favour of unproductive expenditure. The territory had at present no debt, and would only be beginning to have one shortly. The public debt would, however, be light, and would attain only a maximum of 40 millions towards 1934.

M. RAPPARD noted from the report (page 46) that certain subsidies had been granted to newspapers, including colonial newspapers and the *Temps*, which had received 15,000 francs. He wondered whether such subsidies were really justifiable. That granted to the *Temps* represented the contribution of 500 natives, each paying 30 francs in direct taxation.

M. MARCHAND replied that, in principle, he did not favour the distribution of subsidies of that kind, but he had thought it might be useful to reach the élite of the population by means of articles of great interest to the territory. In particular, it had been necessary to rectify certain current errors with regard to the mandate. It was very desirable that public opinion should be enlightened on that point. The result in question could only be achieved by means of well-written articles in an important paper. Within the limits of its administrative authority, the mandatory Power was allowed to use such methods as it considered suitable, and the refutation of tendentious campaigns was sometimes indispensable, in the interests of those administered under the mandate.

M. RAPPARD also wished to congratulate the Governor on the particularly successful financial administration of the mandated territory.

M. MARCHAND thanked M. Rappard. He pointed out that the deficit in the Cameroons budget might increase later. Fortunately, there was a reserve fund which could be employed if that proved necessary. It might also be possible to reduce expenditure on the ordinary chapter for public works, and lighten the budget by including this expenditure under the heading of “extraordinary works” in the loan fund.

In reply to Mlle. Dannevig, he said that women had to pay the tax from the age of 16 years. They found no difficulty in doing this. They were, moreover, allowed a long period for payment, from February to July. Women obtained money very easily by gathering products for the factories. One load from the palm trees, for instance, was more than sufficient to pay the tax. In fact, women earned money more easily than men.

In reply to M. Ruppel, he said that the reserve fund at the end of 1930 amounted to 17,667,000 francs, to which 4,000,000 francs were added, giving a total of about 21½ million

francs. Nineteen million had been taken for public works for the repayment of an advance from the loan fund, so that about 12 million francs remained.

Replying to a further question by M. Ruppel, he stated that the grant for the anti-sleeping-sickness campaign for the financial year 1930 was 3 million francs. That grant would still be made by France for 1931, but it would be reduced to 2½ million francs in conformity with his own request, in view of the surpluses available in the budget of the public health service in 1931.

The CHAIRMAN pointed out that the Secretariat had received the final accounts for 1929 for Togoland under French mandate, but not for the Cameroons under French mandate.

M. BESSON took note of the Chairman's observation ; but, as he knew that the final accounts had been prepared punctually, he was surprised at the delay, which he was unable to explain.

Mlle. DANNEVIG pointed out that in the previous year¹ reference had been made to the heavy work accomplished by women, and to their difficult conditions of life. Did women have to pay the tax throughout the whole territory ?

M. MARCHAND replied that the conditions under which women worked in the Cameroons might seem hard if judged by European standards. As a matter of fact, native women preferred agricultural labour, because it even provided them with a comfortable livelihood. The taxes were paid throughout the whole territory by all women, since women with children were no longer exempted. He had instructed the acting Governor to remit a portion of the tax to certain tribes, particularly those suffering as a result of the unsatisfactory selling price of rubber, if there were a surplus when the budget had been prepared.

In this connection, he pointed out that the natives had preferred, owing to the low price of rubber, to do no work rather than work for inadequate remuneration. Consequently, in order to enable them to earn money and pay the taxes, he had ordered the construction of a road.

SLAVERY.

COUNT DE PENHA GARCIA noted, in the first chapter of the report (page 9), that, in one place, it was stated that slavery had been entirely abolished ; whereas, in another part mention was made of seventeen cases of slave-trading. Was there a contradiction between these two statements, or had the punishments inflicted for slave-trading (mentioned on page 38 of the report) been inordinately harsh ?

M. MARCHAND explained that the sentences passed did not, as a whole, apply only to slave-trading. The cases in question were relatively less serious than previous cases, but they had been regarded as deserving special attention. As Count de Penha Garcia had requested, all possible efforts had been made to punish the few traffickers whose existence had been reported. The pacific penetration of the mountainous country occupied by the Kirdis had continued without any necessity for military operations. From time to time, contact cost the life of a man, but these were only isolated cases and police incidents. The only possible means was to track the traffickers down to their last lairs. The British authorities were actively assisting in the pursuit. Action was being taken against slave-trading wherever Europeans were established.

SEVENTEENTH MEETING.

Held on Thursday, November 5th, 1931, at 10.30 a.m.

Cameroons under French Mandate : Examination of the Annual Report for 1930 (continuation).

M. Marchand and M. Besson came to the table of the Commission.

ECONOMIC EQUALITY (*continuation*).

M. RUPPEL recalled that the question of the port dues at Duala had been left in suspense at the last meeting. As the accredited representative of the mandatory Power stated that he was unable immediately to communicate to the Commission the text of the 1925 Convention,

¹ See Minutes of the nineteenth session, pages 115 and 116.

M. Ruppel desired to say that he maintained his two objections to the regulations regarding the port dues at Duala, which constituted a discrimination inconsistent with the principle of economic equality. As the Convention signed in 1925 would expire next year, he hoped the mandatory Power, in drawing up the document to replace the Convention, would take into account the principles on which the mandates were based.

M. BESSON noted M. Ruppel's remarks, but once again made reservations regarding the communication to the Commission of the text of the Convention concluded between the French Government and the shipping companies carrying the mails. In any case, he would ask the Government to comply with the Commission's request, if possible.

The CHAIRMAN (M. Van Rees) observed that it should not be inferred from the silence of the other Members of the Commission that they all shared M. Ruppel's opinion that, in the case to which he had referred, the principle of economic equality had been overlooked by the mandatory Power. Personally, M. Van Rees was not of this opinion. On the contrary, he thought that the French Government, in exempting from import duties, port dues, etc., vessels of the French companies which regularly carried mails, officials and stores for the Government of the Cameroons, had acted within the rights conferred on it by Article 6 of the mandate.

M. RAPPARD said he had not been able to form an opinion on the question, as he had not sufficient information. He realised that it was difficult for the mandatory Power to communicate certain conventions, some of the provisions of which might concern national defence. Nevertheless, as the vessels in question were not only carrying mails but also goods, M. Rappard trusted that the mandatory Power would place the Commission in a position to reach an opinion on the clauses which might affect the principle of economic equality.

M. MARCHAND, in treating the question from a general point of view, explained that the 1925 Convention had been concluded between the French Government and certain companies whose vessels called at ports in West Africa. These companies were obliged to carry mails between certain ports, in compensation for which the French Government granted them exemption from port dues. M. Ruppel had asked why foreign companies did not benefit from this exemption, but M. Marchand would like to point out that the French companies which did not carry mails in accordance with the Convention did not benefit from its provisions. There was, therefore, no question of discrimination between different nations.

M. BESSON added that, in any case, the carriage of mails was one of the services mentioned in Article 6 of the Mandate.

M. MERLIN entirely shared the opinion of the representatives of the mandatory Power. No advantage was granted to French vessels, as such, but to certain vessels which were compelled, in compensation, to carry out a certain service. It could therefore be stated that the principle of economic equality had not been violated by the 1925 Convention, the mandatory Powers being still free to organise the public services as they thought fit.

The CHAIRMAN thought that the question raised did not present itself in the way explained by M. Merlin. The objections raised by the foreign shipping companies might be summarised as follows: Why did the French Government only grant the advantages in question to French vessels, when English, German or Dutch companies would be prepared to perform the same transport services on the same conditions? The reply to those objections might possibly be as follows: the question concerned essential public services, which, according to Article 6 of the Mandate, the mandatory Power was free to organise in the manner it thought fit.

M. RAPPARD would be glad to know whether the advantage granted to certain French vessels might not be so great as to create a sort of monopoly in favour of those vessels, not only in respect of mails, but also of the transport of goods.

M. MARCHAND stated that, in substance, the question was not as important as might be thought. If the English, German or Dutch companies which had raised objections were entrusted with the carriage of mails in the Cameroons, they would be obliged at the same time to agree to put into certain ports at which they did not at present call, and there was no doubt that the disadvantages of this deviation would be greater than the advantages that the companies would obtain in other ways.

Moreover, the tax exemptions only amounted to 200,000 to 250,000 francs a year, which was a quite insignificant figure in view of the tonnage imported. The most tangible advantage conferred by the Convention on the companies carrying the mails was the monopoly of transport for the account of the State. Naturally, all other kinds of transport were entirely free.

The CHAIRMAN asked whether the exemptions were restricted to the unloading of the material and goods intended for the Government, or if they extended to all goods brought by the cargo-boats of companies responsible for the transport service.

M. MARCHAND had no details on this point. All that he could say at the moment was that the Customs duties had to be paid both on the material intended for essential public works and on other goods.

M. RAPPARD thought that two points might be regarded as established. In the first place, it was certain that the mandatory Power was entitled to give certain companies the monopoly of transport for its account or for essential public services. In the second place, it would certainly be contrary to the principle of equality to give preferential advantages to French commercial transports carrying ordinary goods. Consequently, the question was whether the advantages conferred on the companies ensuring essential public services were, in fact, such as to result in giving them a general monopoly or advantage at the expense of foreign competitors. He did not think this was the case with the exemptions in question, but he would be glad if the accredited representative would give some definite explanations on this point.

M. MARCHAND explained that the advantages accorded could not be considered as implying the grant of a *de facto* monopoly. The exemptions in question were all the less important at Duala, seeing that, as a general rule, vessels calling at this port did not come to the quays but unloaded their goods on tenders, thus avoiding the payment of port dues.

M. RUPPEL pointed out that, under these circumstances, the discrimination created by the exemptions was harmful to the port, since the vessels remained in the roadstead in order not to pay the tax from which certain French vessels were exempt. He had heard from a reliable source that this was the reason why vessels which had no privileges did not approach the quay in the port of Duala.

The CHAIRMAN, summing up the questions put to the accredited representative, asked, in the first place, whether the mandatory Power could provide the Commission, not with the full text of the Convention to which reference had been made, but with those provisions which more particularly concerned the Commission; and, in the second place, requested the accredited representative of the mandatory Power to take into consideration the remarks made during the discussion with regard to the question of economic equality.

M. BESSON, replying to the first point, stated that the provisions of the 1925 Convention which might concern the Commission could probably be brought to its notice. He could not, however, undertake to provide the Commission with the complete text of the Convention, for the reasons which he had already stated.

M. MARCHAND thought he could state, in reply to the second point, that the 1925 Convention only provided for exemption from port dues on goods unloaded for account of the State. More detailed information would, however, be given on this subject in the next report.

M. RUPPEL stated that, under these circumstances, he would have to maintain the observations which he had made.

M. BESSON stated that a reply would be given in the next report.

LABOUR.

Lord LUGARD pointed out that previous reports had referred to a standing force of conscripted labour. He asked whether labourers were still recruited in this manner in the territory.

M. MARCHAND replied that requisitions for essential public works had never been abandoned. They were, moreover, provided for in the constituent act of the Mandate.

In reply to a number of questions put by Lord Lugard, M. Marchand explained that all the work carried on under the system of requisitions was paid for in full according to a scale based on the cost of living. The number of requisitioned labourers was approximately 3,500 for the two roads at present under construction and for the roads under repair. With regard to the construction of the new railway, provision was made for 5,000 labourers who would, however, not all be requisitioned; as in the past, some of these labourers would be volunteers. It might even be expected that the proportion of volunteers would be greater than ever, as the cost per kilometre was fairly high and would make it possible to pay the workers attractive wages. Volunteers and requisitioned labourers received the same pay. After a certain period, however, the former received a high rate to which the latter were not entitled. Recruiting took place for specified works in the district where the work was to be carried out, in order, as far as possible, to avoid transporting workmen.

The recruiting of labourers was in charge of the Administrator of the district in which the work was carried out. The workers not only received wages, but were fed and housed. Game was shot near the workshops so that the labourers might receive nitrogenous food. The Administration paid special attention to medical assistance to be given to the labourers. On this point, nothing was left to chance. In principle, a proportion had been fixed between the number of labourers and the number of doctors treating them. This proportion was not always observed in fact, but the doctors were assisted by European sanitary officials, who were quite capable of giving the most urgent treatment, and by a fairly numerous staff of native assistants. It could be stated that no labourer was at any time neglected.

When the labourers were recruited from a distance, they were transported in motor-cars or by rail according to the distance, so that in such cases they should not arrive at the workshops in a tired condition.

The Administration did not use recruiters for the labour required. The chiefs did not possess the right of requisition, and were subject to very serious penalties if they endeavoured to impose forced labour on the natives. M. Marchand mentioned in this connection the case of an important chief in whom the Administration had every confidence and who had transgressed the strict orders on this point. This chief had been brought before a court, removed from office, and condemned to pay a fine of 2,000 francs, which sum was increased to 5,000 francs by the judicial costs.

For constructing their residences, native chiefs were supposed to employ members of their families, but they readily included in this designation people who were entirely unconnected with them. In order to avoid such abuses, the Administration prohibited the construction of sumptuous residences ; thus, as a result of the vigilance of the Administration, some dwellings were not completed except as the future proprietor was able to pay the necessary wages.

The chiefs received, as their salaries, a portion of the yield from the taxes. This portion might be considerable. A chief received in this manner about 80,000 francs per year, and it was an extraordinary fact that he was always in debt on account of his luxurious habits. Among other things, he wished to have his own musicians, and when the Governor offered to take this charge on himself in order to relieve the chief's budget the chief was very annoyed. In addition, he had round him a large number of parasites who absorbed all his resources.

M. RUPPEL referred to an article in the *Kölnische Volkszeitung*, in which Catholic missionaries affirmed that forced labour had assumed revolting proportions in the Cameroons, recruiting sometimes taking the form of man-hunting. Natives would be captured in their cabins during the night and, when brought to the workshops, would be badly fed, receiving no wages, etc. The missionaries added that they had been blamed for protesting against these abuses.

M. MARCHAND said it was unfortunate for the authors of this article that inspections had proved that their statements were either pointless or made much too late. Some native chiefs might have indulged in reprehensible practices, and every time their names had been reported, they had been brought to justice. There were certain habits which were difficult to eradicate, while the Administration was not always in a position to supervise the acts of the native chiefs. Up to the present, the Administration had been waiting until the native chiefs accused of the misdeeds to which attention was drawn in the German newspaper article had been formally denounced, as laid down in the code of criminal procedure, by all those who were aware of acts which constituted " crimes ". It would then be possible to bring them to justice.

Mlle. DANNEVIG had read in a Norwegian paper that the death-rate among railway labourers in the Cameroons had been " reduced to 65 per cent ". That was an appalling percentage. She hoped M. Marchand would be able to tell her that it was not correct.

M. MARCHAND replied that the percentage was incorrect for the Cameroons. Previous annual reports had contained definite and carefully verified figures for the death-rate of workers in the territory. The death-rate had, in the early days of the construction of the railway, been 0.71 per cent. It had then fallen to 0.21 per cent. This was a perfectly normal percentage, corresponding with the death-rate of natives living in their tribes.

Mr. WEAVER asked that future reports should contain the information relating to the number of requisitioned workers employed on public works that the accredited representative had given in reply to a question by Lord Lugard. He was glad to note that portage was decreasing. The figures given in the report (page 11) concerned, however, one area only, and it would be interesting to have data regarding the whole of the territory. §

M. MARCHAND explained that portage was practically confined to the regions in which there were no roads. That was why the figures in the report only applied to one district. At the end of April, the road system would cover the whole territory, so that from that date portage would gradually be eliminated, except for the movements of Administrators in villages not served by roads.

In reply to other questions by Mr. Weaver, M. Marchand explained, with regard to the redrafting of the law on requisitioned labour, that he had sent a circular to all the Administrators asking them to prepare a charter for this kind of work. The Cameroons already had one text on the subject of labour for private enterprises — the Decree of July 9th, 1925.

He fully recognised the necessity for the revision to which Mr. Weaver had referred, but wished to point out that the reports sent by Administrators proved that the question was fully understood. All that now remained to be done was for the Commission whose duty it was to receive the suggestions already made to propose a charter to the Governor. Arbitration had not always given as satisfactory results in the colonies as in France ; they had therefore been abandoned. In the new organisation, it was thought better to define the conditions of work.

Mr. WEAVER noted the statement of the accredited representative that 5,000 workers would be engaged on the construction of the new railway. In this connection, did not the authorities foresee the same difficulties as those encountered on building the Central Railway ? In a

previous report, the mandatory Power had stated that, after the work of constructing the Central Railway, it would be well not to burden the population with further requisitions on a large scale until 1939 or 1940.

M. MARCHAND said that the period of rest which had been contemplated in the report had indeed been a period lasting till 1939 or 1940. It was now, however, seven years since the work on the Central Railway had been completed, and it could be considered that, in seven years, a new generation had grown up. The labourers taking part in the new work would be recruited among the peoples of the east, who were very active and needed wages. Moreover, the work would be carried out under excellent conditions on the plateau and in a region in which the native workers would not feel that they were in another country. The authorities therefore had no qualms on the subject. In order to avoid requisition as far as possible, he had asked the French Government to agree that, as a whole, the price of each kilometre of permanent way should be fixed at 880,000 francs instead of 350,000 francs, the price per kilometre paid in 1922 to 1926 for the Central Railway. The French Government having agreed, it would be possible to raise the rations and treble the workers' pay.

Lastly, the French Parliament had, on the proposal of M. Daladier, former Minister for the Colonies, authorised, of its own motion, the Cameroons to issue a loan for health purposes. Of the 17 millions for which provision had been made for the Cameroons, the territory had already obtained 5 millions.

MISSIONS.

M. PALACIOS had the impression that, in Africa, there was a growing movement of native opposition to the missions, and that this fact was a cause of difficulty to the administrations. Young boys and girls sought to escape the guardianship of their parents and of the chiefs, leading a life uprooted from their traditions, so that trouble arose between the authorities and the missions. Moreover, there was apparently very acute rivalry between the missions themselves. In view, however, of the principle of the freedom of conscience, it seemed that it was not possible to allocate a separate sphere of action to each. On pages 13 to 16 of the report, mention was made at length of all these cases. In consequence, a question of public order and a question of mission property were involved.

According to the same chapter of the report, the Decree of April 24th, 1930 (recommending the establishment of religious mission stations in charge of natives, see pages 89 and 90), had given rise to disputes between different missions.

Could the accredited representative give the Commission full information as to these unfortunate events in addition to that given in the report itself? Were the disputes settled? Was it not to be feared that they would occur again? What had been the attitude of the natives regarding them?

M. MARCHAND agreed that it would be difficult to allocate a definite area to each mission without violating the principle of the freedom of conscience. The latitude allowed to the missions to undertake action wherever they wished might give rise to difficulties resulting from passionate rivalry. Moreover, it could only be a question of undue zeal in rare and individual cases.

In reality, the difficulties were sometimes due to the catechists. They were converted natives, whose mission it was to secure other conversions. Certain of them had thought that, once they had become catechists, they would be able to live by extortion or by exercising an arbitrary influence. In many cases, the authorities had had to take severe action against these individuals, who tried to reduce the authority of the native chiefs, agents of the Administration.

M. Marchand told of violent action taken by a Catholic missionary against a Protestant mission, which had led to his being sentenced to a term of imprisonment, the serving of the sentence being conditionally postponed.

M. RAPPARD asked whether the attack referred to by M. Marchand was the culmination of bad relations between the Protestant and the Catholic missions.

M. MARCHAND replied in the negative.

M. PALACIOS asked why the German Baptist Mission was not allowed to settle in the territory. German Baptists had been permitted to do so in the Cameroons under British mandate ever since 1924. Although they had appealed to Article 7 of the Mandate, their negotiations had, so far, been without result. It appeared that their demands were supported by the Baptist World Alliance.

M. MARCHAND explained that the refusal to admit German Baptist Missions to the Cameroons was not due to any considerations of nationality, but in virtue of an agreement reached between the Paris Evangelical Mission and the Basle Mission. The relations between the Administration and the native Baptists would not have given rise to any incident if the latter had not decided to establish a native church. The Administration regarded with anxiety projects of this kind.

M. PALACIOS repeated that the International Baptist Alliance supported the claims of the German Baptist missionaries.

M. MARCHAND said he was unaware of the fact. There had been no conflict between the German Baptists and the Cameroons Administration. Lastly, numerous denominations were

disputing among themselves the souls of the natives. There was reason to wonder whether, for the sake of public peace, it would not be better to be content with those already existing in the territory.

COUNT DE PENHA GARCIA said that no one could be a greater admirer of the work of the missions than he, but history showed that, from time to time, conflicts were bound to arise between the Church and the State. That had also happened in the Cameroons. Generally speaking, the status of missionaries was not very clearly specified. What, after all, was understood by a "missionary" under the laws of the Cameroons?

M. MARCHAND replied that a missionary could be defined as follows: a duly accredited representative of a known denomination.

In reply to another question by Count de Penha Garcia, M. Marchand said that established religion meant the great religions, such as the Catholic Church, the Protestant Church, the Moslems, the Buddhists, etc.

COUNT DE PENHA GARCIA asked whether such diversity of denominations did not alarm the natives.

M. MARCHAND replied that that question was quite beyond the knowledge of a colonial Governor. Generally speaking, the work accomplished by the missions was excellent and was of assistance to the Administration in its work of civilisation. Isolated mistakes which occasionally occurred did not compromise the value of the work as a whole. There could be no doubt, however, that the multiplicity of denominations did create confusion in the minds of the flocks.

COUNT DE PENHA GARCIA thought that the Administration would probably encounter difficulties in making a distinction, in accordance with the doctrine of its last decree, between native and European priests.

M. MARCHAND stated that the Administration would make no difference between ecclesiastics of the same rank, whether these were European or natives. It was sure that the churches would not consecrate native priests or pastors without most careful enquiry.

COUNT DE PENHA GARCIA said that the point to which he had referred in the Decree of April 24, 1930 was that which referred expressly and exclusively to native pastors.

M. MARCHAND explained that there had been no need to consider in this decree the case of native priests, because there were as yet none in the Cameroons. Native pastors would clearly be assimilated to European pastors in the secondary stations. As regards these stations, nevertheless, the Administration had retained a certain right of supervision, which it intended to exercise with the utmost discretion.

Mlle. DANNEVIG thought that the difficulties between the Administration and the missions were extremely serious. One of the principal means for bringing natives into contact with European civilisation and for ensuring their general development was to allow them to be taught by the missions. She wished to know whether the rivalry referred to by the accredited representative existed among the white missionaries as well as among the catechists. Had the missionaries other than spiritual interests?

M. MARCHAND said that, in the last resort, everything was a question of spiritual interests. The European missionaries were on good terms with one another, and, apart from the case to which he had referred, no disputes had occurred between them.

M. RUPPEL understood that the Administration would not prohibit the German Baptist Mission from re-entering the Cameroons territory should it desire to return, but that there was no intention of allowing new missions to be established. Was that not a violation of the principle of political equality?

M. MARCHAND did not think that this measure, if introduced, would affect in any way the principle of political equality, as the rule would apply to all missions irrespective of nationality, but the requirements of public order could be taken into consideration, as the constitutive act provided.

Lastly, it was obvious that, if a mission wished to establish itself in the Cameroons, it must, it seemed, first consult the missions belonging to the same denomination already in the territory.

M. RUPPEL said that, having heard those explanations, he would reserve his opinion.

M. MARCHAND explained, in reply to M. Rappard, that it was very doubtful whether the Central Government, whose liberal views were notorious, would allow the influence of the several missions to be confined to one specific area. The whole question of missions was under examination. Their exact status in the mandated territory, where, in the absence of a text, there had hitherto been empiricism in this respect, should be determined by a decree.

EDUCATION.

Mlle. DANNEVIG noted the passage on page 16 of the report stating that "the texts of various orders, circulars, curricula, and official instructions concerning public teaching published during the last ten years have been collected in a special pamphlet". Could the Commission

have copies of that pamphlet, and could it also have the text of the "instructions for teaching" referred to in the same paragraph?

M. BESSON explained that it had been the intention of the French Government to forward both those documents to the Commission, but that the boat on which the packets had been despatched had not yet arrived. They would be sent to the Commission directly they were received.

Mlle. DANNEVIG drew special attention to the following passage in the report (page 18):

"The last Commission on Education settled the question of the native language and gave the religious establishments a free hand with a view to organising the teaching of it on the lines best calculated to promote native education. There has been a marked tendency, however, in private establishments to devote increasing attention to the teaching of French."

Regulations for the teaching of native languages were of the greatest importance, and Mlle. Dannevig would be glad to have information as to what had been done in the matter.

M. MARCHAND did not think that it was necessary to introduce regulations. The official instruction and instruction by the missions — except in the case of religious teaching — were given in French. The question of the use of native languages did not arise.

He explained, in reply to a further question of Mlle. Dannevig, that there was no need for the French teachers employed in the Cameroons to learn the native dialects; that, indeed, would be a very difficult matter, as they might be moved from place to place and the dialects in question were very numerous. If a teacher studied native languages, he did so because he wished to do so. It was clear that the teaching of French was of value; the French language enabled the natives to understand the official texts and to do business with traders under conditions which would not be possible if they spoke only their native dialects.

Mlle. DANNEVIG pointed out that, apart from the teaching to which M. Marchand had referred, there was the question of technical instruction in domestic economy, trades, etc., for which the native languages would appear most suitable.

M. MARCHAND explained that, in the various trade establishments, objects were referred to by their French names, as was natural. On the other hand, the instructors who taught trades to the natives within the tribes themselves used the local dialects.

Mlle. DANNEVIG noted that, in the official schools and recognised schools, twenty hours a week were devoted to the teaching of French, which could not leave very much time for the teaching of other subjects.

M. MARCHAND explained that the twenty hours included the time allowed for the teaching of arithmetic, geography, etc. More detailed information on the subject would be given in the next report.

Mlle. DANNEVIG, referring to the tables on pages 17 and 18 of the report, noted that the school attendance of boys had increased. The statistics for the village schools, however, referred only to "pupils". She would be interested to know how many girls had attended such schools.

M. MARCHAND stated that there was a fairly large girls' school at Yaoundé, which was combined with the boys' school, as the majority of the pupils were boys, but special classes had been arranged for girls. The next report would contain fuller details on the subject.

He stated, in reply to a further question by Mlle. Dannevig, that it had not yet been found possible to train in the Cameroons a single native woman teacher able to teach French. It was not that the Cameroons women were lacking in intelligence, but the training of women teachers required time. There were already several pupil teachers of needlework who spoke French.

Mlle. DANNEVIG said that she would be interested to have further information concerning the School Mutual Society at Yaoundé, which was stated in the report (page 17) to be established under conditions of comfort which it would be difficult to find in Europe.

M. MARCHAND explained that the School Mutual Society had electric light, a cinema hall, a recreation hall, etc., and that the motor generating the electricity and the cinema apparatus had been bought out of the society's own funds. The society also owned 15 hectares of land, planted with gardens and orchards, the income from which was sufficient, moreover, to clothe the pupils.

Mlle. DANNEVIG noted from the report (page 18) that subsidies to schools amounted only to 87,000 francs; that was a relatively small figure, representing about one franc per pupil. Could it not be increased, and would it be possible to consider some system whereby payments would be made, not on the basis of the successful results obtained, but in the form of direct payments to teachers?

M. MARCHAND stated that, hitherto, the system of making the subsidy proportionate to the number of pupils who had gained the certificate of primary studies had led to entirely satisfactory results. He added that one of the missions had only a very small number of

pupils, which explained why it found it so difficult to obtain fully qualified teachers. He saw no objection, in principle, to Mlle. Dannevig's suggestion, and the question of making payments direct to teachers might be studied.

M. Marchand stated, in reply to a question by the Chairman, that the examinations for the certificate of primary studies took place in the presence of an inspector and of the missionaries who had taught the candidate. That procedure made it possible to avoid any dispute.

Lord LUGARD asked whether the instructions as regards the teaching to be given in the native dialects was from the Ministry for the Colonies or was a local order. He did not understand how lessons could be given in French in the infants' schools.

M. BESSON stated that, as regards such teaching, the local administration did not receive instructions from the Central Government. French was taught by the direct method — that is, objects were described in the language that was being taught. The method had proved most successful.

ALCOHOL AND SPIRITS.

COUNT DE PENHA GARCIA said that he had framed a table showing the results obtained by the mandatory Power concerning the limitation of the consumption of alcohol in the Cameroons. As regards spirits, the consumption per head, considering the European population, had dropped very considerably, but it was still far in excess of the consumption in European countries, which pointed to the fact that part of the spirits intended for the European population in the Cameroons was consumed by the natives.

He enquired also whether the beer and wine consumed in the territory were harmful to natives.

M. MARCHAND said that the Commission must not be unduly impressed by the number of litres consumed per head of the European population, since it must be remembered that approximately four hundred ships called at Duala every year, and that the crews drank a fair amount of spirits when in port.

The introduction of beer and wine into the territory was an outcome of the difficulty experienced by the natives in obtaining alcohol, which had led to their indulging in non-alcoholic drinks — wine, in particular. Generally speaking, the consumption of alcohol was on the decrease; but that tendency, admittedly, was at all events partly due to the economic situation.

M. BESSON, replying to a question by Count de Penha Garcia, said that he would send him the detailed information that the Colonial Department had just forwarded to the Ministry for Foreign Affairs concerning the alcoholic content of spirits imported into the territory.

M. MARCHAND explained, further, that, at the request of the Duala Chamber of Commerce, a decree had been issued under which sweet wines containing 21 per cent or less of alcohol were treated as hygienic beverages.

He said, in reply to a question by Count de Penha Garcia, that it would be somewhat difficult to equalise the French and British duties on alcoholic beverages, as the matter involved rather delicate questions relating to the exchanges.

M. MERLIN directed M. Marchand's attention to the fact that the reports on the administration of the Cameroons under British mandate stated regularly that spirits were smuggled through from the French mandated territory into the British mandated territory.

M. MARCHAND thought that such smuggling could not amount to very much. He did not see why the British inhabitants of the Cameroons under British mandate should wish to obtain French liquor, seeing that they chiefly preferred English brands. Lastly, in the French mandated territory, the Customs officials at Duala were quite well equipped; they had boats which enabled them to supervise the river traffic, etc.

Lord LUGARD enquired whether, in the Cameroons under French mandate, there were any distilleries for the manufacture, for example, of denatured alcohol for use as fuel.

M. MARCHAND replied in the negative, and said that there were very strict regulations governing the setting up of stills in the country.

Lord LUGARD explained that what he feared was that, if there were distilleries in the country, the natives might learn to manufacture alcohol on their own account.

M. MARCHAND replied that, unfortunately, some of them, though not many, however, were already acquainted with the process, and that they used gun barrels as stills for the clandestine manufacture of alcohol. The Administration had been obliged to take action. †

Lord LUGARD asked whether satisfactory results had been obtained under the system established by the Decree of September 11th, 1930, which provided that no native might purchase more than a certain number of litres of alcohol.

M. MARCHAND replied in the affirmative. The decree was very strictly enforced and had really had the effect of preventing the use of alcohol from spreading in the territory.

EIGHTEENTH MEETING.

Held on Thursday, November 5th, 1931, at 3.30 p.m.

Cameroons under French Mandate : Examination of the Annual Report for 1930 (continuation).

M. Marchand and M. Besson came to the table of the Commission.

PUBLIC HEALTH.

M. RUPPEL noted that thirty doctors were employed in 1930. The corresponding figures in previous years had been thirty-two in 1927, twenty-nine in 1928 and thirty in 1929. The number of doctors had therefore remained almost stationary for four years ; provision had been made in the 1930 budget for forty doctors, including twenty-two for medical assistance to the natives and eighteen— that was to say, seven more than in the previous year, for the campaign against sleeping-sickness. He asked the reasons for this state of affairs and, in particular, how many doctors had been engaged in prophylactic work.

He pointed out, moreover, that the number of independent doctors had fallen from ten to seven, and asked the reasons for this unfortunate fact.

Turning to a more general question, M. Ruppel noted that there was a shortage of French doctors who were willing to proceed to the colonies. An article in the *Dépêche coloniale* of February 15th and 16th, 1931, entitled " The Doctor in the Colonies " stated, *inter alia*, " The medical profession in the colonies is the only one which is still difficult to recruit, and the position in that respect is disastrous ". An English paper, the *West African*, dated June 20th, 1931, contained an article in the same sense and stated that the Academy of French Medicine had even created a special commission to find means for putting an end to this shortage of doctors in the colonies. Lastly, in an open letter of May 23rd, 1931, addressed to the Commissioner of the Republic and published in the paper *L'Éveil du Cameroun*, Dr. Thomas complained that the ministerial circular prohibiting doctors of the Administration from practising for fees when there was a sufficient number of free doctors had remained a dead letter.

M. MARCHAND stated that the number of doctors mentioned in the report did not include the five mission doctors, comprising one woman doctor belonging to the French Protestant Mission, a Norwegian doctor and three American doctors. The woman doctor and the Norwegian doctor were subsidised by the territory ; the American doctors had hitherto received no subsidy.

The number of doctors in the territory was dependent on the possibilities of practice — that was to say, by the hospital and therapeutic treatment which were at their disposal for the purposes of their practice. The Cameroons budget could hardly be extended in this respect. The item for combating sleeping-sickness and for public health was thirteen millions — that was to say, 21 per cent of the budget. This was an effort which could not be increased.

The practitioners were now quite sufficient in number for the Cameroons, and, in a short time, the territory was to receive a certain number of military doctors in accordance with a previous request. The number of doctors was fixed by the local Administration in accordance with the number of hospitals. Provision had been made for the organisation of further dispensaries and for a service of doctors visiting the tribes. These dispensaries would be less costly than the hospitals. He emphasised the fact that the Government was at present not afraid of a shortage of doctors, as the appointments of military doctors would be quite sufficient.

In reply to a further question by M. Ruppel, he stated that forty doctors had been provided for in the budget for 1930, because the territory was then in a prosperous condition, and it was hoped that buildings could be constructed which would enable these doctors to practise. This was no longer possible. It would be necessary to await the loan for the construction of the buildings. The number of doctors engaged in the campaign against sleeping-sickness was eleven ; it would be increased to eighteen.

In reply to a further question by M. Ruppel, who pointed out that at certain posts there was a lack of doctors, he stated that some posts remained without doctors for a certain time on account of vacations ; but this state of affairs was never prolonged, as visits by doctors from neighbouring districts were organised. The ideal would certainly be to have twice the number of doctors ; but, at the present time, the territory could not support the heavy additional expenditure that would be involved, and the services of the doctors provided to take on the duties of those on leave could not be utilised while they were awaiting the departure of those they would replace.

He explained, moreover, that, in a country like the Cameroons, it was not possible to have too many doctors ; the doctors had not, as in civilised countries, a pharmacy, hospitals, etc., within easy reach. Moreover, there was no home treatment. In the organisation of a district from the medical point of view, the first thing therefore was to create a centre including hospitals and dispensaries, and then to acquire medical supplies, which already represented considerable expenditure.

In reply to a question by M. Van Rees, M. Marchand explained that the natives were not afraid of the hospital. Moreover, the native liked to be in contact with the European doctor, and it had been noted that, in the expeditions for detecting sleeping-sickness, all the natives, without exception, presented themselves for examination.

In reply to a remark by M. Ruppel regarding the decrease in the number of free doctors and the open letter published by a civil doctor, M. Marchand explained that this was a fresh episode in the old dispute started by certain free doctors with military doctors. In new countries such as the Cameroons, it was impossible to dispense with the services of the military doctors in order to give a monopoly to a particular civil doctor. The local Administration, on the contrary, thought that all should help to relieve the ills of humanity, and it did not go into the question of fees or the fact that the military doctors could give their services free of charge. In reply to M. Ruppel, who stated that it might be possible to prohibit military doctors from taking civil patients at Duala, he pointed out, moreover, that that was a matter which concerned only the patient. The patients could not be compelled to choose a particular doctor, and there was no reason to raise objections if the natives preferred to be treated by a doctor in uniform. This was a psychological fact which was not open to discussion. The question had already been raised elsewhere, and the right of the patient to choose his own doctor had remained intact. The private doctors raised the objection that they were compelled to pay for licences, but they forgot that the military doctor was subject to disciplinary obligations, particularly to transfers.

In reply to a question by Lord Lugard, M. Marchand stated that the Administration had no objection to the military doctors obtaining a civil practice, provided they did so outside the hospital, without using the medicaments placed at their disposal in the hospital, and outside their official hours. The visiting hours, the times of residence at the hospital, etc., were, in fact, fixed for the doctors.

M. RAPPARD thought that the question of the nationality of doctors, which had been raised previously, did not arise if the number in the Cameroons was sufficient. He thanked the mandatory Power for its generous treatment of one of his compatriots and recognised with satisfaction the facilities which the Commissioner had accorded to him to practise within the territory. He was the more glad to make this observation, in that he considered that a very satisfactory solution had been reached in connection with a problem to which the Commission had on several occasions devoted its attention. If a mandatory Power had difficulty in recruiting doctors from among its own nationals and did not itself desire to engage foreign doctors, it could always subsidise the medical missions.

Reference had been made to the large loan for railways, under which raw materials could not be bought elsewhere than in France. He asked whether the medical loan included a stipulation of the same kind with regard to the purchase of medical supplies. Certain supplies were almost a foreign monopoly.

M. BESSON replied that the question was not of the same importance, since the medical loan only amounted to about three or four millions. The territory purchased its medical supplies through the Ministry for the Colonies, which passed on the orders to specialists, through the Central Military Supply Office, and thus obtained the supplies on very favourable terms. He pointed out, in this connection that, as the doctors in the Cameroons were used to these medicaments, it would be very undesirable to alter them, and, in particular, to have them supplied in bottles bearing labels in a foreign language. There was no special clause which insisted on the use of medicaments of French origin. It would be quite contrary to science to utilise or refrain from utilising any medicament on grounds other than medical.

The CHAIRMAN congratulated the mandatory Power on its interesting report, particularly as regarded the campaign against sleeping-sickness. Its illustrations and graphs were most illuminating, as well as the data set out in the report (page 32). He hoped the mandatory Power would continue to supply the Commission with all this information.

M. MARCHAND said that Dr. Jamot was preparing a general report on sleeping-sickness which would be submitted at the same time as the report for 1931, but, in all probability, as a separate document.

M. RUPPEL, in connection with a previous remark by M. Rappard, said he reserved his right when examining the report for 1931, to revert to certain clauses of the law concerning the loan for the colonies, in order to raise the principle of economic equality.

M. MARCHAND explained, in order to avoid all misunderstanding, that the law authorising the loan of three milliards for the colonies granted 15 millions to the Cameroons, for public works; a new loan for important works, as he had already stated, was under consideration. It amounted to 150 millions. Of this sum, the French Government, on the proposal of the Governor, had undertaken responsibility for a yearly payment amounting to 130 millions.

M. RUPPEL thought that the increase in the number of lepers segregated in the lazarets and agricultural colonies had become alarming. The death rate also was rather high. Could the accredited representative give any explanations as to the manner in which the Administration was combating this contagious disease? Had it accepted the system of compulsory segregation? In many colonies experience had shown that this method was very difficult to apply. The number of fugitives (325) seemed to show that the same difficulties were being encountered in the Cameroons.

M. MARCHAND replied that the authorities had abandoned the principle of segregating lepers, except when these had open wounds, for it was recognised that lepers were only contagious in such cases. He gave this explanation subject to all reservations ; the next report, however, would contain further details on this point.

M. RUPPEL thought, in connection with the campaign against sleeping-sickness, that a tribute should first be paid to the distinguished doctor who, for the last ten years, had headed the fighting squad. He had been very glad to make Dr. Jamot's acquaintance when the Commission had visited Paris.

On this point, M. Ruppel did not think that the present report was any more reassuring than the previous one. Last year it had been said (see page 26 of the report for 1929) : " We have at last everywhere mastered the situation ". This year, the conclusion was (see page 32 of the report) : " The close struggle engaged in this country " — that is to say, in the great epidemic centre on both sides the Nyong river — " has not yet been won and we should be very wrong to rest on our laurels ". That rather pessimistic pronouncement would be understood when it was noted that there were still centres of resistance in which the disease only yielded inch by inch and in some rare cases actually regained lost ground. He asked the accredited representative if he could give some further information.

M. BESSON thought it would be preferable to await the publication of the special report, as this was a very technical question. A very interesting path was being followed which justified great hopes, though the struggle must still continue. M. Ruppel must have noticed, according to an article by Dr. Jamot which appeared recently in *La Petite Gironde*, that, as far as demographical equilibrium was concerned, the progress achieved was considerable, since the proportion of the surplus of deaths over births had fallen in recent years from 70 to 10 per thousand.

In reply to a question by M. Ruppel concerning the decrease in the population in Akonolinga subdivision and the subsequent increase of this population, mentioned on page 33 of the report, M. MARCHAND explained that a disquieting decrease in the population of the district of Akonolinga had been noted, but that during the last two years villages had been springing up again. He thought the return of the natives to their villages was attributable as much to the number of cures for sleeping-sickness as to the fact that the natives were reassured by the regular visits of the medical officers. There were now 9,000 natives more in this district — that was a real success. Further details would be given in the next report.

Lord LUGARD recognised the efforts being made to cope with sleeping-sickness, but asked what had been done to destroy the tsetse fly, which transmitted the trypanosome germ.

M. MARCHAND replied that the difficulty was due to the fact that it was not certain that the tsetse fly was the only transmitter of the endemic disease. Moreover, it was extremely difficult to destroy these flies. Natives had been encouraged to live away from the watercourses and, wherever the resources of the territory permitted, the course of the Nyong, which was very winding, and consequently marshy, was deflected and regulated. One result of this action would be to open up thousands of hectares of land for cultivation.

Lord LUGARD observed that this work would mainly result in eliminating mosquitoes ; the tsetse, however, did not breed in marshes.

M. MARCHAND agreed, but he believed that the destruction of these flies was beyond the powers of science for the present. He was considering the use of aeroplanes for the destruction of insects. He did not think the results were conclusive, but proposed to conduct experiments as soon as the resources of the territory allowed. He added that, at present, there were no aeroplanes in the Cameroons.

Lord LUGARD suggested that M. Marchand should ask the Governors of Tanganyika and of Nigeria to supply information and documents concerning the methods adopted to destroy the tsetse fly in those territories.

M. MARCHAND said he would not fail to do so.

LAND TENURE : PETITION SUBMITTED BY A GROUP OF NATIVES AT DUALA.

M. RAPPARD, as Rapporteur for the petition submitted by a group of natives of Duala on several occasions since 1919 concerning the alleged disregard by the mandatory Power of native rights over certain land in the mandated territory, and, in particular, over land situated at Duala, asked the Commissioner for explanations. He pointed out in this connection that the Mandates Commission was, generally speaking, not very favourably disposed to petitions of that kind. As, however, the petition in question contained a criticism of the general land policy of the mandatory Power, on which matter the latter had submitted no observations, he thought it called for some consideration.

M. MARCHAND explained that this was an old expatriation case which had been settled by the German Administration and which must accordingly be considered *res judicata*. The natives had been invited in 1914 to come and draw their compensation, but had refused to do so, regarding the compensation as inadequate. The mandatory Administration of the territory

being the direct heir of the German Treasury, the case had followed its normal course and the natives were now held to have lost their rights. The Administration had, however, subdivided a healthy plateau into lots and had informed the expropriated natives of the Joss quarter that they had been granted 330 lots free of charge. It had provided water and electricity supplies for this part of the plateau. It had then given the natives an opportunity of building huts in conformity with a ground plan. The natives had refused, and had been told that the matter would be regarded as definitely settled within one year. Some of them had then rescinded their decision. Others, listening to the advice of individuals who made their living out of disputes of that kind, had decided to wait for more generous compensation at the hands of various authorities.

In the meantime, with a view to the establishment of an electric power station, the Administration had assigned to the concessionaire company a piece of land which had immediately been claimed by the Dualas. A certain Lobe Bell had felt called upon to bring the case before the Disputed Claims Board, which was to examine it and determine whether it was competent to hear it. The case was now before the Board, and they must wait to hear whether the latter considered itself competent.

In reply to a further question by M. Rappard, the accredited representative explained that the Dualas claimed the whole of the Duala lands, including those conceded to the electricity company. All the vacant land belonged to the Domains Administration of the territory. The Dualas had spoken in their petition of native rights over the lands in the territory which had not been recognised. In reality, it was a question of their individual claims. Indeed, the Administration endeavoured in every case to protect native rights — that was to say, customary rights — and the method of granting concessions to groups of Europeans was safeguarded by all the guarantees necessary for preventing any risk of evicting the occupiers.

The mandatory Power had restricted to 1,000 hectares the size of concessions which might be granted in the absence of native opposition. In this connection, M. Marchand could affirm, with that full conscientiousness with which he had made his statements, that nowhere in the Cameroons was there any sign whatever that any harm had been done to native interests in the application of land regulations. Better still, the Administration was endeavouring to create individual property and was already developing the idea. The noisy claims of certain Dualas who had kept alive an agitation which for a long time had been profitable to themselves in no way altered the tremendous weight of the facts. The Dualas arrogated to themselves, with childish presumption, the right to speak on behalf of other ethnic groups, which latter denied them any right to a prerogative of seniority in any sphere whatever.

M. RUPPEL said that he had had to deal with this question before the war. A plan on a large scale had been prepared for improving the whole town of Duala and the establishment of a quarter reserved for the white population. For this purpose, the rights of land tenure of the natives which the German Administration had recognised as valid had had to be expropriated, in accordance with an imperial decree concerning expropriations in the colonies. The procedure laid down was divided into three stages. First, the right to expropriate was granted. Compensation was then fixed, and, finally, the Administrator had declared that expropriation would take place. The right to expropriate had been granted throughout the town, but the compensation had been fixed and expropriation decided upon in certain quarters only (Joss plateau) and not in others, including the Bali plateau. Consequently, a great many Dualas had still been in possession of rights of land tenure at the beginning of the war.

M. MARCHAND pointed out that the natives were guilty of a misuse of words ; they had not been expropriated, because they had never been owners. They had simply had a right of usage. They had quoted the Treaty of 1884, but the mandatory Power was concerned only with the situation arising out of the Treaty of Versailles, and it considered that the unoccupied Bali plateau could be freely allocated. Plots had been allocated primarily to those natives whom the German Administration had expropriated from the Joss plateau ; but, out of 330, 40 only had applied. The Administration had spent 750,000 francs on a water-supply for the new quarter and had opened roads. A large sum had been allocated as bonuses to the natives for building purposes. M. Marchand considered the matter closed, but a number of persons living in France were possibly anxious that it should continue ; they levied a rather heavy tribute on the inexperience of their compatriots, by encouraging fallacious hopes of a change which they themselves did not desire.

PETITION, DATED MAY 18TH, 1931, FROM THE " DELEGATE IN EUROPE OF THE CAMEROONS NEGRO CITIZENS ".

M. MARCHAND gave Count de Penha Garcia some additional information concerning the petition dated May 18th, 1931, from the " delegate in Europe of the Cameroons negro citizens ". The individual in question, M. Ganty, was an ex-Customs official who, as it happened, was not a native of the Cameroons but of Guiana. He had played upon the credulity of the negroes in one of the districts in the Cameroons by means of wonders and pseudo-miracles. The Administration had put a stop to his activities by expelling him under an Order in Council. Since then this individual had constituted himself the " defender of the oppressed negro race " and he charged fees in the form of subscriptions. He had lately endeavoured to set up a Cameroons Republic on paper, and had had cards printed bearing subscription forms on the back. The Court had taken up the matter.

Replying to a question by M. Merlin, M. Marchand said that the average tax levied on the credulity of the Duala population still amounted to about 100,000 francs per annum. "Blood-letting" was decreasing; the patients were beginning to "lose faith". Before the war, under German domination, hundreds of thousands of marks had been paid to lawyers. The petitioner's assertions were a "scandal-mongering romance".

The Ganty affair contained a very fantastic element. If Ganty had submitted a protest to the Administration, an enquiry would undoubtedly have been held, and he would not have been thrown into prison, as he alleged to have been the case. M. Marchand pointed out in this connection that the natives were not owners of forests. They had a right of usage, but the actual forest did not belong to them, being made over under a five years' concession to forestry undertakings. The Administration, moreover, was always on the watch to safeguard all native rights.

As regards the charges brought by the petitioner against a medical officer, twenty-one hospital orderlies and four members of the police, M. Marchand doubted their veracity, since quite recently an inspector-general of the Colonies, who was visiting the territory, had carried out an enquiry into the petitioner's complaints, the results of which had been embodied in a report. He did not seem to have discovered any foundation whatever for the ill-treatment of which the person who so modestly called himself the President of the Cameroons Republic complained.

PETITION, DATED MARCH 21ST, 1931, FROM M. JOSEPH MOUANGUÉ.

M. PALACIOS referred to the petition of Joseph Mouangué, a planter in the Cameroons, who had applied to the President of the Republic for the League's intervention with a view to the extension of the legal time-limits within which he should have appealed against the judgment given against him by the Duala Court of First Instance.

M. BESSON said that he could only refer the Commission to the reply of the French Government, to the effect that the Joseph Mouangué case was closed, the party concerned having lost his right of appeal. He could, of course, still bring an action against his counsel, should he wish.

CLOSE OF THE HEARING.

The CHAIRMAN, speaking on behalf of the Commission, thanked the representatives of the French Government for the valuable assistance which they had given the Commission in its examination of the report of the mandatory Power. He hoped the Commission would again have the pleasure of co-operating with M. Marchand, and that nothing would prevent him from pursuing in the Cameroons a work which had already produced such satisfactory results.

M. MARCHAND said he was very touched by the Commission's friendly attitude towards the Cameroons Administration. He added that he would pass on the Commission's commendations to his colleagues to whom the greater part was due.

M. Besson and M. Marchand withdrew.

Western Samoa : Examination of the Annual Report for 1930-31.

Sir Thomas Wilford, High Commissioner for New Zealand in London, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN extended a welcome to Sir Thomas Wilford, High Commissioner for New Zealand in London, whom the New Zealand Government had just appointed as its accredited representative. The Commission remembered with pleasure the assistance Sir Thomas Wilford had given it the previous year, and was glad to have this further opportunity of examining with him the annual report for Western Samoa, which the Commission had studied with great attention. The accredited representative was invited to make a statement, should he so desire.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Last year you were good enough to afford me every opportunity, on behalf of my Government, of giving you an account of Samoa from the New Zealand point of view.

In his opening remarks to-day, the Chairman referred to the pleasure that the Commission had derived from reading the report for 1930-31. I wish to say that, to me, the visit to Geneva last year to interview the members of the Commission, and to tell the story of Samoa from the New Zealand point of view, was equally a pleasure, and I may perhaps open the remarks that I have to make this afternoon by saying that I have come here to-day feeling that the report that you have to consider must be a subject of gratification to you, though necessarily it will also be a subject on which you will desire to ask me questions. I do not suppose that

every possible question you will ask me I shall be able to answer, but all the answers I shall give you will be information on which you can depend and which has been given to me to transmit to you. If it happens, during the course of the discussions, that there is some question that I cannot answer, I shall take refuge in saying that I do not know.

In my opinion, Samoa is happier to-day than it has been for years. The state of the country can be compared with Lake Geneva to-day — smooth as a mill-pond and not ruffled by wind. Samoa is a country that no one can guarantee will always be free from any outbreak of trouble. While the report you gave last year has enabled the New Zealand Administration further to gain the confidence of those who have been antagonistic, and though there is no sign of storm to-day and the Mau, if it can be said to exist, is far more friendly than heretofore, the Government can guarantee nothing. My remarks must not be taken as in any way implying that the pleasing state of affairs that exists in Samoa to-day cannot be disturbed, and I propose to explain why that is always possible.

The young men and young women of to-day in Samoa, like those of every other country, are feeling more free than previously. They are perhaps not obeying and paying the same respect to their parents or to the chiefs as they did in the past. The Matai (or head) exercised authority in those islands, and, whatever he said, the young people accepted. It is not entirely so to-day, and there are now in Samoa a number of young people who have become restive under the authority of the Chieftain, not knowing in what particular way or by what method of self-expression they can get beyond the control of their leaders. That is a new phase in Samoa, and that is why I say we cannot guarantee that in future nothing will occur there.

As you know, we have recently replaced the former Administrator, Colonel Allen, by Brigadier-General H. E. Hart. It may be asked by some of the members of the Commission — in fact, I have heard it asked in England — why necessarily should a military man be appointed to control Samoa.

My answer is that he is a civilian, and by profession a lawyer in New Zealand. At the outbreak of the great war he “joined up”, and, because he was brilliant, became a Brigadier-General. At the termination of the war he discarded his uniform and returned to the legal profession. Therefore, although he retains the rank of Brigadier-General, he is not now a soldier.

I have here a copy of the *Auckland Weekly News*, dated August 12th, 1931. The first of a series of pictures shows Brigadier-General Hart inspecting the native guard of honour. I would ask the members of the Commission to look at that picture, and then to take their minds back to the conditions which existed in Samoa two or three years ago. The second picture shows the enthusiastic welcome that was extended to the new Administrator by the Mau leaders. The third picture shows a traditional ceremony, when the natives decorated the boat to be used by the Administrator during his tour. I ask the members of the Commission to allow me to leave this paper with them, for it is the only actual record I have of Brigadier-General Hart's reception by those who were members of the Mau.

In closing my remarks with regard to Brigadier-General Hart, I would like to say that I have known him for many years, and I do not believe it would be possible for New Zealand to appoint a more suitable man for this particular job. He knows the customs and methods of the Maoris and has practised in the land courts for many years. Although the Samoans are not Maoris, both Samoans and Maoris are Polynesians. After thirty years of public life, and having known the Maoris all my life, and in my profession as a barrister having acted for them in the land courts, I can state that I know of no one whom I could commend to the members of this Commission with greater confidence than Brigadier-General Hart, and I shall be surprised if he does not succeed.

May I now return to the report and ask the members of the Commission to refer first of all to page 3, Section VII, *Native Affairs*, third paragraph, which states :

“ The centenary celebrations of the London Missionary Society were a factor in the improvement of the situation, as they formed a centre of attraction for the great majority of the population, and for several months completely occupied their thoughts to the exclusion of other matters. ”

I want to point out that, just as in the “old Greek” school of many years ago it was axiomatic that, in order to heal internal dissensions, a national ideal should be created, we have a similar instance here. When the London Missionary Society prepared for and carried through their centenary celebrations, the operations of those who formerly constituted the Mau stopped completely, and for several months no official of the Samoan Administration had any trouble. Is any lesson to be learnt from this ? Perhaps the lesson to be learnt is that those who are idle are more likely to stir up trouble than those busily engaged.

The fourth paragraph of Section VII states :

“ The change of feeling was very manifest when the Land and Titles Commission held its sittings in October. The former Mau elements were represented among the native assessors, and took part freely in the proceedings — a striking contrast to the previous

year, when the power of the Mau was sufficient to prevent claimants from stating their cases, to intimidate witnesses, and to 'fine' many of those who participated."

This, in my opinion, is one of the most important paragraphs in the report, and in New Zealand is considered to portray the greatest advance in Samoa since the big trouble.

May I explain to the members of the Commission that we have in New Zealand, as in Samoa, a native land court? The assessors there are appointed permanently, and sit all the year round. These assessors spend their time in the courts investigating land titles, dealing with the right of sale of land by the Maoris, and ensuring that each Maori has sufficient land left for his requirements. They also have to prevent the exploitation of the Maori by land-grabbers. In my profession, I have appeared in the land courts during the investigation of titles to huge quantities of land, and one of the greatest difficulties for the New Zealand Government in Samoa has been to get a member of the Mau people to sit on the bench as an assessor in a legal transaction which might dispossess members of his family. May I ask the members of the Commission to realise the position to-day compared with that of a year or two ago, when no member of the Mau was allowed by his people to attend the native land courts, and witnesses were intimidated? The Mau even fined any of its members who dared to go to the native land court. To-day, business in those courts is proceeding as amicably as the business of this Commission, with a member of the former Mau organisation sitting beside the judge as an assessor; witnesses are called, and many claims are settled without any trouble. We claim that to be a most important achievement.

The next paragraph to which I wish to draw attention is the fifth paragraph in Section VII. This paragraph shows that a representative Fono of the Samoan people met at Mulinu'u. The method of arranging that meeting was as follows: each district appointed its own representative, and the Administrator also invited the Fautuas and two or three other chiefs, including one or two former heads of the Mau, to be present. Every district without exception appointed a representative to the Fono. Rather more than twenty per cent of the Matais signed the appointments; but, as in some districts a few only were delegated by the rest to sign, this number may be taken to represent about one-third of the Matais of the country. The Mau held aloof from signing nominations, though in many districts they joined in making the actual choice of representatives — that is to say, they are beginning to help with the constitution of the Fonos.

This Fono met in June and lasted three days, and the main result of the discussion was the suggestion that the Fono of Faipules should be reconstituted. This proposal was accepted. Two members of the new Fono belonged to the old Mau organisation.

There has been a great deal of trouble in Samoa on account of the difficulty of making ends meet financially. The hurricane in January last greatly damaged the banana crop, though it is coming to hand again. The export of bananas had increased so much, and had become such an important part of the revenue of the country, that the hurricane came as a kind of calamity.

This was followed by a further reduction in the price of copra, which is one of the staple products of Samoa. Two years ago it was £25 per ton, then it dropped to £14 per ton, and to-day it is £11 per ton, at which price it does not pay to produce. The New Zealand Government has decided to try to see if it is not possible to move out of the ordinary avenues of production and to find some new form of production that will benefit the island. The Government has sent a scientist from the Scientific and Industrial Research Department in New Zealand to see if it is possible, after examination, to open up, *inter alia*, the production of vegetable oils. The land cannot be deeply worked because it is volcanic. The subsoil is shallow, with the result that it is impossible to use a plough on a great deal of it.

In view of the question asked last year as to the Samoans employed in the public service, we have put in the report for the first time additional tables giving figures. On page 6 the table gives the number as 197. To that should be added the advisers to district officers, numbering twenty-two. On page 31 it is stated that there are six native medical practitioners, thirty-nine nurses, that other technical staff numbers twelve (including four cadets at the Medical School, Fiji) and ten clerical and labourers — that is to say, a total of 67. This represented an advance on the position last year.

I will conclude by saying that there is only one object in New Zealand's carrying out the provisions of the mandate, and that is to place as soon as possible Samoans capable of taking responsibility in positions of responsibility, so that Samoans may some day be able to stand alone.

M. RAPPARD asked whether half-castes were included in that remark.

Sir Thomas WILFORD replied in the affirmative.

GENERAL ADMINISTRATION AND ACTIVITY OF THE MAU.

M. PALACIOS thought that the statements of the accredited representative of the mandatory Power were of the greatest interest, and there was every reason to be glad that the relations had improved and that, thanks to conciliation and peace, the territory had resumed its economic activity and the Administration its effective work.

From the outset, it was obvious that there was something new in the report submitted to the Commission and in the statement of the accredited representative. Last year the Commission had been told that the Mau movement seemed to be dead, and that its action was no longer to be feared. At the present time there could be no doubt that it had come to life again, because it was even collaborating with the authorities. Faithful to the principle he had always maintained in the Commission on the question of Samoa, he was happy to note the improved relations between hitherto hostile parties; as a result, it seemed that the Mau, judging from the fact that Sir Thomas Wilford had expressed his satisfaction at its co-operation, had been recognised as possessing the importance it had perhaps always possessed. It would be interesting to know whether the improved relations had been a result of necessity or spontaneous — in other words, whether the adherents of the Mau movement had come to the Administration as vanquished and submissive individuals or whether they had done so as a result of negotiations, for the attainment of common ideals.

He would also like to know whether, in these circumstances, the opposition had really ceased because, in spite of the assurances given by the mandatory Power, the Commission was constantly receiving documents which seemed to prove that the agitation was continuing. As against the photographic evidence which the accredited representative had shown to the Commission to prove the good relations existing between the various elements in the islands might be set the album *Samoa in the Shadows*, published at Auckland by the *New Zealand Samoa Guardian*, which rather tended to prove the contrary.

The newspaper just mentioned had continued to conduct a campaign, during which important petitions had been published. Those petitions were no longer addressed to the League. Reference had been made last year to one which the Mau had addressed to the King of England. That year a petition had been signed at Apia on August 19th, 1931, by a number of distinguished personalities. It had been addressed to the Governments of Great Britain, the United States of America, and Germany, with whom the Samoan Government had concluded treaties of peace and commerce in 1878, 1879 and 1889. On behalf of the Mau movement, which claimed to represent 95 per cent of the population, this petition described the whole policy of the mandatory Power and the way in which the discontent had increased — a discontent which the Commission had discussed on several occasions. In conclusion, the petition demanded, *inter alia*, equitable treatment for the natives in conformity with the international conventions quoted and in conformity with Article 23 (b) of the Covenant of the League.

He would listen with attention to the explanations which the accredited representative might give on that subject.

Sir Thomas WILFORD pointed out that the *Samoa Guardian* was published at Auckland, New Zealand, and not in Samoa, and said that he could make a shrewd guess as to its origin.

Replying to a question of Lord Lugard as to whether the *Samoa Guardian* was circulated in Samoa, Sir Thomas Wilford said that was, unfortunately, the case.

M. PALACIOS observed that the photographic evidence provided by the accredited representative also came from Auckland. He did not wish to discuss the origin of this information or of these campaigns. Facts were facts, by whomever they were interpreted and whatever their interpretation might be. The Commission's first aim was to look at the question in a purely objective spirit. Setting aside the source of the information, did opposition exist or did it not? Did the opposition include nationalist aims and were those aims the same as existed in Eastern Samoa under the United States rule? Did the petitions to which he had referred exist? What reply could the Administration make to the allegations contained therein?

Sir Thomas WILFORD said that, while he would never expect a cessation of movement in Auckland, he could not say whether there was a movement there on the lines suggested by M. Palacios.

Lord LUGARD noted the accredited representative's statement that it was the ambition of New Zealand to train the natives to a sense of their responsibility. One of the best ways of educating the natives was by giving them financial responsibility. What financial responsibility was the mandatory Power giving to the Fono native councils?

Sir Thomas WILFORD replied that the responsibility given to the natives was gradually enlarging, but that it would be some years before they could be given the handling of financial matters. The Samoans were like children and required a great deal of education. The Mandatory had taught them the working of the Post Office Savings Bank system, with the very idea in mind that Lord Lugard had suggested.

Lord LUGARD asked what definite steps were being taken to train the Samoans. In Africa, for example, where the natives were also inconsequent, some financial responsibility had been given them, and native courts had been established.

Sir Thomas WILFORD said that the Mandatory would have been able to go a great deal further in the direction indicated but for the existence of the Mau.

M. VAN REES observed that the accredited representative had appeared far more optimistic the previous year; he had said then that the Mau movement was dying out, whereas the Commission learned now that there was always the possibility of resumption of the hostile attitude of the Mau. How was that rather pessimistic view to be interpreted?

Sir Thomas WILFORD pointed out that, in the previous year, he had read a telegram which he had just received from Colonel Allen, stating that the Mau seemed dead. The explicit terms of Colonel Allen's report did not exclude the possibility of passive resistance. The Mau movement, in the accredited representative's view, was less strong now than a year ago, and there was a greater spirit of co-operation.

M. VAN REES drew attention to an ordinance of 1931, repealing a series of ordinances and proclamations, including more particularly the Samoan Offenders Ordinance, 1922, and the Maintenance of Authority in Native Affairs Ordinances, 1927 and 1928. Those ordinances had been promulgated in view of the situation then obtaining, and, if the present situation was not stable, it might be necessary to reintroduce them. That, he thought, would have a bad effect.

Sir Thomas WILFORD compared the Mau, as a movement, to a bacillus which it was difficult to describe or locate.

Lord LUGARD, referring to the accredited representative's statement that the power of the chiefs was crumbling, asked what steps the Mandatory was taking to reinforce their authority. He enquired what access of power had been given to the Fono.

Sir Thomas WILFORD explained that, as regards the Fono, the Administration was trying the people out before giving them any great power. When they were ready for it, the plan was, for example, to give them a district to administer; but they were not yet ready. With the Polynesian, time was wanted, and New Zealand was a proof of what progress could be achieved, the office of acting Prime Minister having twice been held by a Maori.

Lord LUGARD asked what was the method of selection and training for officials who were sent to New Zealand. Was there any special course of training?

Sir Thomas WILFORD explained that the officials sent from Samoa were placed in the service in New Zealand — Postal, Land and Surveys Department, etc. — and then sent back to their own country. White officials were selected from the departments in New Zealand — Agricultural Department or Harbour Board, for example — according to the department to which the officers were to be posted in Samoa. There had been, so far, no special training.

Mlle. DANNEVIG, referring to the general situation, compared the country with an unruly class. One master after another had looked at it and done nothing; the time had been wasted and the children had deteriorated.

Sir Thomas WILFORD said that Mlle. Dannevig had described the position most accurately. Two years previously the children had been out of hand. Now, more of them were prepared to listen and some were even ready to help with the teaching, but there was still the naughty boy.

M. RAPPARD commented on the difficulty of dealing with a people such as the Samoans, with their traditions and recollections of independence and their varying reactions to the advent of foreign elements. He asked what the New Zealand Government was doing in the way of anthropological studies. He also asked whether it was true that there was only one Civil Service for New Zealand and all her dependencies, or whether the officials of the mandated territory received special training.

Sir Thomas WILFORD replied that the position was very much as it had been in New Zealand; the same results might be achieved in Samoa, he thought, as had been achieved in New Zealand with the Maoris. Pride of race was a great thing, and every third male adult in Samoa was a chieftain, ruling over his little section. The Maori population of New Zealand had been brought to see that the white man's way of doing things was the best, and the eminent positions now held by Maoris pointed to the success of the venture. Budgetary considerations made it impossible to establish a special Civil Service for Samoa, and a special plan for training executive officers had been put into operation, but it had not yet been possible to find the right people at short notice.

M. RAPPARD observed that it was claimed in some quarters that the analogy with New Zealand was unsound, in view of the difference in climatic, economic and social conditions and the relative purity of the Maori race when the British first landed in New Zealand.

Sir Thomas WILFORD reiterated his conviction that what had been done in New Zealand could be done in Samoa.

NINETEENTH MEETING.

Held on Friday, November 6th, 1931, at 10.30 a.m.

Western Samoa : Examination of the Annual Report for 1930-31 (continuation).

Sir Thomas Wilford came to the table of the Commission.

PETITIONS REGARDING THE DISTURBANCES IN 1929.

Lord LUGARD referred to the suggestion in the petition from Mr. Nelson, dated May 19th, 1930, on which he had been asked to report, that the agitation in Samoa had been caused by foreign agitators, and asked if Sir Thomas Wilford had any knowledge of this.

Sir Thomas WILFORD said he had not heard of any foreign agitation.

Lord LUGARD referred to the allegation that, in the affair between the Samoan procession and the police, there was no evidence for the necessity of using rifle fire. He asked if the accredited representative had any comments to make on this statement.

Sir Thomas WILFORD replied that, according to the finding of the coroner on December 28th, 1929, the measures taken to suppress the disorder were reasonable and proper in view of the danger to the lives of the parties making the arrest. He added that there was no evidence that rifle fire had been necessary, but that in such cases action might at the time appear necessary which subsequently proved to have been unnecessary.

Lord LUGARD noted, in respect of the petition, dated September 18th, 1930, from "the Women's International League for Peace and Freedom", that the Government stated that the incidents in question were "believed to be imaginary" or "grossly exaggerated". He had hoped that the Government would have directed the Administration to make an enquiry and give the reason for its belief, that he might, as Rapporteur, have replied more fully to the petitioners.

Sir Thomas WILFORD agreed to send Lord Lugard's observations to his Government.

ORDINANCE RESTRICTING THE FREEDOM OF MOVEMENT OF THE SAMOANS.

M. VAN REES understood that, under a Samoan ordinance, Samoans were prohibited from moving from one part of the island to another. This law might have been justified during the troubles of recent years, but he asked whether it had now been repealed. It was an extremely vexatious measure which would obviously create irritation among the people.

Sir Thomas WILFORD said that, as far as he was aware, the law had not been repealed. Like many other laws on the Statute Book which were not strictly applied, it was a useful measure, as it gave the Administration the possibility of preventing harmful concentration.

WITHDRAWAL OF THE LICENCE OF Mr. FITZHERBERT.

Lord LUGARD asked why Mr. P. Fitzherbert's licence as a barrister had been cancelled. This action was stated to have been taken for reasons well known to Mr. Fitzherbert.

Sir Thomas WILFORD did not know the reasons. He said that any lawyer deprived of his licence was entitled to present a petition to the New Zealand Parliament. In this case, that step had not been taken.

ATTITUDE OF THE SAMOANS TO THE ADMINISTRATION.

M. PALACIOS said that the opposition in Western Samoa was mainly concerned with the status of the territory and of its inhabitants. The inhabitants, to judge by their petitions, compared their present status with their status under German rule and the status of the inhabitants on other islands of the same group under the rule of the United States of America. If they complained, it must be because they considered the status of other persons better than their own under the mandatory regime. Had the accredited representative any reply to make to these allegations ?

Sir Thomas WILFORD could not accept this statement on the part of the opposition without further details. It had been said that the inhabitants of American Samoa were petitioning to be released from control.

M. PALACIOS said that the details had been published by the petitioners of the Mau movement, who had first published in the *Samoa Guardian* the organic provisions of their treaty with various Powers — in particular, with Germany. These documents clearly set out the constitutional rights of the territory. The United States of America were dealing with the question officially, as was shown by a parliamentary document issued in 1931.

The inhabitants of Western Samoa, in the petition concerning their status addressed to the Powers mentioned and to Great Britain, reviewed their situation and summarised their desires. It was the duty of the mandatory Power to say whether it had any reply to make to these allegations, and it was for that Power to prove that the system so applied to the mandated territory was better, or at any rate as good, as that which the Samoans claimed. He thought it would be inadmissible that the actual situation of a territory placed under the mandate of the League of Nations should be less favourable than was the case when it was a mere colony of the former German Empire, or even than the situation of that part of Samoa which was under United States rule.

APPLICATION OF THE SAMOAN VAGRANCY ORDER OF 1931.

M. SAKENOBE asked for information regarding the Samoan Vagrancy Order of 1931, which provided that all persons other than Samoans were subject to imprisonment if they had no lawful means of support or insufficient means of support.

Sir Thomas WILFORD said this was the law of New Zealand and was applied to all inhabitants of Samoa except Samoans. Did it, strictly speaking, concern the Mandates Commission? It was true that, under this law, loafers could be arrested for vagrancy if they were unwilling to accept employment and for other reasons.

M. SAKENOBE asked why a distinction was made between Samoans and non-Samoans.

Sir Thomas WILFORD replied that Samoans did not work.

POSITION OF THE HALF-CASTES.

Lord LUGARD asked what the Government's attitude was towards the half-castes. They represented a large and influential section of the population and were said to be increasing in number. Unless proper provision was made to satisfy their legitimate aspirations, they might become a danger to the country, especially if poor and without land to cultivate. If utilised by the Government, they might be of great value.

Sir Thomas WILFORD replied that there was no prejudice in New Zealand regarding the half-castes. In Samoa, the bad characters were sometimes found to be half-castes, but there was no complaint against them as half-castes.

The land court was sitting with a view to allotting land to the people, and the half-castes who were not registered as Europeans, would have their share.

APPOINTMENT OF AN ANTHROPOLOGIST.

Lord LUGARD asked whether the Government had considered the advisability of appointing an anthropologist.

Sir Thomas WILFORD replied that Dr. Te Rangihiroa, a Maori, had been engaged in anthropological investigation in Honolulu, and was now in some islands in the Pacific. As soon as a copy of his report could be obtained, it would be sent to the Commission.

PUBLIC FINANCE.

M. RAPPARD understood that the native taxes were formerly an important source of revenue; but that, when the Mau movement had broken out, the opposition to these taxes had become so strong that the New Zealand Government had apparently abandoned any attempt at collecting them. The small sums now appearing under this heading were apparently merely arrears from previous years. He asked by what taxes this source of revenue had been replaced.

Sir Thomas WILFORD replied that this tax had been abandoned as it was difficult to collect, and that further revenue had been obtained by an increase in the copra tax.

M. RAPPARD noted that, for the first time, the full cost of the police during the year under review had been met by the Samoan Treasury. He asked if this was a punitive measure.

Sir Thomas WILFORD replied in the negative, and said that the New Zealand Government was endeavouring to make economies in every possible direction.

He thought that the annual grant of £20,000 from the Government might not be paid in the present year, although the budget had not yet been adopted. The Samoan Administration had a sum of £10,000 deposited at Wellington, which might be used in lieu of a subsidy from the Government.

M. RAPPARD trusted that the abolition of the native tax together with the suppression of the subsidy of £20,000 might not unfavourably affect the administrative organisation of the territory.

Sir Thomas WILFORD replied that there had been a considerable increase in the revenue from the banana trade.

M. RAPPARD was glad to see the financial table on page 30 of the report, and trusted that this would be given in future years and, if possible, expanded.

Sir Thomas WILFORD replied that this table would certainly be given in future years as it had been prepared by order of the New Zealand Parliament.

M. RUPPEL noted that the copra tax still remained at 30s. This was a reasonable rate when the price of copra stood at £25 per ton. As the price had now dropped to £11 a ton, he asked whether the Government had considered the advisability of reducing the tax.

Sir Thomas WILFORD said the Government would no doubt review the position if the price continued to remain low.

Lord LUGARD asked if the Government was still purchasing copra under the scheme instituted by General Richardson.

Sir Thomas WILFORD was unable to give the information.

Lord LUGARD requested that it might be given in the next report.

JUDICIAL ORGANISATION.

M. RUPPEL noted that the report contained no mention of native judges. In the previous year the accredited representative had stated that they had been suspended on account of the Mau movement.

Sir Thomas WILFORD replied that the Fa'amasinis, having refused to work during the Mau movement, had been suspended. Since that time, two native assessors had been appointed to sit on the bench.

M. RUPPEL asked that this question should be dealt with in the next report.

He referred to the statement on page 17 of the report that three fires of incendiary origin had occurred during the year. This would appear to be contradictory to the statement that the Mau agitation had now ceased.

Sir Thomas WILFORD replied that the fires in question were not evidence of the existence or otherwise of the Mau.

M. RUPPEL thought the police department was somewhat inadequate, as these incendiaries had not been discovered.

Sir Thomas WILFORD replied that it was extremely difficult to catch an individual incendiary with the facilities for hiding afforded by the nature of the country.

M. RUPPEL asked for explanations as to the further increase in serious criminal offences.

Sir Thomas WILFORD was unable to give any explanation.

M. RUPPEL noted that judicial statistics were contained on pages 6, 14, 18 and 19 of the report, and asked that, in future reports, these statistics should be grouped together so as to make them more comprehensible.

He noted that offences under the Maintenance of Authority in Native Affairs Ordinance had increased from 101 in a fifteen-month period from 1929 to 1930, to 286 in a twelvemonth period in 1930-31. He asked for an explanation of this increase, which was particularly striking in view of the termination of the Mau movement.

Sir Thomas WILFORD said he would convey the suggestion regarding judicial statistics to his Government. He was unable to give an explanation of the increases to which M. Ruppel had referred.

M. RUPPEL noted that no convictions were recorded in respect of unpaid taxes. On the other hand, it appeared from other information received that a number of persons had been imprisoned at Apia for this offence.

He referred, further, to a report in *The Times* of April 23rd, 1931, that the Nelson Company Limited was convicted on twenty-eight charges of taking part in the activities and of receiving

moneys on behalf of the Mau, contrary to the Seditious Organisations Ordinance. He asked what these charges were, and what was the result of the appeal from this judgment.

Sir Thomas WILFORD replied that no information had yet been received regarding the result of the appeal. The money received by the company had been collected in Samoa and sent to Mr. Nelson at Auckland. The collectors were mostly insignificant people and no leaders were involved. This was the last native manifestation of the Mau movement. The case had been heard by Judge Luxford, and the fines imposed had amounted to £200 on each of the twenty-eight charges.

Lord LUGARD said the Mandates Commission had often requested that a volume containing a collection of Samoan ordinances should be made available, as such information was available in the case of all the other territories under mandate.

Sir Thomas WILFORD replied that the consolidation of the various statutes and ordinances was in preparation, and, when ready, he would be glad to provide a copy for the Commission.

POLICE.

M. RUPPEL asked how long the white constabulary would be maintained. In the previous year,¹ the accredited representative had stated that it was merely temporary.

Sir Thomas WILFORD said the Government's intention was to keep on reducing the number of white constables in order to cut down expenditure. He referred to the information given on page 17 of the report.

M. RUPPEL asked if any change had been made in the arrangements regarding the appointment of non-commissioned officers of the constabulary as district officers.

Sir Thomas WILFORD replied that the system would probably be changed.

COLLABORATION OF THE NATIVES IN THE ADMINISTRATION OF THE TERRITORY.

Lord LUGARD noted that the Legislative Council included two Samoans and asked how they had acquitted themselves.

Sir Thomas WILFORD replied that they had worked harmoniously with the Administration.

Lord LUGARD asked if the Fono of Faipules still existed, and whether the reconstituted Fono still continued to meet.

Sir Thomas WILFORD replied in the affirmative.

Lord LUGARD asked if there was no resentment at the Faipules being nominated rather than elected.

Sir Thomas WILFORD replied that there was not, as far as he knew.

LABOUR.

Mr. WEAVER noted the reduction in the number of Chinese labourers and the statement that this reduction was partly due to the increased employment of Samoans. He asked that the next report might contain figures as to the number of Samoans willing to work on the plantations.

It was stated on page 17 of the report that a certain scarcity of employment for Chinese had developed. He asked whether their pay was being continued — he thought this was guaranteed by the terms of their indentures — or whether there was any danger of their becoming vagrants.

Sir Thomas WILFORD said there was no danger of this.

The Samoans were beginning to realise the advantage of working on the plantations.

Lord LUGARD asked for information as to the way in which the new system of "free labour" for Chinese was working. He took this to mean that the men came to Samoa without being indentured.

Sir Thomas WILFORD said that was not quite correct. The men came in under an indenture for a certain period, but were free to choose their employers.

Lord LUGARD said it was reported that there was no alien labour in American Samoa.

Sir Thomas WILFORD replied that it was quite impossible for him to answer questions regarding American Samoa. This was in great contrast to Western Samoa.

¹ See Minutes of the nineteenth session, page 62.

MISSIONS.

M. PALACIOS noted that the report contained no information regarding missions and asked that details should be given in the next report.

Sir Thomas WILFORD agreed.

EDUCATION.

Mlle. DANNEVIG observed that, in paragraph 1 on page 13 of the report, it was stated that the total attendance at the Grade II schools amounted to 2,912 pupils. In the last paragraph of the same section, however, where monthly statistics were given, she noted that the number of pupils attending varied greatly from month to month.

Sir Thomas WILFORD replied that that was so.

In reply to a further question by Mlle. Dannevig, Sir Thomas Wilford said that the next report would indicate the number of schools organised respectively by each of the various missions, and the number of pupils, boys and girls.

In reply to Mlle. Dannevig, Sir Thomas Wilford said that the Malifa Training School was a Grade II school where teachers received their practical training.

Mlle. DANNEVIG asked whether the discipline in the schools was good, and if the native teachers worked in harmony with the Administration or were partisans of the Mau.

Sir Thomas WILFORD said that the native teachers worked in perfect harmony with the other teachers.

Mlle. DANNEVIG, referring to a remark in the opening speech of the accredited representative that the young people were filled with a spirit of opposition, asked whether the younger generation in general was affected by the pamphlets of the Mau and whether the Administration had found it necessary to take any counter-steps.

Sir Thomas WILFORD replied that he had not heard of any trouble on the lines suggested by Mlle. Dannevig.

LIQUOR TRAFFIC.

In reply to Count de Penha Garcia, Sir Thomas WILFORD said that half-castes were treated on the same footing as whites in the matter of liquor regulations. He could not say how many of the thirty-eight persons convicted for liquor offences were concerned in supplying liquor to natives. He would see that separate figures for such cases were given in the next report.

PUBLIC HEALTH.

M. RUPPEL, after drawing attention to the admirable map attached to the report, noted that the four European doctors and nine European nurses were all stationed at Apia. Might it not be desirable for at least one medical officer to be stationed in Savai'i ?

Sir Thomas WILFORD agreed that it might be desirable, and he would note the suggestion.

LAND TENURE.

Lord LUGARD asked whether the Order in Council concerning reparation estates involved any indebtedness for Samoa.

Sir Thomas WILFORD replied in the negative.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Sir Thomas Wilford for the way in which he had replied to the various questions.

Sir Thomas WILFORD pointed out that it was a difficult matter for one man to answer all the varied questions put to him by the different members of the Commission. When questions had been asked to which he did not know the answer, he had thought it the most honest course to reply simply that he did not know.

He thanked the Commission for the extreme courtesy it had shown him.

Sir Thomas Wilford withdrew.

Cameroons and Togoland under British Mandate : Observations of the Commission.

M. MERLIN strongly objected to the suggestion that smuggling was continually taking place from French mandated into British mandated territory.

Lord LUGARD pointed out that this was mainly due to the fact that the duties were lower in the territories under French mandate.

M. MERLIN replied that it was surely for the territory into which smuggling occurred to take proper steps to guard its frontiers.

M. ORTS desired to point out that an endeavour had been made for the last forty years to reach an agreement, by means of general international acts, to take common action in Africa against the liquor traffic, just because there were no means of adequately guarding the various African frontiers.

Lord LUGARD asked whether M. Merlin would agree to the equalisation of duties in both territories.

M. MERLIN replied that the Governors of the two territories had already tried to reach an agreement, but had been unable to do so owing to the differences of exchange. In addition, access by rail through French Togoland was easier and cheaper than via Nigeria.

Lord LUGARD replied that the difficulty had been overcome in Nigeria by increasing the railroad rates for the transport of spirits.

M. MERLIN agreed that joint action was necessary. He had merely protested against the form in which the recent annual reports had been worded.

M. Merlin then submitted the following text :

“ The Permanent Mandates Commission expresses the desire that neighbouring local authorities should give special attention to the liquor traffic across the frontier and should conclude agreements and institute measures which would have the effect of making any attempt at smuggling unprofitable. ”

Lord LUGARD observed that this text made no mention of the raising of duties in French territory.

M. MERLIN assured Lord Lugard that his formula covered that possibility.

Lord LUGARD said he would agree to M. Merlin's text in order not to prolong the discussion further. He felt, however, that a mere pious resolution would produce little result.

On the suggestion of M. Rappard, *it was agreed that the resolution should apply to the four mandated territories — that was to say, Cameroons and Togoland under British mandate and Cameroons and Togoland under French mandate.*

The Commission adopted the text of its observations regarding Togoland and the Cameroons under British mandate (Annex 21).

TWENTIETH MEETING.

Held on Friday, November 6th, 1931, at 3.30 p.m.

Question of the Emancipation of Iraq (continuation) : First Reading of the Draft Report of the Commission. ¹

SECTION 3 OF PARAGRAPH 1.

This section was as follows :

“ The task which has been entrusted by the Council to the Permanent Mandates Commission and which does not correspond to the ordinary duties devolving upon it under the Covenant and its constitution has a twofold object. It consists, in the first place, in determining whether the time has come, as contemplated in Article 22 of the Covenant, to put an end to the mandate in the particular case of Iraq. Its second object, if the Commission has rightly interpreted the Council's desire, is to define clearly the general guarantees to be provided by Iraq, and, if necessary, any additional guarantees which the special position of Iraq might justify. ”

¹ The text of the report in the form in which it was adopted as a result of the modifications made during the discussions is included in Annex 22 to the Minutes.

M. CATASTINI observed, on the part of the Marquis Theodoli, who was absent, that "the aim" of the Commission was not twofold, but threefold, seeing that the Commission had also to examine the undertakings given by the mandated territory to the mandatory Power, in accordance with the Council's decision.

M. RUPPEL agreed.

M. ORTS and M. VAN REES said that the examination of the Anglo-Iraqi Treaty formed part of the examination of the *de facto* situation, so that it was not excluded by the reference to a "twofold aim".

The Commission adopted the text of this passage.

COUNT DE PENHA GARCIA noted that section 3 of paragraph 1 mentioned "the termination of the mandate provided . . .". Would it not be better to emphasise in the report the special character of the Iraq mandate? He reminded the Commission that, before Iraq was placed under mandate, the independence of the country had been recognised first by England and then by others. Secondly, the mandate had been established on the basis of an agreement reached between Iraq and Great Britain, the latter having, in 1922, already promised to propose four years later, if circumstances allowed, the termination of the mandate. In fact, the proposal had only been presented in 1929; but it should be noted in this sequence of events that, even when the mandate was first established, its termination had been contemplated after a short period. Public opinion, consequently, could not be astonished at the actual decision to emancipate Iraq at so early a date as 1932.

Several proposals having been made with a view to bringing out the special nature, character or form of the Iraq mandate, M. MERLIN said he could not accept any of these. There was no difference in character or essence between the Iraq mandate and other mandates. Each mandate, regarded separately, was different from the others; and all A mandates were totally different from the B and C mandates. During the last few years, Iraq had certainly been treated by the Commission as a mandated territory, just like all the other mandated territories. The mandate system had been applied to it in full. The fact that the mandate originated in a bilateral treaty between Great Britain and Iraq, registered by the League of Nations as constituting the Iraq mandate, was a pure accident and had no effect on the form, character or nature of the mandate.

M. VAN REES did not entirely share M. Merlin's opinion. From the point of view of the mandate itself, there was a difference between the political status of Iraq and that of the other mandated territories owing to the fact that Iraq had been recognised as independent by various treaties and that its constitution was that of an independent State. Nevertheless, he did not consider it of any great importance to emphasise this point.

M. MERLIN agreed that there were certain anomalies in the political status of Iraq, but maintained his view that they did not in any way modify the nature of the mandate applied to that country.

M. PALACIOS thought the Commission should deal with these questions for the reason that the Iraq regime was a mandates regime, but proposed in order to give satisfaction to Count de Penha Garcia and M. Merlin, that the following explanation should be inserted in the first sentence of the last paragraph: "a mandate which, from its inception, possessed a form or certain special features".

M. Palacios' proposal was adopted.

Paragraph 1 was adopted with certain drafting amendments.

PARAGRAPH 2.

This paragraph was as follows:

"As the Mandates Commission pointed out in its report on its twentieth session, the question whether a people which has hitherto been under tutelage has become fit to stand alone is above all a question of fact. In determining its ability to do so, it is necessary not only to ascertain whether the country desirous of emancipation has at present a body of laws and the essential political institutions and administrative machinery which go to make a modern State, but also whether it gives evidence of social conditions and a spirit of civic responsibility which would ensure the regular working of these institutions and the exercise of the civil and political rights established by law.

"The Permanent Mandates Commission desires to point out that it is not in a position to observe the moral condition and internal policy of Iraq, the degree of efficiency reached by its administrative organisation, the spirit in which the laws are applied, or the working of the institutions the existence of which it has noted. It could only give a definite opinion on these various points if it were free to employ methods of direct observation.

"In judging the actual situation in Iraq, the Permanent Mandates Commission has therefore been able to refer only to the annual reports of the mandatory Power and the special report entitled 'Progress of Iraq during the Period 1920-1931', and has had to endeavour to reach a conclusion on the basis of the explanations furnished year by year by the accredited representatives of the mandatory Power during the examination of these reports, and the observations made by the mandatory Government on the numerous

petitions addressed to the Commission by inhabitants of Iraq or by persons who acted on their behalf.

“ The views of the British Government on the degree of Iraq’s political maturity are the views of the guide who, since the mandate was granted, has constantly directed and observed the rapid progress made by that country. The full significance of these views is recognised when they are considered along with a declaration made by the accredited representative of that Government at the twentieth session of the Permanent Mandates Commission — the great importance of which the Council will certainly have appreciated — to the effect that ‘ His Majesty’s Government fully realised its responsibility in recommending that Iraq should be admitted to the League, which was, in its view, the only legal way of terminating the mandate. Should Iraq prove herself unworthy of the confidence which had been placed in her, the moral responsibility must rest with His Majesty’s Government ’

“ In the ‘ Report on the Progress of Iraq during the Period 1920-1931 ’, the Permanent Mandates Commission noted the following passage :

“ ‘ They (His Majesty’s Government) have never regarded the attainment of an ideal standard of administrative efficiency and stability as a necessary condition either of the termination of the mandatory regime or of the admission of Iraq to membership of the League of Nations. Nor has it been their conception that Iraq should, from the first, be able to challenge comparison with the most highly developed and civilised nations of the modern world. ’

“ This conception of the requirements which must be insisted upon in emancipating a country hitherto under mandate has appeared to the Commission to be sound. The Commission desires to indicate that this was the point of view from which it proceeded when formulating in the present report certain opinions as to the existence in Iraq of *de facto* conditions which satisfy the general conditions stated in the Council resolution of September 4th, 1931. ”

M. RAPPARD proposed the following addition :

“ The Commission desires to inform the Council at the outset that its observations during the various sessions at which the annual reports on Iraq were examined would not have suggested to it that the time had already come to propose the termination of the regime under which that country was placed some few years ago. Since, however, the mandatory Power strongly recommends the emancipation of its ward in the near future, the Commission has made a point of examining this recommendation with the sole object of contributing, by the means at its disposal, towards the proper solution of a problem the political importance of which is manifest. ”

If the Commission adopted this addition, it would have to determine where it would be inserted. M. Rappard made no proposal on that point.

The addition proposed by M. Rappard was postponed for consideration later.

COUNT DE PENHA GARCIA could not agree with the remarks in the second sub-paragraph of the draft on “ direct observation ”. The members of the Commission would have to live for several years in the country before they could form an opinion regarding the degree of Iraq’s political maturity on the basis of direct observation.

M. MERLIN thought that, if the Commission were able to stay for three or six months in Iraq it would be no wiser than on the day of its arrival. It might even obtain a false idea of the situation, because it would be assailed by discontents on every side, with requests and protests of all kinds. These persons would leave it no peace as long as it remained in the territory. He could not, therefore, agree to the sentence in the draft concerning direct observation.

M. PALACIOS was in favour of “ direct observation ”.

M. ORTS declared that he had often been sorely perplexed by the contradictory statements of the petitioners and of the Press on one side and of the organs of the mandatory Power on the other. As regarded the present *de facto* situation in Iraq, he felt the Commission should avoid expressing an opinion by which it would be bound. The passage in the draft report was in accordance with this view.

M. MERLIN was of opinion, on the contrary, that the Commission possessed the very best means of investigation it could desire — petitions, Press articles, annual reports and explanations by the accredited representatives. Enquiries on the spot would add nothing useful to its information.

M. PALACIOS said that enquiries on the spot, such as those which had been made by the Mosul Commission and the Liberia Commission, had been most useful.

Paragraph 2 was adopted with certain amendments.

PARAGRAPH 3.

Paragraph 3 was adopted with certain amendments.

TWENTY-FIRST MEETING.

Held on Saturday, November 7th, 1931, at 10.30 a.m.

Question of the Emancipation of Iraq (continuation) : First Reading of the Draft Report of the Commission (continuation).

PROTECTION OF MINORITIES : SECTION (a) OF PARAGRAPH 4.

This passage was as follows :

“ (a) In the case of Iraq, the Commission is of opinion that the protection of racial, linguistic and religious minorities should be ensured by means of a series of provisions inserted in a declaration to be made by the Iraqi Government before the Council of the League of Nations and by the acceptance of the Rules of Procedure laid down by the Council in regard to petitions concerning minorities.

“ 1. This declaration, whose text would be established in agreement with the Council, would contain the general provisions relating to the protection of the said minorities accepted by several European States.

“ In addition, Iraq would accept any special provisions which the Council of the League of Nations, in agreement with the Iraqi Government, might think it necessary to lay down as a temporary or permanent measure to ensure the effective protection of racial, linguistic and religious minorities in Iraq.

“ 2. Iraq would agree that, in so far as they affected persons belonging to the racial, religious or linguistic minorities, these provisions would constitute obligations of international concern and would be placed under the guarantee of the League of Nations. No modification could be made in them without the assent of a majority of the Council of the League of Nations.

“ Iraq would agree that any Member of the Council of the League of Nations would have the right to bring to the attention of the Council any infraction or danger of infraction of any of these stipulations, and the Council could thereupon take such action and give such direction as it might deem proper and effective in the circumstances.

“ Iraq would agree that any difference of opinion as to the questions of law or fact arising out of these provisions between Iraq and any Power a Member of the Council of the League of Nations would be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. Any such dispute would, if the other party thereto demanded, be referred to the Permanent Court of International Justice. The decision of the Permanent Court would be final and would have the same force and effect as an award under Article 13 of the Covenant.”

M. ORTS pointed out that the wording of the passage relating to the protection of minorities was taken from existing Conventions concerning minorities. The object of this similarity of form was to emphasise that the guarantees required of Iraq were the same as those given by European countries which had minorities.

Lord LUGARD thought there was a very general fear lest the minorities should be insufficiently protected, since members of the Council could not have the same interest, as in the case of European minorities, in placing any grievance on the agenda. He had been assured that any petition submitted by or on behalf of Iraqi minorities would automatically be examined by a Committee of three and, if there was a *prima facie* case, would be placed on the agenda of the Council. In order, however, to reassure persons who were not familiar with the procedure, he suggested the addition of the following words, which, M. de Azcarate had assured him, would not involve any exceptional procedure against which Iraq could raise objections :

“ . . . procedure by which minorities themselves and any person, association or State shall have the right to submit petitions to the League of Nations. ”

The Commission adopted the above text, to be added at the end of paragraph 4 (a).

M. RUPPEL drew the attention of the Commission to the fact that, under the Council's decision of December 16th, 1925, the Kurds enjoyed special privileges and were consequently better protected under the mandate than they would be when Iraq enjoyed complete independence, if the text of the draft remained in its present form. He thought it would be well to direct the Council's attention to the privileged position the Kurds enjoyed and to urge that that privileged position should be maintained.

M. ORTS recognised that the minorities would be less well protected in an independent Iraq than in an Iraq under mandate. The same might be said of all the interests existing in the country, including the interests of the inhabitants as a whole. British influence had protected all of them without discrimination. Such protection was still necessary. For that

reason, the Commission feared the consequences if the mandate were terminated prematurely. It was important, however, to be logical. If it were considered that an independent Iraq should be required to give, if not more guarantees than Iraq under mandate, at any rate as many, that was because it was not considered ready for independence. If, on the contrary, it was agreed that Iraq might be emancipated, it should be sufficient to require of it the guarantees imposed on other countries which had minorities.

In reply to a question by M. Ruppel, M. Orts said that, in his view, it would no longer be possible to give the Kurds the special protection now accorded to them, as that would be tantamount to creating a privileged class in the country and would constitute further evidence that Iraq was not yet ready for independence.

M. MERLIN thought that the laudable desire to protect the minorities should not lead the Commission to set up in the country centres of opposition which might endanger its unity. Communities which enjoyed privileges which were outside the ordinary law would always have a tendency to set up a State within the State, and care must be taken to avoid creating, on the pretext of protecting minorities, a form of separatism which would constitute a danger to the country.

M. RAPPARD did not think it necessarily followed that Iraq should not be asked to furnish more guarantees than were required from other independent States.

COUNT DE PENHA GARCIA felt that the Commission should simply apply to Iraq the general procedure established for minorities, suggesting, at the same time, that certain special guarantees might be added. For that purpose, it would be necessary to define the rights that were to be guaranteed to the minorities. He agreed with M. Catastini that the Commission could not undertake to define in detail the rights of minorities in Iraq. It would be a very delicate business, and it was perhaps unnecessary for the Commission to attempt it.

M. MERLIN considered that such a procedure would be at variance with the whole system that was contemplated; if the minorities were defined, they must be given a guarantor. All that should be done was to define the guarantees, so far as it was possible to do so in the case of an independent State.

M. RAPPARD reiterated his view that Iraq was not yet ready for complete independence. In his opinion, only two procedures were possible for the protection of minorities — the application of the general system for the protection of minorities or the enforcement of special guarantees, to be safeguarded by a representative of the League of Nations. The first of these systems seemed to him to be insufficient in the case of Iraq.

M. MERLIN pointed out that if the Commission decided that it saw no objection to the declaration of Iraq's independence, it could not, in its special conclusions, weaken that general conclusion. It was clear from the report that the Commission had seen no fundamental objection to the complete emancipation of Iraq. It should content itself with a statement to that effect and leave it to those in charge of the negotiations to settle the final form of the guarantees which were considered necessary. The Mandates Commission must beware of trying to act as legislator, and confine itself to stating clearly, but without going into details, what Iraq was to be asked to accept.

M. RAPPARD thought that it should be clearly stated that the Commission would never have proposed the emancipation of Iraq, but that, having been asked to examine the conditions under which emancipation might take place, it felt that certain guarantees were particularly necessary and it wished to define them. Again, if the integral application of the essential guarantees was to be ensured, it would be necessary to appoint a representative of the League of Nations in Iraq, in order to see that they were actually enforced. The Commission should not, however, go into details as regards the means to be employed to ensure to the minorities the guarantees which it judged necessary.

COUNT DE PENHA GARCIA was not entirely averse to M. Rappard's suggestion that the protection of minorities should be under the supervision of a representative of the League. He reminded the Commission, however, of the observations of the accredited representative of the mandatory Power concerning the state of mind that prevailed in Iraq, which showed that this proposal would not be welcomed by the majority in the country nor by the Iraqi Government.

The mandatory Power had pointed out that Iraq was anxious to preserve the unity of the country. Care must be taken, therefore, when examining the question of minorities, to avoid creating what might be a source of constant unrest. The minorities must be ensured the right to ventilate their complaints and, if necessary, to ask for protection; but the League's authority was purely moral in character, and that authority would remain the same whether there was a League representative in the country or not. The presence of a representative of the League of Nations concerned with minorities might create ambiguity and endanger good relations between the majority and the minorities.

M. RUPPEL thought that the Council's attention should be drawn to the present situation in Iraq and to recall that this situation was governed by Article 3 of the treaty with the mandatory Power and by the Council's decision of December 1925.

M. VAN REES seconded Count de Penha Garcia's suggestion. The accredited representative had shown that it was not by reinforcing the guarantees that their efficacy would be increased, and had insisted on the undesirability of creating in Iraq a State (formed of minorities) within

a State. It would be sufficient to state generally that minorities must be protected, without going into details. He therefore accepted the text of paragraph (a) as drafted, with the addition proposed by Lord Lugard.

M. RAPPARD suggested that the whole of the end of paragraph (a) should be omitted after the words "racial, linguistic and religious minorities", and that the following words should be added: "Opinions were divided as to the means of ensuring such protection". The Commission also ought to indicate the proposals which had been made, for he was sure that the present system for the protection of minorities, if applied to Iraq, would be illusory. If a Minorities Commission similar to the Mandates Commission were in existence, it was possible that the protection claimed by means of petitions might be effective. The system of referring minorities' petitions direct to the Council, however, did not seem very practical in the case of Iraq. Supervision by a representative of the League of Nations would ensure better protection and avoid all danger of setting up a State within a State.

It would be desirable that the Commission, after specifying the guarantees it wished to secure, should state that opinions had been divided as to the means of application, and should indicate the methods proposed by the majority and those proposed by the minority of its members.

M. ORTS could not see any objection to mentioning the divergence of views between the members of the Commission, and suggested that a vote should be taken on the proposal to provide additional guarantees for Iraq by means of permanent supervision by a representative of the League. Personally, he would vote against the proposal.

M. RUPPEL also asked that mention should be made in the paragraph of the various means suggested for ensuring the protection of minorities, and that reference should be made to the Minutes of the meetings at which these points had been discussed.

Mlle. DANNEVIG emphasised the responsibility assumed by the mandatory Power, and reminded the Commission of the statement which the accredited representative had read on the psychological factor in Iraq. Like everyone else, she was anxious to create the best possible guarantees for the minorities. She feared, however, that, if additional guarantees were called for, the mandatory Power might, if trouble arose, lay the responsibility on the Mandates Commission, which had gone beyond the recommendations of the mandatory Power and thereby prevented the latter from exercising the influence upon which it had relied.

COUNT DE PENHA GARCIA, M. MERLIN, M. VAN REES, LORD LUGARD and M. SAKENOBE said they would accept the text proposed for paragraph 1, accompanied by a reference to the Minutes as requested by M. Ruppel, the object being to oblige the Council to note the opinions expressed in the course of the discussion.

M. RAPPARD said he was also prepared to accept the text with the following addition: "Various suggestions concerning the means for ensuring such protection were put forward by members of the Commission (see Minutes of the fifteenth and twenty-first meetings)".

ADDITION TO THE FOURTH SECTION OF PARAGRAPH 2.

The CHAIRMAN observed that, during the meeting on November 6th, M. Rappard had proposed that the following text be added to paragraph 2:

"The Commission desires to inform the Council at the outset that its observations during the various sessions at which the annual reports on Iraq were examined would not have suggested to it that the time had already come to propose the termination of the regime under which that country was placed some years ago. Since, however, the mandatory Power recommends the emancipation of its ward in the near future, the Commission has made a point of examining this recommendation with the sole object of contributing, by the means at its disposal, towards the proper solution of a problem the political importance of which is manifest."

M. Orts had, before leaving, handed him an alternative text, which he personally was prepared to adopt. This text read as follows:

"Failing such declaration, the Permanent Mandates Commission would be unable to accept the recommendation of the British Government regarding the early emancipation of Iraq. The observations made at the various meetings devoted to the consideration of the annual reports on the administration of Iraq have not in themselves led the Commission to think that the moment has now arrived to propose the termination of a system which, a few years ago, seemed to be necessary in all respects, and more particularly in the interest of all the elements of the population."

M. VAN REES objected to the text on the ground that it was for the Council and not the Commission to accept the proposal to emancipate Iraq. Moreover, he did not think it necessary or desirable to insert the text in question in the report.

The CHAIRMAN explained that the object of the text was to prove that the initiative with regard to the termination of the Iraq mandate had not been taken by the Commission itself.

M. RAPPARD hoped that the Commission, which, without a formal declaration on the part of the mandatory Power to the effect that it would assume full responsibility, would certainly not have proposed the early emancipation of Iraq, would not adopt a report which would be in contradiction with its Minutes containing the record of the examination of the accredited representative, in the course of which all the members of the Commission had stated their scruples in detail.

After discussion the following text was adopted :

“ Failing this declaration, the Permanent Mandates Commission would be unable to contemplate, in so far as it is concerned, the termination of a regime which appeared a few years ago to be necessary, more particularly in the interest of all the elements of the population.”

FORM OF THE COMMISSION'S REPORT.

The Commission decided that its opinion on the emancipation of Iraq shall be submitted to the Council in a special report, separate from its report on the ordinary work of the session. This report will be inserted in the document containing the ordinary report and the Minutes of the session.

Reduction of the Number of Sessions of the Commission in 1932.

The Commission adopted the following resolution :

“ The Commission has noted a decision taken by the twelfth Assembly to the effect that the budgetary estimates for 1932 only allow one session to be held in that year.

“ The Mandates Commission will make every effort to comply with the Assembly's decision and carry out, if possible, the essential part of its ordinary task and such other work as cannot be postponed until the following financial year.

“ The Commission feels bound to draw the Council's attention to the consequences which this decision would involve if it were to be maintained or renewed.

“ The Commission would be absolutely unable to fulfil the duties conferred upon it by Article 22 of the Covenant ; consequently, the whole mandates system, of which the Commission forms an essential part, would be prevented from working in an effective and regular manner.

“ The Commission has requested its Chairman to hold himself at the disposal of the Council to explain, if the Council so desires, the grounds on which the Commission's fears are based.”

TWENTY-SECOND MEETING.

Held on Monday, November 9th, 1931, at 10.30 a.m.

Togoland under French Mandate: Examination of the Annual Report for 1930.

M. Besson, Head of the First Bureau of the Political Department in the Ministry for the Colonies, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative of the mandatory Power and thanked him for his help and for the kindness he had shown during the Commission's visit to the Colonial Exhibition at Paris. He also congratulated the French Government on, and thanked it for, the report on Togoland which it had submitted, and which gave very full information on the position in the territory.

He also thanked the mandatory Power, on behalf of the Commission, for the excellent maps which it had transmitted.

RELATIONS BETWEEN THE FRONTIER POPULATIONS OF TOGOLAND UNDER FRENCH MANDATE AND TOGOLAND UNDER BRITISH MANDATE.

The CHAIRMAN recalled that the Commission, when examining the report for 1929, had been disturbed by the dispute between the inhabitants of the villages of Honouta and Woamé, and had expressed a desire that a satisfactory solution would soon be reached.

The report for 1930 stated, on page 144, that this dispute had entered on a period of lethargy, as the natives of Woamé continued to cultivate their land on the other side of the frontier without being disturbed in their property rights by the people of Honouta, with whom they were said to have concluded a number of individual agreements.

He asked the accredited representative whether the position had not changed since the report had been written, and whether the two mandatory Powers concerned were not afraid of trouble arising from the constant crossing of the frontier by natives proceeding to the neighbouring territory to cultivate their land. He asked if it would not be preferable to proceed to a final delimitation of the frontier.

M. BESSON stated that, according to information received by the Ministry for the Colonies, there had been no incidents. The local authorities had left the British Administration to settle this dispute in the courts in British territory. He added that the question had lost some of its importance in view of the present slump in cocoa.

FRONTIER BETWEEN TOGOLAND UNDER FRENCH MANDATE AND TOGOLAND UNDER BRITISH MANDATE.

M. VAN REES expressed satisfaction at the results achieved by the Mixed Commission for the Delimitation of the Frontier, and asked whether steps had been taken to mark the boundary.

M. BESSON replied that this operation had been completed in June 1930.

NATURALISATION OF THE NATIVES.

In reply to a question by M. Ruppel, M. VAN REES explained that the decree regarding the naturalisation of natives, which applied to the Cameroons under French mandate, was also applicable to Togoland under French mandate.

M. BESSON stated, in reply to a request by M. Ruppel, that the reports would henceforward give information regarding the original nationality of the naturalised persons.

M. RAPPARD asked what policy the Administration proposed to follow in respect of the naturalisation of natives in Togoland. He pointed out that, in the Cameroons under French mandate, such naturalisation was somewhat rare.

M. BESSON explained that the Togoland Administration had no intention of encouraging the naturalisation of natives; this would be contrary to the policy adopted by France in this matter for her colonies in general. In this respect, the mandatory Power was exercising more caution in Togoland than elsewhere. Up to the present, he did not know of any case of the naturalisation of a native of Togoland under French mandate. There were five young natives from this territory at the secondary school at Aix in Provence, and on their return they might apply for naturalisation in order to be able to occupy certain public positions. The naturalisation of natives in Togoland would probably be restricted to such cases.

M. RAPPARD thought the Commission would be unanimous in congratulating the French Government on its policy on this question; the naturalisation *en bloc* of native inhabitants of the mandated territory would hardly be compatible with the territory's autonomous status.

M. BESSON continued that the French Government quite understood that naturalisation in large numbers should be avoided in the territories under mandate.

COMMERCIAL RELATIONS BETWEEN TOGOLAND AND DAHOMEY.

The CHAIRMAN reminded the Commission that, at its eighteenth session,¹ it had dealt with the question of Customs relations between Togoland and Dahomey. According to explanations given at that session by the accredited representative, Dahomey had established a Customs barrier, because it had been noticed that there was a tendency on the part of merchants to send various goods through Togoland. This barrier was said to create some inconvenience for the native population, and even to be the cause of trouble in the frontier district. A report on this subject had been sent to the Ministry for the Colonies by the Government of French West Africa, and the accredited representative had stated that the mandatory Power intended to devote all its attention to this question. The Chairman asked what was the present position in this respect.

M. BESSON read the following letter addressed by the Minister for the Colonies to the Minister for Foreign Affairs:

[Translation.]

“ In your letter No. 1104, of August 21st, you were good enough to inform me that the Director of the Mandates Section of the Secretariat of the League of Nations had pointed out to our accredited representative at Geneva that the Government of the Republic

¹ See Minutes of the eighteenth session, pages 88 and 89.

had not yet submitted its observations regarding a petition of the Council of Notables of Anecho regarding commercial relations between Togoland and Dahomey.

“ These observations were forwarded to you by my predecessor in his letter No. 3, of January 8th last. M. Steeg also informed you that, in order to put an end to a misunderstanding which was calculated to inspire the belief among the native population that our administration was different in the case of colonies and mandated territories, he drew the attention of the Governor-General of French West Africa and of the Commissioner of the Republic in Togoland to the advisability of reaching a solution compatible with the interests of the two territories and calculated to tighten the economic bonds which should exist between all our native nationals in West Africa.

“ Though a final solution has not yet been reached, negotiations have at any rate been instituted between the Administrations of Dahomey and Togoland in entire agreement with the general government of French West Africa, which showed its firm desire that all questions should be examined in the most conciliatory spirit. For this purpose a first meeting took place at Porto-Novo on April 9th between M. Bonnacarrère and M. Tellier, Lieutenant-Governor of Dahomey, and a further meeting is proposed either at Grand-Popo or Anecho.

“ In any case, one result has been obtained — namely, the suppression of the Customs frontier for goods coming into Togoland from Dahomey — and I have every reason to think that complete reciprocity will shortly be granted to Dahomey. One question has been left in suspense — namely, the unification of local taxes in the two territories; this is a delicate question, as the object is to reconcile opposing interests, but I have no doubt that a friendly settlement will soon be reached.

“ I should be glad if the above explanations, and those furnished in my predecessor's letter No. 3, of January 8th, were brought without delay to the notice of the Mandates Commission. No doubt some questions of detail still remain unsettled, and probably some such questions will always exist between neighbouring autonomous territories. But the essential point is that the Administrations concerned have promised to solve them in the most cordial spirit, and it may be stated that the petition in question from the notables of Anecho has already received full satisfaction in so far as it was justified.”

ECONOMIC EQUALITY.

M. RUPPEL asked whether the 1925 Convention, which provided for exemptions from harbour dues for vessels belonging to certain French shipping companies, applied both to Togoland and to the Cameroons, and whether vessels of those companies benefited at Lomé from the exemptions laid down in that Convention.

M. BESSON was under the impression that, in this respect, the position was the same in Togoland as in the Cameroons.

M. RUPPEL said that, in that event, his observations regarding exemptions granted to the vessels of the French companies in question in Cameroon ports also applied in the present case. He also referred to the remarks he had made during the discussion of the Cameroons report with regard to the admission of postal packages.

M. VAN REES said he had before him the text of a Decree signed by M. Bourguin on August 6th, 1930, Article 1 of which repealed Article 1 of Decree No. 505, of September 16th, 1929, granting exemption from import duties on all materials, articles and objects of all kinds imported by the Government and on those imported by private persons in execution of regular contracts concluded locally with a department of the territory. Consequently, the materials, etc., intended, for example, for carrying out public works were no longer exempt from import duties. He asked whether this change was due to a desire to observe the principle of economic equality.

M. BESSON thought it was, above all, a fiscal measure in the interests of good administration, and that the object of the Decree was to increase the revenue of the territory. In addition, account had been taken of the difficulty experienced by the Customs in distinguishing between goods exempt under the Decree of September 16th, 1929, and other goods.

In reply to a question by Lord Lugard, M. Besson explained that the Decree of August 6th, 1930, applied to all goods, whatever their origin.

In reply to a question by M. Van Rees, he did not think there was a Decree in the Cameroons similar to that to which M. Van Rees had just referred. In any case, M. Besson would enquire, and the next report would contain detailed information on the subject.

ACTIVITIES OF THE “ BUND DER DEUTSCH-TOGOLÄNDER ”.

M. RUPPEL noted a reference on page 144 of the report to an association called “ Bund der Deutsch-Togoländer ”, which was said to be more or less openly supported by German citizens. M. Ruppel stated that this association did not interest him in any way, and that he was not familiar either with its statutes or its aims, but he would be very glad if the mandatory Power would not insert in its reports doubts or suspicions similar to those contained on page 144 before it had ascertained whether they were well founded.

M. BESSON said he possessed information regarding this association, which he would ask the Commission's permission not to submit. The members of the "Bund der Deutsch-Togoländer" pestered the Administration of Togoland under French mandate with claims and protests, and had gone so far as to distribute and affix as posters tracts which were offensive to the local authorities. The latter had naturally been enervated by these constant attempts at blackmail and this campaign of detraction, and this explained the somewhat sharp tone of the passage in question.

Lord LUGARD asked if any correspondence had been exchanged on this subject between the French Administration and the Governor-General of the Gold Coast.

M. BESSON replied that he thought not.

THE AGOU-NYOMGBO CASE.

M. RUPPEL noted that the Agou-Nyomgbo case and its settlement by agreement with the natives were the subject of a special chapter (pages 44 and 45 of the report). The French Administration had adopted as its own the serious accusations made by the population against the Germans who were said "to have taken forcible possession of this land, which they coveted". Mention was made of "spoliation" and "the injustice of which the natives were said to have been the victims" and the desire of the French Administration to make good "a flagrant iniquity". The previous administration of the territory under mandate was therefore implicated, and M. Ruppel could not pass over this somewhat offensive statement and expression of opinion.

He pointed out that the property rights acquired by the "Deutsche Togo-Gesellschaft" in 1898 in the Mount Agou district covered more than 47,000 hectares. After the promulgation of the Imperial Decree regarding expropriation in the colonies by which the Administration was authorised to expropriate land in order to provide the natives with the possibility of maintaining their economic activity, the Government of Togoland instituted a special Commission known as the "Landkommission", consisting of an official, a missionary and a representative of the company. For several years this Commission had made a further and very careful examination of the *de facto* and *de jure* situation. It had succeeded in settling all outstanding matters with each village by means of voluntary agreements between the natives and the company. An agreement between the Colonial Minister and the company itself had definitely confirmed the results attained. The company had only retained 17,600 hectares in the Agou district. The villages of Nyomgbo and Agbetiko had agreed to this settlement without any pressure being brought to bear on them. M. Ruppel referred, in this connection, to No. 23 of the *Deutsches Kolonialblatt* (the official journal of the Ministry for the Colonies), of December 1st, 1910.

M. BESSON stated that the mandatory Power had not intended to implicate the German Administration itself, but only the colonisation company, which had been established in Togoland under German administration. In 1898, the relations between Europeans and natives were not what they had since become and still were at present. Moreover, the Administration, which, in 1930, had succeeded, after long palavers with the natives, in satisfactorily settling this question under difficulties of which the colonials were well aware in cases of this kind, had possibly not been able to resist the temptation of placing its own work somewhat in the limelight.

M. RUPPEL noted this reply by the accredited representative.

PROHIBITION OF THE EXPORT OF FOOD SUPPLIES.

Lord LUGARD asked why the Decree of August 5th, 1930, prohibiting the export of provisions had been issued. Had there been a danger of famine?

M. BESSON explained that the north of Togoland had been devastated by locusts in 1930 and that provisions had had to be brought from the south; at the same time, the export of foodstuffs was prohibited in order to keep them in the country.

NATIVE POLICY.

Lord LUGARD said he had been glad to read, in the *Annales de la politique coloniale*, a statement that the policy followed in Togoland was a policy of "association with", and not of "assimilation of", the natives. He hoped that M. Bonnacarrère's policy would not be changed by the new Commissioner.

PUBLIC FINANCE.

M. RAPPARD thanked the mandatory Power for having given such detailed information on the public finance of the territory. The abundance of material, in fact, made the statement somewhat unwieldy.

It was stated on page 67 that "the revenue and expenditure of the 1929 budget had been fixed at the following figures, etc." This probably referred, not to the budget, but to the verified accounts of 1929.

M. BESSON stated that this was so.

M. RAPPARD pointed out that the table on page 69 tended to give the impression that the surplus for each year had been accumulated for purposes of hoarding. In reality, this was not the case, as was proved by the accounts furnished on page 85. It must be admitted, however, that these figures were not very clear.

The reserve fund had known more prosperous days. In this connection, M. Rappard recalled a previous year when it was possible for Togoland to lend five millions to the Cameroons. He asked if this amount had been refunded.

M. BESSON replied that the sum in question had been refunded by a transfer in the accounts for the next year. In general, the present report had been drawn up at the beginning of 1930, and, therefore, did not give an exact idea of the financial position of the territory, since a number of steps had been taken between the first few months of 1930 and the present time, which to some extent had changed its position. The report on 1931 would show this change.

M. RAPPARD noted the statement on page 69 that the European officials of the territory had for a long time been "paid at the 1914 rates in currency which had, in theory, lost 80 per cent of its value and, in practice, still more". Should it be concluded that, for the period in question, the officials of the Administration had received less than one-fifth of their normal salaries?

M. BESSON replied in the affirmative, and stated that they had nevertheless endeavoured to fulfil their duties honourably and conscientiously.

M. RAPPARD directed the accredited representative's attention to the list of expenditure, under the local budget of the territory of Togoland under French mandate, on the moral, social and material well-being of the natives for the year 1930 (page 70 of the report). That list appeared to have been established in a somewhat arbitrary manner. For certain items, part only of the expenditure had been included; while others, for no apparent reason, had been included in their entirety. That was the case, for example, with the "Expenditure relating to the Frontier Delimitation Commission" and "Payments on account of the Supplementary Budget of the Railways and Wharf for Expenditure on Studies relative to the Permanent Way", which were considered as intended exclusively for the well-being of the natives. This could hardly be maintained.

M. BESSON replied that the list had certainly been drawn up on somewhat arbitrary lines, but that that was inevitable.

M. RUPPEL pointed out that the list in question referred, not to 1930, but to 1929.

M. RAPPARD noted that, according to the report, there had been a considerable falling off in the Customs receipts for November and December 1930. He supposed that that tendency had become more marked during the succeeding months.

M. BESSON stated that, as regards that point, the report did not show the exact situation. Since it had been prepared, the crisis had followed its course, and the economic situation was still unfavourable. He had asked the Administration of the territory for information concerning economic fluctuations in 1930, and it appeared from the data which he had received that, paradoxical as it might seem, there had been no falling off in production as a whole. During the year under consideration, 10,000 tons of palm oil had been exported, as compared with 6,000 in 1929. Again, the movement of trade in 1930 had been almost the same as in 1929. From that standpoint, three facts might be noted: (a) that the native, owing to the general drop in wholesale prices, had had to produce more in order to obtain the same amount of money; (b) that products which were difficult to sell and the sale price of which had dropped a great deal (cotton, cacao, etc.) had been replaced, so far as export was concerned, by palm oil; (c) that the invasion of locusts in the north had made it necessary for the inhabitants of that region to obtain food from the inhabitants of the south, which had meant that the latter had had an opportunity of selling a much larger quantity of foodstuffs.

The mandatory Power had examined the means whereby it might attenuate the effects of the economic depression in the territories over which it held a mandate. The French Parliament — that point should be emphasised — was anxious that there should be no discrimination in the matter between the colonies and the territories under mandate, and had authorised a loan of 73 millions to Togoland to cope with the effects of the crisis. Further, under the terms of the new agreement concluded between the French Government and the West African Bank, the latter employed certain funds for the promotion of agricultural credit. It was hoped that, thanks to those various measures, the financial situation in Togoland would remain normal.

Lastly, on July 10th, 1931, the French Parliament had passed a law authorising the national agricultural credit fund, from which advances could be made for the benefit of the colonies, protectorates and territories under French mandate. In addition, in March 1931, *Caisses de compensation* were instituted for the purpose of paying to planters a sum equal to the difference between the cost price of certain products and the price at which they had been able to sell.

M. RAPPARD said that the Commission was following with interest the administration of the territory's debt. He noted the reference on pages 145 and 147 of the report to subsidies granted direct by the department and subsidies granted by the territory. He would be interested to know what was the difference between those two kinds of subsidies.

Secondly, certain subsidies seemed too high. He noted that the Chair of Colonial History at the Collège de France received — that was only one example — an annual subsidy of 15,000 francs from the territory of Togoland. It must be concluded that either Togoland was paying more than its share of the professor's salary, or the professor must be in receipt of a very magnificent salary.

M. BESSON explained that certain subsidies were granted by the Ministry, while others were granted only by the Administration of the territory.

He explained, in reply to a question by M. Van Rees, that several systems had been successively employed for the distribution of subsidies granted by the Ministry for the Colonies. At present, certain subsidies were given direct by the department out of the lump sum placed at its disposal by the local authorities. Other subsidies were granted by the Commissioner himself.

IMPORTS AND EXPORTS.

M. MERLIN desired to associate himself with the expression of thanks to the mandatory Power for the admirable way in which it had submitted its report. The accredited representative had just given certain information concerning the measures taken to cope with the economic crisis, so that M. Merlin would have very little to say on the subject, especially since, in 1930, the effects of the crisis did not yet appear to have been really felt in the territory. During the year under consideration, there had been practically no variation in imports and exports.

M. Merlin noted that trade was chiefly with foreign countries. On examining the statistics of exports, however, he found that the value of the 9,000 tons sent to France exceeded that of the 18,000 tons sent to foreign countries. Did that imply that France was the chief purchaser of the richer products of Togoland ?

M. BESSON replied that the chief commodity sold to France by Togoland was cacao. Togoland exported large quantities of foodstuffs to the Gold Coast.

M. MERLIN noted that the cement employed in the territory came chiefly from Germany. He would be interested to know the explanation.

M. BESSON supposed that German cement must be cheaper than other cements ; he was under the impression, moreover, that German vessels were readier than others to transport the commodity in question and did it more cheaply.

M. RUPPEL enquired why there had been a falling off in imports from France (in 1930, 20 million francs as against 30 million in 1929).

M. BESSON replied that, in 1929-30, there had been a big rise in prices in France.

JUDICIAL ORGANISATION.

M. RUPPEL enquired whether the judicial organisation was the same as in the Cameroons.

M. BESSON replied that the two organisations were practically identical.

M. RUPPEL asked for information concerning the capture, referred to on page 60 of the report, of a large band in the Anecho district.

M. BESSON said that information on this matter would be given in the next report.

In reply to a further question by M. Ruppel, he explained that Article 6 of the new Order reorganising the native guard simply recorded a *de facto* situation. Only the cadres of the guard were drawn from the Colonial Army.

WATER SUPPLY OF LOMÉ.

Lord LUGARD noted the reference on page 58 of the report to the question of a water supply for the town of Lomé, a problem which it had not been found possible to solve in 1930. He enquired whether plans had been drawn up and, if so, whether they were being carried out.

M. BESSON thought that the matter was still being studied and that the work would not be begun until the territory received the first instalment of the payment to be made to it under the loan to which he had already referred.

EMIGRATION.

Lord LUGARD asked whether the exodus to the Gold Coast was likely to be resumed in view of the crisis in Togoland.

M. BESSON replied that, as the crisis was equally marked in the British colony, the Togoland natives would not feel tempted to emigrate. Moreover, the return movement which had been reported was continuing.

IMPROVEMENT IN THE STATUS OF WOMEN.

Lord LUGARD said that M. Marchal, Superior-General of the White Fathers, had stated in an address that the problem of how to improve the status of women without breaking down native social customs was one which was exercising the minds of French administrators. He asked how this question had been dealt with in French Togoland.

M. BESSON stated that the position of the native women in Togoland was very much the same as in other similar territories and colonies. Slow and rational evolution of the female population was the only way of improving their lot. In his opinion, one of the best means of achieving that object was through the education of girls.

Mlle. DANNEVIG pointed out in this connection that there were ten times more boys than girls attending the schools.

M. BESSON said that it was difficult to get the girls to go to school, as the natives made them work very young.

Mlle. DANNEVIG suggested that girls might be more attracted by schools of domestic economy than by others.

M. BESSON replied that girls were very ready to attend domestic economy schools — provided there were such ; this matter, however, raised a budgetary question, as the establishment of such schools was chiefly a matter of credit.

ORGANISATION OF SCHOOL MUTUAL SOCIETIES AND SPORTS CLUBS.

M. PALACIOS asked for further information concerning school mutual societies and sports clubs. The former were obviously of great educational value, but he did not quite understand what purpose the latter could serve in view of the kind of life led by the natives.

M. BESSON reassured M. Palacios as to the intentions of the Administration of the territory in founding sports clubs ; there was no question of training soldiers, the idea being to improve the race by means of sport. The natives enjoyed physical exercises and football.

M. PALACIOS said that he was asking for information, not to be reassured.

ATTITUDE OF THE NATIVES TOWARDS THE INTRODUCTION OF EUROPEAN INSTITUTIONS, SUCH AS AGRICULTURAL CREDITS.

Mlle. DANNEVIG directed attention to the passage on page 59 of the report which stated that the failure of the agricultural credit institutions was due simply to the individualism of the natives. What had struck her hitherto about the natives was rather that they hardly existed as individuals but as members of a community.

M. BESSON replied that there was individualism and individualism. An attempt had been made to introduce into Togoland the system of agricultural credit, which was of European origin, and which the native had been unable to understand, as he did not realise the necessity of providing for the future ; that was explained by the fact that, hitherto, the tribe had made provision for him, and the native, who was naturally suspicious, took the same view of agricultural credit as he took, for example, of the institution of the savings bank. Such ideas, however, tended to conflict with a better understanding of reality and of the importance in economic life of agricultural credit organisations.

The accredited representative stated, in reply to M. Ruppel, that, as regards the native agricultural association referred to on page 60 of the report, the economic measures recently taken had entirely altered the situation ; the question of agricultural credit would be further dealt with in the report for 1931.

Mlle. DANNEVIG thought that the real answer to her question was to be found in paragraph III of the chapter relating to native justice (page 60) :

[Translation.]

“ III. — Natives in every sphere possess in the highest degree an intimate sense of justice, so much so that many regard them as being over-fervent devotees of procedure. The life and property of the black race having been so insecure for centuries, that race has, in the course of long sufferings, acquired an immense need for tranquillity and justice which cannot yet, even among highly developed negroes, find its expression otherwise than in a degree of emphatic demonstrativeness and sometimes a little exaggeration in making claims.”

LABOUR.

Mr. WEAVER expressed his satisfaction at the full information given concerning labour. In view of the statement in paragraph II of the chapter relating to slavery (page 13), he would be interested to know whether pawning stopped at the debtor, or whether it might sometimes include third parties.

M. BESSON replied that he had never heard of that being the case, but that he would make enquiries.

Mr. WEAVER asked whether persons who were pawned always recovered their liberty at the end of the agreed period of service.

M. BESSON said that he would bring the question to the special attention of the authorities, who would certainly examine it.

Mr. WEAVER noted the statement in the report to the effect that there was less and less prestation labour, such labour dues being generally commuted into cash payments. If that were the case, how was labour recruited for road maintenance ?

M. BESSON explained that the same system was in force as for the building of new roads — the Labour Force Service recruited workers.

Mr. WEAVER noted that, according to the report, workers were engaged for a period of six months by the administrator of the Sokode district, after hearing from the head of the Labour Force Service just what labour was required. Could the accredited representative give any details concerning the methods of recruiting ?

M. BESSON thought that recruiting was effected by calling for workers and by means of propaganda ; no pressure was brought to bear on the natives, and the latter were very ready to offer their services, owing to the economic crisis. They earned over 9 francs a day, in addition to their lodging and rations.

M. Besson stated, in reply to Lord Lugard, that the Government did not recruit labour for private undertakings, such concerns taking steps to obtain it themselves, as in Europe.

Mr. WEAVER pointed out a slight discrepancy between the information given concerning wages on pages 14 and 15 of the report.

M. BESSON said that any differences were explained by the fact that certain parts of the report had been written some time before the rest. The wages paid for new work had increased, the rates being those shown on page 15, whereas the tables on page 14 were based on earlier data. The native wages shown did not include rations or lodging.

Mr. WEAVER expressed his appreciation of the fact that the Administration had realised the desirability of raising wages, on the ground that it was in the best interest of the territory that the standard of living should be higher.

Lord LUGARD asked whether workers recruited by private undertakings also received rations in addition to their wages. Had the Government fixed a scale of wages for that class of workers ?

M. BESSON replied that the Administration had nothing to do with the recruiting of labour for private undertakings ; any disputes that might arise between employers and employees were settled by the Arbitration Boards, which had already had to deal with several cases of this kind.

LIBERTY OF CONSCIENCE. MISSIONS.

M. PALACIOS noted that, according to the report (page 25), both the Catholic and Protestant missionaries were making highly laudable efforts to obtain as many followers as possible, though their propaganda had never degenerated into rivalry such as would be detrimental to the natives. In view of the disputes which had occurred between the missions themselves and between the missions and the Administration in the Cameroons under French mandate, he would be glad to know whether the accredited representative could give the Commission further information as to the relations existing in Togoland between the missions and the Administration and between the missions and the natives.

M. Palacios then directed the accredited representative's attention to the chapter relating to liberty of conscience, in which reference was made to a falling off in the progress of Christianity. The Administration gave certain explanations. Perhaps the difficulty felt by the natives in accepting the Christian teaching in regard to monogamy indicated that they had a natural affinity for Islamism.

M. BESSON said that Islamism was undoubtedly spreading all over native Africa ; fortunately it was superior to fetishism. The polygamous instincts of the natives made it more natural for them to turn to Islamism than to Christianity.

Mlle. DANNEVIG observed that, according to the report (page 26), "since 1927, as a result of a decision of the Christian natives themselves, only one wife of a polygamist was now baptised ; that necessarily prevented their becoming members of the church and helped to explain the low figures for Protestants". It seemed a very plausible explanation of the falling off in the progress of Christianity, since women did so much in spreading religion.

M. BESSON observed that that question was entirely a matter for the missionaries.

EDUCATION.

Mlle. DANNEVIG thanked the mandatory Power for having given such full information concerning education ; she wished, however, to ask one question to which she could find no answer in the report. Reference had been made in the report for 1929 (page 24) to the payment of a bonus to French teachers who learnt the native dialects. Had that idea been put into practice ? Again, had the proposed Advisory Committee on education been set up ?

M. BESSON replied that information on both these points would be given in the next report.

Mlle. DANNEVIG enquired whether native dialects and native customs were taught in the primary schools of first and second grades.

M. BESSON explained that the curricula varied according to the special requirements of the districts in which the schools were situated ; he thought it probable, however, that no teaching concerning native manners and customs was given in the schools to which Mlle. Dannevig had referred.

Mlle. DANNEVIG asked whether, under Order No. 95 (pages 150 and 151), private schools in Togoland might be forbidden to give instruction in domestic economy, dressmaking, etc. It was stated on page 37 of the report that " non-authorised schools had been converted into schools for converts, where the children were given elementary teaching in the language of the country ".

M. BESSON explained that it was inadvisable to frame decisions on very general or very strict lines. It was understood that, if a teacher realised that his class had some difficulty in following his lessons, he could explain them in the native dialect.

The accredited representative stated, in reply to Lord Lugard, that in the elementary schools it was the native teachers who, in order to make their teaching clearer, could utilise the language of the country. Generally speaking, however, the French Colonial Administration found it best, in the light of past experience, to concentrate on teaching in French.

Mlle. DANNEVIG observed that, in previous reports, it had been stated that the school attendance was highest at the beginning of the year, with a falling off in May and June. From the table on page 29 of the report for 1930, however, the lowest attendance appeared to be in April.

M. BESSON pointed out that the table in question referred only to the Klouto school, and stated that, for the territory as a whole, what had been said in previous reports still held good.

Mlle. DANNEVIG enquired whether domestic economy schools came under the head of primary or secondary schools. If they were regarded as primary schools, could the girls who had attended them go on to the secondary schools ?

M. BESSON said that he was unable to give definite information on either of those questions.

Mlle. DANNEVIG pointed out that the question was specially important, in view of the fact that there was a shortage of native women teachers in the territory.

M. BESSON observed that there were as yet few native girls who were capable of becoming teachers.

Mlle. DANNEVIG recalled the statement that the girls of the territory were not lacking in intelligence. Moreover, in other West African territories, the native women teachers had proved satisfactory.

M. BESSON directed Mlle. Dannevig's attention to page 29 of the report, where it was stated that the teaching staff in Togoland included five native teachers (*monitrices*).

He promised, in reply to a further question by Mlle. Dannevig, to ask the Administration of the territory how many teachers received Government bonuses.

LIQUOR TRAFFIC.

The CHAIRMAN informed the accredited representative that it was stated on page 19 of the report on the administration of Togoland under British mandate for 1930 that the smuggling of spirits and tobacco still continued, despite the authorities' efforts to put a stop to it. One of the chief reasons for this smuggling was the big difference between the prices charged for such commodities in the territory under British mandate and in Togoland under French mandate. Had the French authorities made any effort to come to an agreement with the British authorities in order to remedy the disastrous effects of that difference in prices ? It would be useful if the mandatory Power could give some information on the subject in the next report.

The Chairman then directed the accredited representative's attention to the statement on page 18 of the report to the effect that upwards of 11,000 litres of wine and 9,000 bottles of beer had been offered for sale in 1930 in the Sekode district, and that it was estimated that, in that area alone, the consumption of such beverages had increased 300 per cent since 1929. Again, the table given on page 19 showed that the consumption of wine, beer and cider (*boissons hygiéniques*) in 1929 was approximately 70,000 litres, while in 1930 it had increased to over 100,000 litres.

PUBLIC HEALTH.

M. RUPPEL expressed his satisfaction that there had been a marked increase both in the European and native public health staff and in the number of hospitals and similar establishments (hospitals, dispensaries, etc.). The excellent work of the "Berceau" was making rapid strides all over the territory. He enquired whether the private missions had their own doctors.

M. BESSON did not think that was the case.

M. RUPPEL, after observing (page 46 of the report) that leprosy and trypanosomiasis were the only diseases that the public health authorities had not yet mastered, noted that the report gave very interesting information concerning the campaign against leprosy (page 51). The number of lepers was estimated at 6,200 — which was rather high for so small a territory. It was not surprising that compulsory segregation was absolutely impracticable in Togoland, that having been found to be the case in many other territories. On the other hand, the new method of voluntary segregation had hitherto proved only moderately successful. The Administration proposed to continue its experiments in the matter, and M. Ruppel hoped that there would be a reference to it in the next report.

He noted that the campaign against sleeping-sickness had been continued in 1930. In the only focus of infection north of the Kara, upwards of 62,000 examinations had been held. It would have been interesting to have some information in the report concerning the number of persons suffering from the disease. The disease appeared to be stationary or slightly on the decrease. M. Ruppel hoped that the mandatory Power would continue and intensify its campaign and that it would keep the Commission informed of the results obtained.

M. BESSON stated that, out of the loan of 73 millions voted in February 1931 by the French Parliament, 8 millions would be allocated for public health and demographical purposes in Togoland. Of that amount, 1 million had been allocated for general utility measures, such as the training of medical officers for the territory, the fitting up of a laboratory for the study of special diseases in Togoland, etc. The remainder — 7 millions — had been allocated for the purpose of further measures to safeguard the health, firstly, of the workers and, secondly, of the population in general. A first instalment of the loan, amounting to 1,600,000 francs, was to be utilised immediately.

DEMOGRAPHIC STATISTICS.

M. RUPPEL noted that there had been an increase of 20 per cent in one year alone in the number of Europeans and persons assimilated to Europeans.

M. BESSON explained that the increase was due to the arrival in the territory of a number of Syrian merchants and European railway specialists. The next report would contain details concerning the composition of the European population.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for the valuable information which he had been good enough to give the Commission.

TWENTY-THIRD MEETING.

Held on Monday, November 9th, 1931, at 4 p.m.

Question of the Emancipation of Iraq: First Reading of the Draft Report of the Commission (continuation).

SECTIONS (b) AND (c) OF PARAGRAPH 4: JUDICIAL ORGANISATION.

These sections were as follows :

" (b) As regards the safeguarding of the interests of foreigners in judicial, civil and criminal matters, the Permanent Mandates Commission considers that the Iraqi Government should give a solemn pledge to the Council guaranteeing those interests. This pledge, which would take the place of the capitulations that would normally be revived on the expiration of the mandate, should be based on the Judicial Agreement of March 4th, 1931, which has received the approval of the Council and of the Powers concerned, and should be subject to the consent of the said Powers.

“(c) Should there be a mere reversion to the system of the capitulations, it would be important to safeguard the interests of the nationals of those of the States Members of the League which did not enjoy capitulatory right in the Ottoman Empire. In that case, therefore, Iraq should make a declaration before the Council guaranteeing the interests in civil and criminal judicial matters of foreigners who do not enjoy the benefit of the capitulations. The terms of this declaration, which would be determined by agreement between Iraq and the Council, might be based on the Anglo-Iraqi Judicial Agreement of March 4th, 1931, which has been recognised as affording to all foreigners resident in Iraq the essential guarantees of the proper administration of Justice.”

M. MERLIN, referring to the regime which was to replace the capitulations, noted that the nations possessing capitulatory rights must at all times be assured of that judicial protection for their nationals which formerly had been regulated by the capitulations, provisionally suspended during the mandate. He therefore urged that, in paragraph (b), the text should read, “on the expiration of the Judicial Agreement of March 4th, 1931”, and not “on the termination of the mandate”.

M. RUPPEL urged that the report should provide for the possibility of appointing in Iraq foreign judges belonging to other nations than Great Britain.

M. VAN REES thought the Commission might merely inform the Council of Sir Francis Humphry's statement that Iraq was prepared to continue the application of the Judicial Agreement and that there would be no objection to the principle that some of the foreign judges should not be British nationals.

The CHAIRMAN pointed out that it was not a question of contemplating the appointment in Iraq of fifty-four foreign judges — that was to say, one for each Member of the League of Nations — but of ensuring the principle that foreign judges who were not only of British nationality were eligible.

M. PALACIOS and M. RUPPEL agreed with this view.

M. RAPPARD thought the question was important and deserved a full discussion. From the point of view of the administration of justice in Iraq, two reasons might be given in favour of maintaining the British regime. It would provide for more continuity in jurisprudence and would define the responsibility of the ex-mandatory Power. From the point of view of the League of Nations, however, it might seem undesirable for the mandate to be followed by a regime under which the mandatory Power reserved a privileged position for its nationals in the country. There was reason to fear that such a state of affairs might have a bad impression on public opinion. He therefore thought the Commission should recommend that foreign magistrates be recruited from various countries, it being understood, of course, that the latter should submit qualified candidates.

M. MERLIN to some extent shared M. Rappard's opinion. From the point of view of the administration of the country, there were great advantages in regarding the Power which had followed the development of the mandated territory and which had, by its experience in the country, the greatest knowledge of it, as the most competent to provide presidents for the courts of the new State. Moreover, the entire report showed that the Commission considered it important, from the point of view of the League of Nations, to maintain the responsibility of the mandatory Power in certain matters after the termination of the mandate. That Power should, in fact, remain responsible for the past administration and for the emancipation of the territory in accordance with its request.

On the other hand, it had been stated that it might appear objectionable if the mandatory Power reserved certain advantages for itself in the country. He wondered if it was an advantage; in his view, it was rather a responsibility. If disturbances occurred in the country some time after its emancipation, was there not a danger that, by releasing the mandatory Power from all obligations, it might be able to reject any responsibility for the error in judgment that had been committed? Moreover, this had been very clearly stated by the accredited representative when he had said that, on the expiry of the judges' contracts, the mandatory Power proposed to decline any responsibility from the judicial point of view. It should, he thought, be pointed out to the mandatory Power that it bore responsibility even for the period after the termination of the mandate.

By recruiting judges from among the nationals of the mandatory Power, there was a likelihood of obtaining the most competent and experienced magistrates; the continuation of the existing state of affairs would be assured and, at the same time, there would be no appearance of internationalising the country. In this connection, M. Merlin pointed out that, if the principle of recruiting foreign judges from various countries were admitted, France would be entitled to submit her candidates; this would necessarily raise a somewhat delicate question, as she administered a territory adjacent to Iraq.

Lord LUGARD would have been inclined to agree in principle with M. Rappard, but reminded the Commission that it had laid great emphasis on the fact that the accredited representative had stated that the mandatory Power would continue to be morally responsible after the mandatory regime ended. It would appear to be difficult now to alter the conditions which the mandatory Power proposed when it accepted that responsibility.

The CHAIRMAN, with a view to removing any misunderstanding on the subject, explained that the responsibility retained by the mandatory Power lay in the initiative it had taken in

proposing the emancipation of the mandated territory. He thought it was very difficult to impose on the mandatory Power, after the expiration of the mandate, responsibility for the activity of a State which had become sovereign.

M. VAN REES read the following passage from the Minutes of the eighteenth meeting of the twentieth session of the Commission (page 134) :

“ Sir Francis Humphrys stated that His Majesty's Government fully realised its responsibility in recommending that Iraq should be admitted to the League, which was in its view the only legal way of terminating the mandate. Should Iraq prove herself unworthy of the confidence which had been placed in her, the moral responsibility must rest with His Majesty's Government, which would not attempt to transfer it to the Mandates Commission.”

The CHAIRMAN recalled the statement made by Sir Francis Humphrys during the present session, which clearly showed that the mandatory Power assumed no responsibility for the activity of Iraq after its emancipation and that it had no objection to the appointment of foreign judges not of British nationality.

M. RAPPARD noted that the mandatory Power accepted moral responsibility, but clearly retained no legal responsibility for the administration of the Government of Iraq after emancipation.

The Commission, by a majority vote, adopted the following text for insertion at the end of paragraph (b) :

“ Nevertheless, the majority of the Commission is of opinion that it would be desirable that the foreign judges forming part of the judiciary of Iraq should not be exclusively of British nationality.”

M. RUPPEL, Mlle. DANNEVIG, M. PALACIOS, M. RAPPARD and the CHAIRMAN were in favour of the principle of appointing judges not exclusively of British nationality, while M. VAN REES, M. SAKENOBE, M. MERLIN and Lord LUGARD were against this principle.

M. MERLIN stated, with regard to paragraph (c), that there was no legal objection to a State subject to the capitulatory regime being admitted to the League of Nations.

In order to avoid any misunderstanding, he pointed out, moreover, that the courts in question in Iraq were not mixed courts, but courts presided over by foreign judges, whose duty it was to give judgment on all disputes.

M. RUPPEL urged that, in paragraph (c), there should be guaranteed also the rights of States which had given up the capitulatory privileges they formerly enjoyed in the Ottoman Empire — in particular, Germany and Austria.

SECTIONS (d), (e), (f) AND (g) OF PARAGRAPH 4 : FREEDOM OF CONSCIENCE, FINANCIAL OBLIGATIONS, RIGHTS LEGALLY ACQUIRED AND INTERNATIONAL CONVENTIONS.

These sections were as follows :

“ (d) Iraq should formally bind itself before the Council in accordance with the latter's resolution of September 4th, 1931, to ensure and guarantee freedom of conscience and public worship, and the free exercise of the religious, educational and medical activities of religious missions of all denominations, subject to such measures as may be indispensable for the maintenance of public order and morality.

“ (e) Iraq should also make a declaration before the Council with regard to the financial obligations assumed in regular form by the mandatory Power. This declaration should provide every guarantee for the principle laid down in the Council's resolution of September 15th, 1925.

“ (f) and (g) Iraq should likewise give an undertaking to the Council to respect the rights of every kind lawfully acquired during the mandatory regime and to maintain in force the international conventions both general and special to which, during the currency of the mandate, the mandatory Power has acceded on behalf of the mandated territory, for the period of validity provided for in such conventions and subject to any right of denunciation which the parties may enjoy.”

M. PALACIOS asked that it should be made clear that freedom of conscience, the free exercise of religious worship and activity, etc., should be guaranteed to religious missions of any denomination and nationality whatever.

PARAGRAPH 5 : ECONOMIC EQUALITY.

This paragraph was as follows :

“ 5. According to its resolution of September 4th, 1931, the Council considers that it will have to satisfy itself ‘that the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission’.

“ The Commission’s recommendation was that ‘ the new State, if hitherto subject to the economic equality clause, should consent to secure to all States Members of the League of Nations most-favoured-nation treatment as a transitory measure on condition of reciprocity’. The Council held that the concession of this latter advantage by Iraq would be one of the conditions laid down for the termination of the mandate.

“ On this decision there was an exchange of views with the accredited representative of the British Government, who considered that the demand it represents would be a specific limitation of sovereignty, and that the reservation regarding reciprocity would be only an illusory advantage for Iraq (see Minutes of the twenty-first session, fifteenth meeting).

“ To these arguments it was objected that the concession of most-favoured-nation treatment was merely a compensation, and a very inadequate one, for the abandonment of the principle of economic equality, the benefits of which were at present enjoyed by all States Members of the League.”

After a discussion, *the Commission adopted the following wording instead of the last two sections of paragraph 5 :*

“ Iraq should therefore formally accept the obligation to grant most-favoured-nation treatment, subject to reciprocity, to all States Members of the League of Nations for a transitional period, the duration of which would be determined by negotiations with the Council.”

M. PALACIOS referred to the difficulties of the problem and recalled what he had said at a previous meeting.

ARCHÆOLOGICAL RESEARCH.

The CHAIRMAN read the following text proposed by Count de Penha Garcia for insertion in the paragraph of the report dealing with economic equality :

“ Iraq should also undertake not to refuse permission, without good reasons, to the scientists of any nation to carry on excavations of archæological interest, provided they conform to the general law on antiquities.”

This would provide a guarantee similar to that laid down in paragraph 7 of Article 421 of the Treaty of Sèvres.

M. PALACIOS saw no objection to accepting the proposal of Count de Penha Garcia ; it should, however, be remembered that the Treaty of Sèvres had not been ratified. He thought that the article in question had not been reproduced in the Treaty of Lausanne of 1923.

Lord LUGARD thought that the right of archæological research was admitted in all civilised countries, and that it was unnecessary to mention it on the termination of the mandate.

Count de Penha Garcia’s proposal was rejected.

PARAGRAPH 6^v: OBLIGATIONS UNDERTAKEN BY IRAQ *vis-à-vis* GREAT BRITAIN.

This paragraph was as follows :

“ 6. The Permanent Mandates Commission examined the undertakings entered into by Iraq with Great Britain from the point of view of their compatibility with the status of an independent State.

“ It came to the conclusion that, while certain of these provisions were somewhat unusual in treaties of this kind, the obligations entered into by Iraq in virtue both of the Treaty of Alliance of June 30th, 1930, and of the conventions annexed thereto did not infringe the independence of the new State.

“ The provisions of these instruments, the exceptional character of which attracted the special attention of the Commission, seemed to it to be inspired by the wish either to facilitate the early stages of Iraq’s complete independence, or to safeguard this independence against foreign aggression, and, in any case, to be likely to serve the interests of Iraq.”

The CHAIRMAN urged that it should be clearly stated in the text that the Commission had gone to the extreme limit of the concessions which it could make in expressing its opinion on the obligations undertaken by Iraq *vis-à-vis* Great Britain.

The last section of paragraph 6 was *omitted on the grounds that it gave unnecessary explanations.*

GENERAL GUARANTEE CLAUSE.

M. RUPPEL drew the attention of the Commission to the fact that provision was made in the draft report for a special clause guaranteeing the protection of minorities, whereas it contained no similar clause concerning the other undertakings to be assumed by Iraq before the League. He did not desire to recommend that the guarantee clause should be extended to all the engagements, but he thought it desirable to insert a provision whereby Iraq would be obliged to accept

the jurisdiction of the Permanent Court at The Hague as regards engagements other than those relating to the protection of minorities.

M. RAPPARD supported this proposal, which he thought was quite in conformity with modern tendencies. The number of States admitting the jurisdiction of the Hague Court for all legal disputes was rapidly growing, and it would be natural to make the accession to the Optional Clause of the Statute of the Court one of the conditions for the termination of the mandate. This would go further than M. Ruppel had proposed, but it might be more acceptable to Iraq, since it would thus be placed on the same footing as an increasing number of States Members of the League, including most of the Great Powers.

The CHAIRMAN requested the members of the Commission to study this question with a view to making a special reference to it in the report.

TWENTY-FOURTH MEETING.

Held on Tuesday, November 10th, 1931, at 10.30 a.m.

Iraq: Petition, dated May 12th, 1931, from Mr. H. Seymour Hall, London.

After an exchange of views, the Commission adopted the conclusions of M. Orts' report (Annex 7), with a few drafting amendments.

Iraq: Petition, dated March 28th, 1931, from the Kurds of Iraq.

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 8), with a few drafting amendments.

Palestine: Petition, dated May 10th, 1931, from Mr. Israel Amikam.

After an exchange of views, the Commission adopted the conclusions of M. Ruppel's report (Annex 10).

Cameroons under French Mandate: Petition, dated May 18th, 1931, from M. V. Ganty, "Delegate in Europe of the Cameroons Negro Citizens" (continuation).

The Commission adopted the conclusions of Count de Penha Garcia's report (Annex 14).

Cameroons under French Mandate: Petition, dated August 11th, 1929, from Ngaka Akwa, Theodore Lobe Bell and other Duala Chiefs, and Petition, dated September 5th, 1930, from M. Manga Bell (continuation).

M. RAPPARD submitted the following report :

" On August 11th, 1929, four natives of Duala, in the Cameroons, forwarded to the League of Nations a voluminous petition complaining of the alleged disregard by the mandatory Power of native rights over the lands in mandated territories, and, in particular, the expropriation of certain lands in Duala, of which they said they had been the victims. The mandatory Power considered itself free to dispose of these lands as the successor of the German administration.

" Theodore Lobe Bell, Ngaka Akwa, Eyum Ekwalla and Mbape Bwanga, the four signatories of this petition, had previously written to the League on December 19th, 1929 (document C.P.M.1045), and had put forward similar grievances. This first petition had formed the subject of observations by the French Government (document C.P.M.1082) ; a report by our colleague, M. Palacios, submitted to the Commission on November 15th, 1930 ; a statement by the accredited representative of the mandatory Power (Minutes of the nineteenth session, pages 121 and 122) ; and, lastly, a recommendation of the Commission and a decision by the Council of the League.

" The second petition, dated September 5th, 1930, is signed : ' On behalf of the Chiefs and Notables of Duala, their authorised representative, Richard Manga Bell, Leading Chief

of Duala (resigned)’, residing at Paris. Attached to this second petition was a whole dossier containing documents relating to the previous history of this case — in particular, a ‘ memorandum on the expropriation of the landed property of the natives of Duala, submitted to the Disputed Claims Board (*Conseil du contentieux*) of the Cameroons ’. This memorandum, drawn up in Paris on July 30th, 1930, is intended for the Disputed Claims Board, and appears to call for a judicial decision.

“ These two petitions are transmitted to the Commission with observations by the French Government, dated June 5th, 1931. In its observations, the French Government does not express any opinion on the general complaints of the petitioners, but confines itself to refuting their claim in regard to the Duala expropriation case. It also makes no reference to the memorandum submitted to the Disputed Claims Board of the Cameroons.

“ During the present session, the accredited representative of the mandatory Power gave the Commission detailed oral explanations as to the special question of the Duala lands and the general land policy of the Administration. As regards this policy, he categorically denied the assertions of the petitioners, and once again assured the Commission of his close attention to this subject.

“ With reference to the application submitted to the Disputed Claims Board, the accredited representative stated that the case was still pending. In these circumstances, it would be desirable to learn the fate of the application submitted to the Disputed Claims Board of the Cameroons. If this claim were to lead, or should have led, to judicial proceedings before the Board, it would appear that the Mandates Commission, in accordance with its rules on this question, would have to postpone any decision until the petitioners have exhausted the legal means at their disposal with the mandatory Power.”

The Commission postponed the examination of this petition until its next session.

Togoland under French Mandate: Petition, dated October 14th, 1930, from the “ Bund der Deutsch-Togoländer ” (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Van Rees’ report (Annex 15).

South West Africa: Petition, dated January 15th, 1931, from M. Van Wyk and Other Members of the Rehoboth Community.

After an exchange of views, the Commission adopted the conclusions of Mlle. Dannevig’s report (Annex 20), with a few drafting amendments.

Cameroons under French Mandate: Petition, dated March 21st, 1930, from M. Joseph Mouangué (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Palacios’ report (Annex 13), with certain drafting amendments.

Iraq: Petition, dated May 16th, 1931, from Mme. Assya Taufiq (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Rappard’s report (Annex 9), with certain drafting amendments.

Palestine: Petitions, dated March 19th and May 2nd, 1931, from Dr. F. Kayat (Paris).

After an exchange of views, the Commission adopted the conclusions of M. Ruppel’s report (Annex 11).

Date of the Next Session.

After a discussion, the Commission provisionally fixed June 6th, 1932, as the opening date of its twenty-second session.

TWENTY-FIFTH MEETING.

Held on Tuesday, November 10th, 1931, at 4 p.m.

Question of the Emancipation of Iraq (continuation): Second Reading of the Draft Report to the Council.

PROTECTION OF MINORITIES.

Lord LUGARD suggested two amendments to the report, both relating to the substance of the question. In the paragraph relating to racial, linguistic and religious minorities, he proposed the addition of the words: "including the right to teach their language and religion in their own schools". He thought it was doubtful whether the word "protection" (of minorities) was sufficiently explicit, and the right to have their own schools was a very important one. This right was assured to *missions*, but not particularised as regards minorities.

M. MERLIN pointed out that the right in question was universally recognised. Wherever freedom of conscience was assured, the minorities had the right, as a matter of course, to teach their language and religion in their schools; it was, moreover, implicitly affirmed in the phrase: "free exercise of . . . educational activities".

M. RAPPARD enquired whether the texts defining the ordinary status of minorities necessarily included the privilege on which Lord Lugard was insisting. If that were the case, it would be dangerous to revert to it, as there might be the risk of restricting thereby the measure of protection accorded to minorities.

M. CATASTINI concurred in M. Rappard's view as regards the possible danger of a detailed definition of the rights of the minorities. He had always regarded the passage concerning the protection of minorities as being based on Articles 1 and 7 of the Albanian Declaration; it would be for the Council to determine later, by means of special negotiations, the ensuing rights which were to be safeguarded.

M. DE AZCARATE pointed out that the general provisions contained in all minorities treaties granted to minorities the right to establish private schools in which instruction was given in their own language. As regards public instruction, the States were obliged, under the terms of the same provisions, to provide suitable facilities, in those towns or districts where a considerable number of nationals belonging to a language minority were living, for primary education to be given to the children of those nationals in their own language. Moreover, the use of all languages was guaranteed in private relations and in trade, in matters relating to religion, the Press or publications, in public meetings and before the courts. He quoted as an example the Albanian Declaration (Articles 4, 5 and 6), in which this freedom was clearly assured.

Lord LUGARD observed that there was no mention anywhere that the Albanian Declaration was to be taken as a model for the Iraqi Declaration. He was satisfied, however, with M. de Azcarate's assurance that the clause providing for the right to teach the minority language and religion and to have their own schools was embodied in all the minorities treaties; he would not press his amendment.

MAINTENANCE OF THE FUNDAMENTAL CONSTITUTIONAL PRINCIPLES.

Lord LUGARD proposed a second amendment—namely, the insertion, after the paragraph relating to the guarantees given by the Iraqi Government, of the following words:

"Iraq undertakes to maintain the fundamental principles of her Constitution as embodied in the Organic Law, and more particularly in Articles 118 and 119 of that Law, for a period to be fixed by the Council in agreement with Iraq."

He pointed out that Articles 118 and 119 of the Iraqi Constitution restricted the power of the Government to amend or add to any of the matters contained in the Organic Law without the approval of a two-thirds majority of votes in both Chambers. These clauses could, however, be altered when Iraq attained independence. He did not wish to restrict the right of the Iraqi legislature to amend and improve the Organic Law in matters of detail; but its fundamental principles should continue for a time, since they had been referred to by the High Commissioner as a guarantee of her intentions.

M. DE AZCARATE pointed out that the Iraqi Declaration regarding the protection of minorities could not be modified without the assent of the majority of the Council.

M. MERLIN added that it was impossible, on the pretext of emancipating a country, to impose what would be a regular guardianship ; the country was entering into certain obligations *vis-à-vis* the League of Nations, and it would be for the latter to see that they were observed.

M. RAPPARD said that he would be in favour of anything that tended to strengthen the guarantees given by Iraq. The proposal first made should increase the stability of the governmental regime in Iraq and he was in favour of accepting it, especially as it was submitted by Lord Lugard.

M. SAKENOBE did not think it necessary to go any farther than the draft report, which already provided for certain general guarantees under the safeguard of the League of Nations.

M. VAN REES could not accept Lord Lugard's proposal. Either the Commission thought that the territory under mandate was ready for emancipation or it did not think so.

COUNT DE PENHA GARCIA was also opposed to Lord Lugard's suggestion. To stabilise the Constitution of an independent State was equivalent to depriving it of an important feature of its independence. Moreover, the accredited representative had said that Iraq was prepared to agree to all the guarantees given by other States, but not more ; no State had ever been asked to agree to the immobilisation of its Constitution.

M. PALACIOS was in favour of Lord Lugard's proposal.

M. RUPPEL thought that the proposal went too far and that the general guarantees were sufficient.

Mlle. DANNEVIG was in favour of Lord Lugard's proposal.

The CHAIRMAN said that he would abstain from voting.

Lord Lugard's proposal was rejected by five votes against four.

PARAGRAPH 1 OF THE REPORT (Last Section).

During the first reading, the following text of the last section of paragraph 1 was adopted :

“ The task entrusted by the Council to the Permanent Mandates Commission, a task which does not come within the ordinary duties of the Commission, consists in deciding whether the time for putting an end to a mandate, as contemplated in Article 22 of the Covenant, has arrived in the case of the Iraqi mandate, which possessed certain special features when it was drawn up, and — if the Commission has correctly interpreted the Council's wishes — in defining the guarantees to be given by Iraq to the League of Nations.”

Lord LUGARD suggested that the expression “ mandatory regime ” should be used instead of “ mandate ”, since, in point of fact, a treaty had been substituted for a mandate with the consent of the Council.

M. MERLIN pointed out that the regime to which Iraq had been subjected had been accounted a mandate; it had always been treated as such *vis-à-vis* the Commission, and the difference between Iraq and other mandated territories arose simply from the nature of the instrument — a treaty with Great Britain — whereby it had been instituted.

The CHAIRMAN maintained, on the contrary, that Iraq had not been subjected to a mandate like that of other territories. The mandate for Iraq — from the very outset — had not, as M. Merlin believed, operated like other mandates, for the relations between the mandatory Power and the territory had always been different from those obtaining in the other mandated countries.

M. PALACIOS said that, in essence, the mandates were the same, but that of Iraq was different in form. He was opposed to the statement that the task entrusted by the Council to the Commission “ did not come within the ordinary duties of the latter ”.

The Commission agreed on the following wording of the last clause of paragraph 1 :

“ The task entrusted by the Council to the Commission consists in giving its opinion as to whether the time for putting an end to the mandatory regime, as contemplated in Article 22 of the Covenant, has arrived in the case of Iraq — a regime which, from its inception, has possessed certain special features — and, if the Commission has correctly interpreted the Council's wishes, in defining the guarantees which would in that case be given by Iraq to the League of Nations.”

PARAGRAPH 6 OF THE REPORT.

M. MERLIN pointed out, in the course of the discussion, that it was incorrect to say that the obligations entered into by Iraq *vis-à-vis* Great Britain were exceptional; similar provisions were found in other treaties.

The CHAIRMAN observed that the undertakings entered into by Iraq towards Great Britain included the Financial Agreement.

The Commission agreed on the following wording for paragraph 6 :

“ Finally, the Commission, in conformity with the Council’s resolution of September 4th, 1931, examined the undertakings entered into by Iraq with Great Britain from the point of view of their compatibility with the status of an independent State.

“ After having carefully considered the text of these undertakings, and having heard the explanations and information on the subject from the accredited representative, the Commission came to the conclusion that, although certain of the provisions of the Treaty of Alliance of June 30th, 1930, were somewhat unusual in treaties of this kind, the obligations entered into by Iraq towards Great Britain did not explicitly infringe the independence of the new State.”

GENERAL GUARANTEES CLAUSE (*continuation*).

M. RAPPARD reverted to his proposal of the previous day that Iraq should enter into an undertaking to accede to the Optional Clause of the Statute of the Permanent Court of International Justice, providing for the compulsory jurisdiction of the Court. A very large number of States had acceded, during the last few years, to paragraph 2 of Article 36 of the Statute of the Court, so that that clause tended to become, as it were, the common law of States Members of the League. It was important to stipulate that, in the event of a dispute, the undertakings entered into by Iraq *vis-à-vis* the League could be referred to the Permanent Court. Moreover, it would be easier for Iraq, and more in keeping with her dignity, to imitate a number of other States Members of the League and to enter into a general rather than to give a series of specific undertakings, which might in certain cases wound her susceptibilities. M. Rappard realised that the framing of a provision of that nature would be a somewhat delicate matter necessitating the assistance of the Legal Section of the Secretariat.

M. VAN REES thought that the proposal constituted rather a condition for the entry of Iraq into the League. If the Commission felt it necessary to retain M. Rappard’s suggestion, M. Van Rees considered that it should merely state in its report that it would be desirable for Iraq to agree to the clause in question so far as concerned the various undertakings entered into by Iraq *vis-à-vis* the League.

M. RAPPARD pointed out that the Statute of the Court was quite distinct from the Covenant of the League, and that it was possible to accede to it without being a Member of the League. A general undertaking entered into by Iraq would certainly allay, to some extent, the apprehensions of those who were uneasy about the emancipation of the territory. It would have the further advantage of being eminently acceptable to Iraq herself.

M. RUPPEL observed that, on the previous day, he had proposed the insertion of an arbitration clause relating to engagements other than those concerning the protection of minorities ; he supported M. Rappard’s suggestion as being even wider than his own.

M. MERLIN also supported that suggestion.

The CHAIRMAN noted that, in principle, all the members of the Commission accepted the proposal. He requested M. Rappard to prepare a text for insertion in the report.

Iraq: Petitions received from the Iraq Minorities (non-Moslem) Rescue Committee, London : Report by M. Orts (Annex 6).

The Committee, after discussion, adopted the following conclusions :

“ Considering that the complaints put forward in these petitions are of the same nature as those brought up before the Mandates Commission in May last, when it examined other petitions (see Minutes of the twentieth session, pages 217-219 and 234), and that, apart from the proposal to constitute in Iraq an enclave where the minorities might enjoy local autonomy, no new fact of importance has been adduced in these various petitions, the Commission does not feel called upon to recommend that the Council take any particular action on these petitions.

“ Nevertheless, although unable to gauge how much credence should be attached to these petitions, the Commission regards them as further evidence of the apprehension to which the possible termination of the mandate has given rise among certain elements belonging to the minorities in Iraq.”

TWENTY-SIXTH MEETING.

Held on Wednesday, November 11th, 1931, at 10.30 a.m.

Iraq : Observations of the Commission on the Annual Report for 1930.

After an exchange of views, *the Commission adopted its observations concerning Iraq (Annex 21).*

Commemoration of Armistice Day.

The members of the Commission rose and observed the two minutes' silence in memory of all those who fell in the war.

Western Samoa : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning Western Samoa (Annex 21).*

Cameroons and Togoland under French Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning the Cameroons and Togoland under French mandate (Annex 21).*

Question of the Emancipation of Iraq : Second Reading of the Draft Report to the Council (continuation).

GENERAL GUARANTEE CLAUSE (continuation).

M. RAPPARD stated that a conversation he had had with a member of the Legal Section of the Secretariat had convinced him that the suggestion he had made to the Commission that Iraq should be called upon to accede to the Optional Clause of the Statute of the Permanent Court of International Justice would give rise to serious difficulties. In the first place, accessions to the principle of the compulsory jurisdiction of the Court were, as a rule, temporary, while Iraq's undertaking should be for an indefinite period. Secondly, such accessions were always subject to reciprocity, whereas Iraq's undertaking should be unconditional. The question of the special undertakings to be entered into by Iraq was therefore still open.

M. CATASTINI said that the Secretariat was studying the question at the moment. The Mandates Section had framed the following text, on which the Legal Section, however, had not yet been consulted :

“ The Commission recommends that Iraq should be requested to agree, apart from the special procedure provided for the protection of minorities, that any difference of opinion arising between Iraq and any Member of the League of Nations concerning the interpretation or the execution of the undertakings entered into before the Council shall be referred to the Permanent Court of International Justice. ”

M. RAPPARD said that he, personally, was in favour of that text.

(Mr. McKinnon Wood, member of the Legal Section of the Secretariat, came to the table of the Commission.)

M. RAPPARD explained to Mr. McKinnon Wood that, as regards the proposed emancipation of Iraq, the Commission wished to establish two kinds of guarantees — the first, concerning minorities, would be on the lines laid down in the minorities treaties in force, while the second concerned the international undertakings of Iraq. The suggestion was that, should disputes arise regarding the interpretation or execution of these latter undertakings, it should be possible, under the terms of some special stipulation, to refer to the Permanent Court of International Justice.

Mr. McKINNON WOOD had two observations to make on the proposed text.

In the first place, the relation of the proposal embodied in this text to the proposals already inserted in the report with regard to the protection of minorities was not sufficiently clear. The text might mean that all the Members of the League were to have a right of recourse to the Court in regard to all the undertakings entered into before the Council, including those relating

to the protection of minorities. This would mean that the obligations to be assumed by Iraq in regard to minorities were more extensive than the obligations which, in the earlier part of the report, it was recommended that Iraq should assume — namely, obligations resting on other States which had assumed international obligations in regard to the protection of minorities; since, under the minorities treaties, the initiative in enforcing such obligations did not belong to Members of the League as such, but only to Members of the Council.

Secondly, he thought it was a question whether, since the obligations in question were obligations to be assumed towards the League as a whole, the initiative in regard to their enforcement should not, as in the case of minorities' protection, be left to the Council and the Members of the Council. It was possible, under the proposed draft, for a Member of the League which had not the special responsibility involved in membership of the Council to secure an interpretation of these obligations which the Council might not desire to maintain.

M. RAPPARD fully appreciated Mr. McKinnon Wood's first point, but thought that the difficulty in question might easily be overcome. It would be quite possible to provide that all guarantees — even those relating to minorities — should come under a single system whereby all the Members of the League would possess the right of initiative referred to in the text just read by M. Catastini. Mr. McKinnon Wood had said that, if that text were adopted, the danger would arise of extending to the matter of the protection of minorities a right of initiative possessed by States not Members of the Council, a right which was not recognised under the minorities treaties. That might be so; but what was the objection? What was to prevent the League, in a case such as the one under consideration for which no precedent existed, from asking Iraq, which the League was about to emancipate, to agree to guarantees, as a condition for her approaching emancipation, which were wider than those laid down in the minorities treaty?

M. RAPPARD had not been convinced by Mr. McKinnon Wood's second argument against the text framed by the Mandates Section. Even if the right of initiative were limited to Members of the Council, only one of fourteen States instead of one of fifty-four would have the power to bring about a verdict contrary to the opinion of the majority; but there would always be the possibility of a difference of opinion between the Court and the majority of the Council. Moreover, it would not be the first time that such a right of initiative had been accorded to each Member of the League. Was it not lawful for any Member of the League to summon a mandatory Power before the Permanent Court without even referring to the Council? Lastly, a judgment of the Permanent Court was binding on no matter what State or group of States and even on the Council.

Mr. MCKINNON WOOD said that his second point was whether the proposed text did not put obligations assumed towards the League as a whole too much in the same position as obligations assumed towards Members of the League individually.

M. RAPPARD pointed out, in this connection, that, in the minorities treaties, undertakings entered into *vis-à-vis* the League were treated in practice as if they had been subscribed to *vis-à-vis* individual Members of the Council, since any one of them could institute proceedings at The Hague against a State which did not observe its minority obligations.

Mr. MCKINNON WOOD replied that, when the texts to which M. Rappard referred had been drafted, the Council of the League was smaller than at present, and that a proposal to extend to all the Members of the League the right of initiative embodied in those texts had been rejected.

M. MERLIN felt that the question was far more complex than had at first appeared. He was strongly in favour of asking Iraq for guarantees on the special points enumerated in the report of the Mandates Commission, and of providing for the possibility of referring to the Permanent Court any dispute arising out of them; but he was most emphatically not in favour of extending to all the international undertakings entered into by Iraq the system laid down for those guarantees alone.

M. RAPPARD thought that M. Merlin's statement was based on a double misapprehension. In the first place, he felt sure that all the members of the Commission were agreed that an appeal to the Permanent Court should be contemplated only in the event of a divergence of opinion arising with reference to the guarantees given by Iraq to the League of Nations. Secondly, the right to appeal to the Court when any such divergence of opinion arose would in any case be restricted to States Members of the League. In short, the only point under discussion was whether the right of initiative should be accorded to all Members of the League or only to Members of the Council — to fifty-four States or to fourteen.

COUNT DE PENHA GARCIA observed that, as regards minorities, a certain procedure had been laid down, and the point was therefore settled. As regards the other guarantees, he saw no reason not to extend the competence of the Permanent Court so as to embrace all the questions raised in connection with them. Moreover, since the League must endeavour to obtain an ever-increasing equality of rights as between Member States, it would be wise, in his view, to accord to all Members of the League, and not only to the Members of the Council, the right to refer to the Court a dispute arising out of the interpretation or execution of the guarantees given by Iraq for questions other than minorities questions.

M. VAN REES, while reserving his opinion on the substance of the question, wished to submit two observations. In the first place, was it fitting that the Commission, before it was sure that Iraq would enter the League, should recommend an obligation implying that she would do so? Further, the list of conditions to be fulfilled by a mandated territory before it was emancipated — the list drawn up by the Commission in June and approved by the Council — did not contain the obligation now under discussion. Was it admissible then, that the Commission should propose that it be required in the case of Iraq?

M. RAPPARD felt strongly that the Commission should not draw up in such haste, at the end of its session, a text such as was being discussed at the moment; the two objections put forward by M. Van Rees, however, called for an answer.

First, although theoretically the emancipation of Iraq and her admission to the League were not necessarily fully coincident, the fact remained that Great Britain had stipulated, as a condition for Iraq's emancipation, the admission of Iraq into the League. Moreover, the obligation under discussion at the moment would not necessarily follow from her admission into the League.

Secondly, there was no question of requiring a further guarantee. The procedure contemplated was simply an additional means of ensuring the enforcement of the guarantees for which provision had already been made. Finally, M. Rappard agreed that it was a pity that the Commission had not thought of that means earlier and had not mentioned it in its previous report to the Council.

M. VAN REES did not think that, in the present case, the procedure laid down for the protection of minorities could be quoted to justify this supplementary guarantee, which was much more general in character. From the Commission's conversations with the accredited representative of the mandatory Power, it was clear that the guarantees to be required for the protection of minorities must be the same as those given by the States signatories to the minorities treaties. These guarantees implied the granting of a right to appeal to The Hague, but it did not necessarily follow that this right should be extended to matters other than the protection of minorities.

M. Rappard had said that that right of appeal would not, properly speaking, be a fresh guarantee, but simply a means of strengthening the efficacy of the other guarantees already provided for. M. Van Rees agreed, and if Iraq were prepared to accept that stipulation he would be glad. But, in the form in which it appeared in the text before the Commission, this guarantee would constitute a fresh compulsory guarantee which Iraq would have to provide before the mandate could be terminated.

He further expressed the opinion that, if the Commission desired to entertain this proposal, it should confine itself to asking, in its report to the Council, that, before Iraq was admitted to the League, the Council should consider the expediency of imposing on it the obligation in question.

M. MERLIN observed that the Commission, after long study, had enumerated certain guarantees to be required from mandated territories before emancipation. As regards the protection of minorities, it had gone so far as to suggest that all disputes arising out of the provisions relating to their protection should be referred to the Permanent Court of International Justice. It seemed now to be seeking after something else, but was making somewhat uncertain steps in that direction. He wondered whether, after having conscientiously fulfilled a definite duty, it would be quite wise for the Commission to submit to the Council a proposal the scope of which still seemed rather doubtful.

M. RAPPARD noted that the question that was holding up the Commission concerned one detail — namely, whether the right to institute judicial proceedings on one of the points specified by the Commission should be accorded to Members of the Council only or to all the Members of the League. The discussion seemed now to have wandered a little and it appeared a guarantee for the execution of international undertakings other than those originally in view was considered.

He pointed out to M. Van Rees that, for emancipation, a unanimous vote of the Council was required, whereas admission to the League might be voted by a two-thirds majority of the Assembly. Again, if admission did not take place, the mandate would not come to an end.

The CHAIRMAN summed up the question as follows: Was the right to refer to the Permanent Court of International Justice a dispute concerning the guarantees given by Iraq to the League of Nations to be accorded to fourteen or to fifty-four States? Apart from the obligations referring to minorities, which had been settled, the Commission ought to consider what obligation must be accepted by Iraq in order to render effective the guarantees proposed by the Mandates Commission.

M. VAN REES pointed out that, if Iraq became a Member of the League and failed to comply with this or that international obligation, she would always meet, in the Council and the Assembly, with opposition which she could not afford to ignore. Iraq would be in the same position in that respect as other Members of the League.

The CHAIRMAN felt that M. Van Rees was forgetting that Iraq was still under mandate, and that it was accordingly possible for the League to demand special guarantees before emancipating that country.

M. PALACIOS said that he agreed, on the whole, with M. Rappard's view.

M. VAN REES thought that, instead of trying to frame the text of a new guarantee, the Commission would do better simply to direct the Council's attention to the question which it was discussing at the moment.

M. RAPPARD proposed that the following text should be inserted in the Commission's report to the Council :

“ In order to ensure the judicial settlement of disputes that might arise concerning guarantees accepted by Iraq, the Commission would be glad to see such disputes placed under the jurisdiction of the Permanent Court of International Justice. ”

That was only a preliminary draft, which might be amended as the Commission thought fit.

M. VAN REES accepted the text.

TWENTY-SEVENTH MEETING.

Held on Thursday, November 12th, 1931, at 10.30 a.m.

Islands under Japanese Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding the islands under Japanese mandate (Annex 21).*

Liquor Traffic.

COUNT DE PENHA GARCIA commented on his report on the liquor traffic (Annex 3).

Replying to Lord Lugard he pointed out that the Tanganyika law expressly forbade the sale of liquor to natives, a practice also forbidden in the Cameroons.

The Commission approved the report by Count de Penha Garcia and adopted the draft recommendations appended thereto, subject to various drafting amendments.

Question of the Emancipation of Iraq : Second Reading of the Draft Report to the Council (continuation).

GENERAL GUARANTEE CLAUSE (continuation).

The CHAIRMAN submitted the following text framed by the Secretariat, as a result of the discussion which took place at the previous meeting :

“ Except as regards the protection of minorities, for which the procedure is provided above, the Commission recommends that Iraq should be requested to agree that any difference of opinion arising between Iraq and any Member of the League of Nations relating to the interpretation of the execution of the undertakings assumed before the Council may, on the application of such Member, be submitted to the Permanent Court of International Justice. ”

M. RAPPARD pointed out that a difference of procedure was being established which, though it might be explained, was not entirely justified for disputes relating to the protection of minorities and disputes concerning the other guarantees given by Iraq. The explanation was to be found in the application to Iraq of the general system laid down for minorities in other countries. He, personally, would have preferred to extend the formula so as to refer to the Permanent Court, at the request of any State Member of the League, disputes relating to any of the guarantees to which Iraq was called upon to subscribe, including guarantees for minorities.

The minorities treaties provided for two means of recourse: first, petitions addressed to the Council direct, the political channel; secondly, the judicial means, by referring the case to the Permanent Court — a procedure open to each State Member of the Council. The innovation consisted in proposing that the new guarantees which otherwise, in the case of a dispute, could only be enforced through the political channel, should become the subject of proceedings before the Permanent Court, at the request of any State Member of the League.

M. RUPPEL thought that the difference in procedure which M. Rappard had pointed out might be explained by the fact that, in the case of minorities, it was a matter of defending the cause of Iraqi nationals who, from the point of view of the other Members of the League, were

foreigners ; whereas, for the other obligations subscribed to by Iraq, the States would defend their own interests. Any State concerned must, therefore, have the right to take the initiative.

The CHAIRMAN, in reply to a question of Mlle. Dannevig, explained that the object of the proposal was to permit of referring to the Permanent Court any question covered by one of the guarantees given by Iraq which concerned any one of the fifty-four States Members of the League. There was a great difference between the judicial and political means of recourse. Suppose, for example, that a Norwegian mission had to complain of the Iraqi Government, it would be able to take its case to the Permanent Court ; whereas, but for the explicit provision contained in the new draft, it would have to confine itself to making representations through the Norwegian Consul accredited to the Iraqi Government, or find means of bringing the question before the Council, which was a more complicated matter.

M. VAN REES disagreed with M. Rappard. He felt that the distinction between the procedure proposed for minority cases and the procedure contemplated for the other guarantees was fully justified. The Commission was, to some extent, tied by Sir Francis Humphrys statement that Iraq would be prepared to accept the methods of settling minorities questions which had been agreed to by other minority States. Attention had been drawn to the danger of laying down for Iraq stricter provisions regarding minorities than those obtained in regard to other minority States. Objections would be raised by all the minority States on the Council, which would be afraid lest such a precedent might increase their responsibilities *vis-à-vis* their minorities. That was why it had been proposed to apply to Iraq a general procedure in the matter of minorities.

The draft text was adopted and it was agreed to insert it between paragraphs 5 and 6 of the report to the Council.

QUESTION OF CONSULTING THE UNITED STATES OF AMERICA BEFORE THE TERMINATION OF THE MANDATE.

M. VAN REES desired, before concluding the discussion on the question of the emancipation of Iraq, to remind the Commission of the note which he had submitted at the twentieth session, asking whether the consent of the United States of America was necessary before a mandate could be terminated. He wished to revert to that point, in order that it might not be passed over, but did not propose that any reference should be made to it in the report to the Council. He read the following passage from the note in question :¹

“ There is one more point to consider : Is the consent of the United States of America required before a mandate can be terminated ?

“ Although they did not ratify either the Covenant or the Treaty of Versailles, the United States claimed for themselves and their nationals, on the ground that they had taken part in the war and contributed to the defeat of Germany and her allies, the safeguards provided for nationals of the States Members of the League. The claim having been recognised in principle, the Council requested the Powers concerned to come to an agreement with the United States by negotiation. The result was a series of conventions relating to all the territories under A and B mandates and the Island of Yap, whereby the United States and their nationals enjoy the same privileges and advantages as are granted under the mandate system to nationals of the States Members of the League.

“ It is clear, therefore, that the United States are directly interested in the maintenance or abrogation of the mandate over the territories dealt with in these conventions. Consequently, before a mandate can be terminated, the United States Government is apparently entitled to demand to be consulted, either by the Council of the League or by the mandatory Power which applies for the emancipation of the territory placed under its mandate.”

M. RAPPARD pointed out that the territories now under B and C mandates had been ceded by Germany to the Principal Allied and Associated Powers under the Treaty of Versailles. The United States of America was among those Powers, the clause in question having been reproduced in the Germano-American Treaty. It was only natural, therefore, that, having had a say in the allocation of these mandates, the United States of America should have something to say concerning their termination.

As regards the A mandate, on the other hand, the question was a different and more complicated one.

The CHAIRMAN, on the conclusion of the discussion, noted that the Commission did not propose to go into the legal aspect of the question.

The draft report to the Council was adopted.

Palestine : Petitions from the Central Agudath Israel and of the Arab Liberal Party, dated June 28th, 1931, and June 15th, 1931, respectively.

M. PALACIOS, Rapporteur, submitted a proposal to the Commission concerning these two petitions.

Both petitions, he said, concerned the Palestine (Western or Wailing Wall) Order-in-

¹ See Minutes of the twentieth session, pages 197 and 198.

Council 1931. That Order-in-Council was the instrument by which, together with certain regulations, the mandatory Power had given legal effect to the conclusions of the international Commission appointed in conformity with the resolution of the League Council of January 14th, 1930, to determine the rights and claims of the Jews and Moslems in connection with the Wailing Wall at Jerusalem.

The Order-in-Council referred to in the petitions having come into force only on June 4th, 1931, in virtue of a proclamation of the same date of the High Commissioner in Palestine — that was to say, during an administrative year which the Commission would not have to examine until its next session — M. Palacios proposed that the examination of the said petitions be adjourned until then. The Commission would have an opportunity at that time of asking the accredited representative of the mandatory Power for further information which might usefully supplement the observations submitted by the latter in the letters transmitting the petitions.

The Commission adopted the conclusions of the Rapporteur and postponed the examination of these two petitions to its next session.

Economic Equality : Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates either for their own Use or for Public Works (continuation).

The Commission decided to adjourn to a later session the question of the purchase of material in mandated territories, owing to the absence of M. Orts, Rapporteur.

Date of Publication of the Reports on the Twenty-first Session and of the Minutes.

The Commission decided that it was not necessary to postpone the publication of its reports on the present session and of the Minutes, pending their examination by the Council.

The document containing the reports and the Minutes could, therefore, in accordance with the resolution of the tenth Assembly, be circulated simultaneously to the Council and to the States Members of the League and be made public as soon as printed.

TWENTY-EIGHTH MEETING.

Held on Thursday, November 12th, 1931, at 5 p.m.

Palestine : Petition, dated May 17th, 1931, from the Chairman of the Arab Executive Committee.

The conclusions of M. Sakenobe's report (Annex 12) were adopted with some drafting amendments.

Western Samoa : Petition dated May 19th, 1930, from Mrs. O. F. Nelson (continuation).

The conclusions of Lord Lugard's report (Annex 17) were adopted with some drafting amendments.

Western Samoa : Petition dated May 19th, 1930, from the Rev. A. John Greenwood.

The conclusions of Lord Lugard's report (Annex 18) were adopted with some drafting amendments.

Western Samoa : Petition, dated September 18th, 1930, from the Women's International League for Peace and Freedom (New Zealand Section) (continuation).

The conclusions of Lord Lugard's report (Annex 19) were adopted with some drafting amendments.

Tanganyika : Petition, dated October 20th, 1930, from the Indian Association of the Tanganyika Territory (continuation).

The conclusions of M. Palacios' report (Annex 16) were adopted with some drafting amendments.

TWENTY-NINTH MEETING.

Held on Friday, November 13th, 1931, at 10 a.m.

Adoption of the Report to the Council on the Ordinary Work of the Commission.

The draft skeleton report to the Council on the ordinary work of the Commission (Annex 21, I) was adopted with various drafting modifications.

Adoption of the List of Annexes to the Minutes of the Session.

The list of Annexes was adopted.

Close of the Session.

The CHAIRMAN reminded the Commission that he had to represent it at the Council on the discussion of the report on the ordinary work of the present session and of the report relating to the emancipation of Iraq and, if necessary, explain the Commission's point of view as to the consequences of certain decisions taken by the Assembly.

He further pointed out that the date of the next session was fixed, in principle, for June 6th, 1932.

He specially thanked Mlle. Dannevig for remaining, in spite of other engagements, until the end of the session in order to ensure a quorum, and he expressed his appreciation to the members of the Secretariat who had assisted in the work of the Commission.

The CHAIRMAN declared the twenty-first session of the Permanent Mandates Commission closed.

ANNEX 1.

C.P.M.1240(1).

LIST OF DOCUMENTS¹ FORWARDED TO THE SECRETARIAT
BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION
OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- | | |
|--|---|
| A. <i>Iraq.</i> | F. <i>Togoland under British Mandate.</i> |
| B. <i>Cameroons under British Mandate.</i> | G. <i>Togoland under French Mandate.</i> |
| C. <i>Cameroons under French Mandate.</i> | H. <i>Islands under Japanese Mandate.</i> |
| D. <i>Ruanda-Urundi.</i> | I. <i>Western Samoa.</i> |
| E. <i>Tanganyika.</i> | |

A. IRAQ.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Iraq for the Year 1930.
2. Local Languages Law applicable to the Kurdish areas of Iraq, as passed by the Iraqi Parliament on May 19th, 1931.²

II. *Treaties and Agreements.*

Judicial Agreement between Great Britain and Iraq, signed at Bagdad on March 4th, 1931.^{3,4}

III. *Official Publications.*

1. *Iraqi Government Gazette.*⁵
2. Circular on Kurdish Policy from His Excellency the Prime Minister to all Ministries (except Foreign Affairs and Directorate-General of Awqaf).
3. Letter addressed, on August 4th, 1931, by the Apostolic Delegate in Iraq to the Iraqi Minister of the Interior.
4. Tables of Racial Statistics.
5. Maps on Religions and Races.

B. CAMEROONS UNDER BRITISH MANDATE.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of the Cameroons under British Mandate for the year 1930.
2. Supplement to the Laws of Nigeria 1931.
3. Table of Amendments : Amendments which should be made in the Laws of Nigeria, 1923, and in the 1930 Supplement in consequence of Legislation published during August, September and October 1930, January and February 1931 :

¹ Documents received by the Secretariat primarily for any of the technical organisations (e.g., Advisory Committee on Traffic in Opium and Other Dangerous Drugs) or other Sections of the Secretariat (e.g., 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 in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

The communications forwarded in reply to the observations of the Permanent Mandates Commission, and certain other documents, have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been published.

The petitions forwarded by the mandatory Powers, together with their observations on these petitions and on the petitions communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the rules of procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

² The draft text of this law was reproduced in the Minutes of the nineteenth session of the Mandates Commission, pages 189 to 191. Reference was also made to it in the accredited representative's statement before the Commission at its twentieth session (see Minutes, twentieth session, page 119).

³ Kept in the Archives of the Secretariat.

⁴ The text of this document, as approved by the Council on September 24th, 1930, figures as an annex to the Minutes of the Council (see Minutes of sixty-first session ; *Official Journal*, November 1930, pages 1601 to 1609).

4. (a) Orders and Orders in Council Nos. 47 to 60, 1930 ; 1 to 25, 1931.
- (b) Regulations Nos. 14 to 35, 1930 ; 1 to 18, 1931.
- (c) Rules Nos. 2 to 5, 1930 ; 1 to 8, 1931.
- (d) Bye-Laws Nos. 2 and 3, 1930 ; 1 to 5, 1931.
- (e) The Maintenance Orders Ordinance (Ch. 11).
- (f) Rule of Court (Ch. 3).
- (g) Ordinances Nos. 15 to 27, 1930 ; 1 to 10, 1931.
- (h) The Supreme Court Ordinance (Ch. 3).
- (i) The Supreme Court Ordinance 1931.

II. *Various Official Publications :*

1. Legislative Council Debates, Eighth Session, 1930, September 27th and 29th, 1930 ; Ninth Session, 1931, January 28th and February 2nd, 1931.¹
2. *Nigeria Gazette*.¹

C. CAMEROONS UNDER FRENCH MANDATE.

I. *Annual Report and Legislation.*

Annual Report addressed by the French Government to the Council of the League of Nations on the Administration under Mandate of the Cameroons Territory for the Year 1930.
(Legislation annexed hereto.)

II. *Various Official Publications.*

1. *Official Journal* of the Cameroons Territory under French Mandate.¹
2. Budget of Revenue and Expenditure, Financial Year 1931, of the Cameroons under French Mandate.

D. RUANDA-URUNDI.

I. *Annual Report and Legislation.*

Report submitted by the Belgian Government to the Council of the League of Nations on the Administration of Ruanda-Urundi during the Year 1930.
(Legislation annexed hereto.)

II. *Official Gazette of Ruanda-Urundi*.¹

E. TANGANYIKA TERRITORY.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Tanganyika Territory for the Year 1930.
2. Ordinances enacted during the year 1930, with an appendix containing proclamations, rules, regulations and notices.

II. *Various Official Publications :*

1. *Tanganyika Territory Gazette*.¹
2. Trade Report for the Year 1929.
3. Trade Report for the Year 1930.
4. Annual Report by the Treasurer for the Financial Year 1929-30.
5. Report on the Audit of the Accounts of the Tanganyika Territory and of the Tanganyika Railways for the Financial Year 1929-30.
6. Annual Reports of the Provincial Commissioners on Native Administration for the Year 1929.
7. Annual Reports of the Provincial Commissioners on Native Administration for the Year 1930.
8. Annual Report of the Land Department, 1929.
9. Annual Report of the Land Department, 1930.
10. Land Development Survey, First Report, 1928-29, Iringa Province.¹
11. Land Development Survey, Second Report, 1930, Iringa Province.

¹ Kept in the Archives of the Secretariat.

12. Land Development Survey, Third Report, 1929-30, Uluguru Mountains, Eastern Province.
13. Department of Agriculture, Annual Report, 1929-30, Parts I and II.
14. Geological Survey, Annual Report, 1929.
15. The Ninth Annual Report of the Forest Department, 1929.
16. Mines Department, Annual Report, 1929.
17. Mines Department, Annual Report, 1930.
18. Annual Report of the Public Works Department, 1929.
19. Annual Report on the Administration of the Prisons, 1929.
20. Annual Report on the Administration of the Police, 1929.
21. Annual Report of the Education Department, 1929.
22. Labour Department Annual Report, 1929.
23. Memorandum on the Recruitment, Employment and Care of Government Labour, 1930.
24. Annual Medical and Sanitary Report for the Year ending December 31st, 1929.
25. Annual Report of the Medical Laboratory, Dar-es-Salaam, for the Year ending December 31st, 1929.
26. Tsetse Research Annual Report for the Year ended December 31st, 1929.
27. Tsetse Research Annual Report for the Year ended December 31st, 1930.
28. Annual Report on Experimental Reclamation, Department of Tsetse Research, Year ended March 31st, 1930.
29. Annual Report of the Department of Veterinary Science and Animal Husbandry, 1930.
30. Annual Report of the Posts and Telegraphs Department, 1929.
31. Report, together with the Proceedings of the Joint Committee on Closer Union in East Africa.
32. Minutes of the Legislative Council held on April 17th, 1930 (Supplement to *Official Gazette*, Vol. XI, No. 20, dated April 25th, 1930), January 6th, 14th, 15th, 16th, March 12th, May 5th to 6th, June 16th, July 4th, 1931 (Supplements to *Official Gazette*, Vol. XII, No. 5, dated January 23rd, 1931; No. 21, dated April 17th, 1931; No. 26, dated May 15th, 1931; No. 36, dated June 26th, 1931; No. 39, dated July 10th, 1931).¹

F. TOGOLAND UNDER BRITISH MANDATE.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Togoland under British Mandate for the Year 1930.
2. Ordinances of the Gold Coast, Ashanti, Northern Territories and the British Sphere of Togoland, 1930.
3. (a) Gin and Geneva (Restriction of Importation) Ordinance, No. 16 of 1930.¹
(b) Liquor Traffic Amendment Ordinance, No. 17 of 1930.¹
(c) Liquor Licences (Spirits) Amendment Ordinance, No. 18 of 1930.¹

II. *Various Official Publications.*

1. *The Teachers' Journal*,¹ issued by the Education Department, Vol. II, Nos. 7 to 10, 1929-30.
2. *The Gold Coast Gazette.*
3. Report of the Commission of Enquiry regarding the Consumption of Spirits in the Gold Coast, 1930.¹
4. Statement of Revenue and Expenditure for the Year 1930¹.

G. TOGOLAND UNDER FRENCH MANDATE.

I. *Annual Report and Legislation.*

Annual Report addressed by the French Government to the Council of the League of Nations on the Administration under Mandate of the Territory of Togoland for the Year 1930.

(Legislation annexed hereto.)

¹ Kept in the Archives of the Secretariat.

II. Various Official Publications.

1. Local Budget, Subsidiary Budget for Public Health and Native Medical Assistance, and Subsidiary Budget for the Railways and Wharf, Financial Year 1931.
2. Closed Accounts of the Local Budget and Subsidiary Budgets, Financial Year 1929.
3. *Official Journal* of the Territory of Togoland under French Mandate.¹
4. Various Maps of the Territory :
 - (a) Economic.
 - (b) Tourist.
 - (c) Demographical and Social.
 - (d) Physical and Political.

H. ISLANDS UNDER JAPANESE MANDATE.

Annual Report and Legislation.

1. Annual Report to the League of Nations on the Administration of the South Sea Islands under Japanese Mandate for the Year 1930.
2. Laws and Regulations appended to the Annual Report of the Administration of the South Sea Islands under Japanese Mandate for the Year 1930.

I. WESTERN SAMOA.

I. Annual Report and Legislation.

1. Eleventh Report of the Government of New Zealand on the Administration of the Mandated Territory of Western Samoa for the Year ended 31st March, 1931.
2.
 - (a) The Personal Tax Enforcement Ordinance, No. 1, 1930.
 - (b) The Overseas Passengers Landing Deposits Repeal Ordinance, No. 2, 1930.
 - (c) Ordinances and Law Revision Ordinance, No. 1, 1931.
 - (d) The Road Traffic Ordinance, No. 2, 1931.
 - (e) The General Laws Ordinance, No. 3, 1931.
 - (f) The Fruit Export Ordinance, No. 4, 1931.
 - (g) The Samoa Customs Consolidation Amendment Ordinance, 1930.
 - (h) The Samoa Customs Consolidation Amendment Order, 1930 (No. 2).
 - (i) The Samoa Dangerous Drugs Order, 1930.
 - (j) The Samoa Immigration Order, 1930.
 - (k) The Samoa Imprisonment for Debt Limitation Order, 1930.
 - (l) Samoa Reciprocal Administration Order, 1930.
 - (m) Samoa Notaries Order, 1931.
 - (n) The Samoa Treasury Regulations, 1930.
 - (o) Rules of the High Court of Western Samoa, amended (September 15th and November 11th, 1930).
 - (p) Money Orders issued in Western Samoa for Payment in New Zealand Order, 1930.
 - (q) New Zealand Reparation Estates Amendment Order, 1930.
 - (r) New Zealand Reparation Estates Amendment Order (No. 2), 1930.
 - (s) New Zealand Reparation Estates Service Amendment Order, 1930.
 - (t) The Samoa Vagrancy Order, 1931.

II. Various Official Publications.

1. Estimates of Revenue and Expenditure for the Year 1930-31.¹
2. Estimates of Revenue and Expenditure for the Year 1931-32.¹
3. Legislative Council Debates, Session of 1931. Minutes of the Meetings of January 23rd and 30th, 1931.
4. Trade, Commerce and Shipping Report of Territory of Western Samoa for the Calendar Year 1930.
5. *Western Samoa Gazette.*

¹ Kept in the Archives of the Secretariat.

ANNEX 2.

C.P.M.1225(2).

AGENDA OF THE TWENTY-FIRST SESSION OF THE PERMANENT
MANDATES COMMISSION.

I. Opening of the Session.

II. Examination of the Annual Reports of the Mandatory Powers :

Iraq, 1930.
Cameroons under French Mandate, 1930.
Cameroons under British Mandate, 1930.
Togoland under French Mandate, 1930.
Togoland under British Mandate, 1930.
Tanganyika, 1930.
Ruanda-Urundi, 1930.
Western Samoa, 1930-31.
Islands under Japanese Mandate, 1930.

III. General Questions.

A. Liquor Traffic.

1. Examination of the Information contained in the *General Memorandum on the Liquor Traffic in Territories under Mandate, revised by the Mandatory Powers* (document C.608.M.235.1930.VI).
(See Minutes of the thirteenth session, pages 89 to 93, 224; sixteenth session, page 176.)
2. Examination of the Information supplied by the Mandatory Powers with regard to the Delimitation of the Prohibition Zones in Central Africa.
(See Minutes of the thirteenth session, pages 89 to 93, 224.)
(Rapporteur : Count de Penha Garcia.)

B. Economic Equality : Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates, either for Their Own Use or for Public Works. ¹

(Rapporteur : M. Orts.)

IV. Special Questions.

Iraq.

Emancipation of Iraq : Proposal of the British Government.

V. Petitions.

A. Petitions rejected under Article 3 of the Rules of Procedure in regard to Petitions.
Report by the Chairman (documents C.P.M.1229, 1229(a), 1229(b)).

B. Petitions.

1. Iraq.

(a) Petition, dated March 28th, 1931, from the Kurds of Iraq, forwarded on July 20th, 1931, by the British Government with its Observations (document C.P.M.1218).

(Rapporteur : M. Rappard.)

(b) Petition, dated May 5th, 1931, from Mr. A. Hormuzd Rassam, London (document C.P.M.1211).

Observations of the British Government, dated October 14th, 1931 (documents C.P.M.1133 and 1335).

(Rapporteur : M. Orts.)

(c) Petition, dated May 12th, 1931, from Mr. A. Hormuzd Rassam, London, transmitted on October 14th, 1931, by the British Government, with its Observations (document C.P.M.1234).

Letter from the British Government dated October 14th, 1931 (document C.P.M.1233).

(Rapporteur : M. Orts.)

¹ Adjourned to the next session. See minutes, page 182.

- (d) Petition, dated May 21st, 1931, from Mr. A. Hormuzd Rassam, London (document C.P.M.1170 (a)).
Observations of the British Government, dated October 14th, 1931 (document C.P.M.1236).
(Rapporteur : M. Orts.)
- (e) Petition, dated September 23rd, 1931, from Mr. A. Hormuzd Rassam, London, forwarded on October 28th, 1931, by the British Government (document C.P.M.1246).
(Rapporteur : M. Orts.)
- (f) Petition, dated June 16th, 1931, from Mr. H. E. Hollands, London (document C.P.M.1214).
Observations of the British Government, dated October 14th, 1931 (document C.P.M.1237).
(Rapporteur : M. Orts.)
- (g) Petition, dated May 12th, 1931, from Rear-Admiral Paymaster H. Seymour Hall, London (document C.P.M.1181).
Observations of the British Government, dated October 14th, 1931 (document C.P.M.1228).
(Rapporteur : M. Orts.)
- (h) Petition, dated May 16th, 1931, from Mme. Assya Taufiq, and Observations dated October 30th, 1931, from the British Government thereon (document C.P.M.1250).
(Rapporteur : M. Rappard.)

2. Palestine.

- (a) Petition dated May 10th, 1931, from M. Israel Amikam, forwarded on July 8th, 1931, by the British Government with its Observations (document C.P.M.1216).
(Rapporteur : M. Ruppel.)
- (b) Petitions, dated March 19th and May 2nd, 1931, from Dr. F. Kayat (documents C.P.M.1155 and 1159).
Observations of the British Government, dated August 20th, 1931 (document C.P.M.1222).
(Rapporteur : M. Ruppel.)
- (c) Petition, dated May 17th, 1931, from the President of the Arab Executive Committee, transmitted by the British Government on July 2nd, 1931 (document C.P.M.1215).
(Rapporteur : M. Sakenobe.)
- (d) Petition, dated June 28th, 1931, from the "Central Agudath Israel", transmitted by the British Government on September 9th, 1931, with its Observations (document C.P.M.1223).¹
(Rapporteur : M. Palacios.)
- (e) Petition, dated June 15th, 1931, from the Permanent Committee of the Arab Liberal Party, transmitted by the British Government on September 10th, 1931, with its Observations (document C.P.M.1224).¹
(Rapporteur : M. Palacios.)

3. Cameroons under French Mandate.

- (a) Petition, dated March 21st, 1930, from M. Joseph Mouangué, transmitted by the French Government on November 10th, 1930, with its Observations (document C.P.M.1133).
(Rapporteur : M. Palacios.)
- (b) Petition, dated August 11th, 1929, from Ngaka Akwa, Theodore Lobe Bell and other Duala Chiefs ; and Petition, dated September 5th, 1930, signed by M. Manga Bell, both transmitted on June 5th, 1931, by the French Government, with its Observations (document C.P.M.1186).²
(Rapporteur : M. Rappard.)
- (c) Petition, dated May 18th, 1931, by M. V. Ganty, transmitted on June 4th, 1931, by the French Government, with its Observations (document C.P.M. 1185).
(Rapporteur : M. de Penha Garcia.)

¹ Adjourned to the next session. See Minutes, pages 181-182.

² Adjourned to the next session, See Minutes, pages 172-173.

4. Togoland under French Mandate.
Petition dated October 14th, 1930, of the "Bund der Deutsch Togoländer", transmitted on July 8th, 1931, by the French Government, with its Observations (document C.P.M.1220).
Letter, dated October 9th, 1931, from the French Government, transmitting some New Annexes to the Petition (document C.P.M.1241).
(Rapporteur : M. Van Rees.)
5. Tanganyika.
Petition, dated October 20th, 1930, from the "Indian Association of the Tanganyika Territory", transmitted on May 15th, 1931, by the British Government, with its Observations (document C.P.M.1164).
(Rapporteur : M. Palacios.)
6. South West Africa.
Petition dated January 15th, 1931, from the Rehoboth Community (Beukes, v. Wyk and Others), transmitted by the South African Government on May 23th, 1931 (document C.P.M.1213).
(Rapporteur : Mlle. Dannevig.)
7. Western Samoa.
 - (a) Petition, dated May 19th, 1930, from Mr. O. F. Nelson, Auckland (document C.P.M.1073).
Observations of the New Zealand Government, dated December 5th, 1930 (document C.P.M.1134).
(Rapporteur : Lord Lugard.)
 - (b) Petition, dated May 19th, 1930, from Mr. A. John Greenwood, Auckland (document C.P.M.1071).
Observations of the New Zealand Government, dated December 5th, 1930 (document C.P.M.1135).
(Rapporteur : Lord Lugard.)
 - (c) Petition, dated September 18th, 1930, from the "New Zealand Section of the Women's International League for Peace and Freedom" (document C.P.M.1142).
Observations of the New Zealand Government, dated January 28th, 1931 (document C.P.M.1142).
(Rapporteur : Lord Lugard.)

ANNEX 3.

C.P.M.1268(1).

LIQUOR TRAFFIC.

REPORT BY COUNT DE PENHA GARCIA.

The Permanent Mandates Commission, at its second session, asked the Secretariat to draw up a comparative table of the spirits annually imported into the mandated territories, showing also the Customs duties to which they are subject. This document was submitted by the Secretariat at the following session.

Its importance is obvious, since it shows the progress achieved in the campaign against alcoholism in the colonies. The territories under mandate send annual reports to the League of Nations, and it would therefore have been sufficient to arrange in the same way the section of these reports dealing with the question of the consumption of spirituous liquors (and alcoholic beverages) in order to obtain an excellent basis for bringing this recapitulatory table up to date. There is, however, at Brussels a central international office under the authority of the League of Nations which collects the documents and annual reports provided for in the St. Germain Convention. At its fifth session, the Mandates Commission adopted a resolution in which it asked the Council to request the Brussels office to send, if possible about four weeks before the beginning of the June session, three kinds of information — namely : (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 the office might consider would be useful to the Permanent Mandates Commission.

As from the Commission's seventh session, the Brussels office began to send information ; an exchange of views then took place for the purpose of perfecting the general table of liquor imports and duties for the mandated territories in Africa and the adjoining territories.

The Mandates Commission at present possesses for B mandate two sources of information — the tables of the Brussels office and the reports of the mandatory Powers. For the C mandate, the Commission only possesses the reports of the mandatory Powers. The survey compiled by the Secretariat and brought up to date as far as 1928 contains in a methodical form statistical data for each of the territories under mandate, and a summary of the legislative measures and information of various kinds concerning the liquor traffic in the territories under B and C mandates. Proofs of this document were delivered to the members of the Mandates Commission at the nineteenth session and were communicated to the mandatory Powers for revision, in virtue of a Council decision of September 1st, 1928. It was printed on October 1st, 1930, and communicated to the Council and to the Mandates Commission in January 1931. The document in question (document C.608.M.235.1930.VI) is a credit to the Secretariat, which has prepared it with care and accuracy ; it will certainly be of great value, not only to the Mandates Commission but also to the mandatory Powers and the Council. After examining the proofs of this compilation, the Mandates Commission decided that conclusions should be drawn from this work, and the question was placed on the agenda of its twentieth session.

At its thirteenth session, the Mandates Commission had asked the mandatory Powers for information with regard to the zones of prohibition established in the African mandates under Article 4 of the St. Germain Convention. The Secretariat has collected the replies received from the mandatory Powers in a document for the use of the Mandates Commission.

When it was decided to place on the agenda the study of the conclusions which might be drawn from the document regarding the liquor traffic in the territories under B and C mandates, the Mandates Commission decided to place also on its agenda the study of the replies of the mandatory Powers to the question of zones of prohibition. The examination and study of these two questions, which were placed on the agenda of the twentieth session, have been postponed to the present session, and I have been asked to report on them.

ZONES OF PROHIBITION.

The St. Germain Convention laid down restrictive measures with regard to the liquor traffic in the territories in the continent of Africa which were or might be subjected to the authority of the signatory Powers. Algeria, Tunisia, Morocco, Libya, Egypt and the Union of South Africa were excepted from this general provision.

Among the restrictive measures stipulated by the contracting parties figures the obligation to prohibit the importation, sale and possession of spirits in the areas where their use is not yet widespread. Even in these zones, however, the prohibition does not include any persons who are not indigenous natives. Limited quantities of spirits destined for the consumption of non-native persons may be imported. The import of these quantities of spirits is subject to the system and conditions determined by each Government. In its report to the Council at its thirteenth session, the Permanent Mandates Commission expresses the wish that "the mandatory Powers should inform the Commission to which parts of the territories under their mandates they had applied Article 4 of the St. Germain Convention concerning the liquor traffic in Africa, providing for the prohibition of the importation, distribution, sale and possession of spirituous liquors in those regions where their use had not developed".

The mandates to which the St. Germain Convention applies are Togoland and Cameroons under British mandate, Togoland and Cameroons under French mandate, Tanganyika, Ruanda-Urundi and South West Africa. The Secretariat has collected the replies of the mandatory Powers in document C.P.M.945.¹

From these replies it will be seen that, in Togoland and the Cameroons under British mandate and in Togoland under French mandate, genuine prohibition zones have been marked out by the Administration.

In Tanganyika, Ruanda-Urundi, the Cameroons under French mandate and South West Africa, no delimitations of this kind have been made, but the whole territory is subject to a regime which answers to the provisions of Article 4 of the St. Germain Convention. In these territories, the importation, sale and possession of spirituous liquors are only permitted for the use of non-native persons as authorised in the final part of Article 4. The consumption of spirits by natives is forbidden, and various measures involving severe penalties have been taken in the African territories under mandate in order that, in pursuance of the obligations laid down by the text of the mandates and by the St. Germain Convention, strict control should be exercised over the consumption of spirituous liquors.

In view of this situation, it seems to me that the only resolution which the Permanent Mandates Commission can adopt as regards the replies of the mandatory Powers is one taking note of these declarations and recommending that the said Powers should continue to keep strict control of the import of spirits and of clandestine distilleries.

¹ Annex 4, page .

LIQUOR TRAFFIC IN TERRITORIES UNDER B AND C MANDATES.

Document C.608.M.235.1930.VI contains all kinds of information — viz., statistical data, summaries of legislative measures for the control of the liquor traffic and miscellaneous particulars. The study of this mass of information makes it possible to draw a few conclusions; but, to have a more solid basis of observation and to facilitate the interpretation of the data contained in this document, it seems to me desirable to supplement it, at any rate for the use of the Permanent Mandates Commission.

The document should first of all be brought up to date, so as to cover a period of ten years. We are already in a position to do this, and such a period makes it possible to take averages, correcting the errors resulting from the comparison of extreme figures.

It would be desirable to establish for each territory a table of comparative figures showing the ratio of the extreme figures — the ratio of the five-year averages, for example, the consumption ratio in relation to the population, etc., at a given uniform strength. The laws in force might be brought up to date as far as 1931, and for each territory a summary of the general principles in force might be prepared.

It would be desirable to supplement the miscellaneous information by giving the definitions and principles adopted by the Commission and accepted by the mandatory Powers, and also a scale of equivalence of Gay-Lussac and Tralles degrees and of alcohol by weight or volume and proof-spirit percentages. To each table of quantities imported should be added a table of the value of the duties charged and of the licences and annual taxes. Lastly, it would be interesting to make an abstract from the replies to the Permanent Mandates Commission's questionnaire giving an idea of the general conditions obtaining in each territory with regard to the consumption of liquor and the campaign to preserve the natives from its ill effects.

I am therefore of opinion that the Mandates Commission should express the wish that the Secretariat should carry on the work of perfecting and bringing up to date the excellent survey which it has compiled, while thanking it for its labours and the satisfactory results achieved.

An examination of the tables prepared by the Secretariat shows that the particulars sent by the mandatory Powers do not permit of a comparison, as they are differently presented and do not contain all the details needed by the Permanent Mandates Commission for a study of this question.

I think it would be desirable that the Permanent Mandates Commission should also recommend that, in their annual reports on the control of the liquor traffic, the mandatory Powers should adopt the following order :

- A. Information concerning changes in legislation. Regulations and provisions adopted to control the consumption of spirits by the natives.
- B. Figures concerning arrests and sentences for breaches of these laws and regulations.
- C. Statistics of imports of spirits and alcoholic beverages and their strength, prepared on the basis of the definitions and data adopted by the Permanent Mandates Commission and accepted by the mandatory Powers:
- D. Statistics of total production, if any.
- E. Statistics of revenue derived from duties on importation (and on manufacture and exportation, if any).
- F. Statistics of the proceeds of licences, taxes and duties of all kinds imposed on the transport, sale or consumption of spirits.
- G. Information concerning the manufacture, sale and consumption of native beverages.
- H. General observations.

I now come to the conclusions. An examination of the absolute figures for the importation of spirits shows, in general, a considerable increase in certain territories. Generally speaking, the importation of wine and beer shows a still greater increase. Taking into account the rate of increase of the population, however, it will be found that there has been a falling off in the consumption of spirits and an increase in the consumption of wine and beer. To reach this conclusion, it is necessary to take into account separately the figure for the increase in the consuming population, which — in the case of spirits, for example — should only be the white population.

There can be no doubt that the increase in the consumption of beverages is generally a reflection of an increase in the wealth of the territories. Thus, since the economic crisis, there has been a general falling off in the import of spirits and alcoholic beverages which is not always due to fresh restrictive measures, but almost entirely to economic causes. A perusal of the legislative measures summed up in the collection gives proof of the zeal which the mandatory Powers have shown in carrying out their obligations in this sphere. We find varied methods of prohibiting, restricting and preventing the consumption of spirits and alcoholic beverages. It is obvious, however, that the special circumstances of each territory under mandate make it impossible to advise the same methods everywhere. I think it may be extremely useful for the different administrators of the territories under mandate to become acquainted with the means employed in the other territories to prevent the liquor traffic.

In conclusion, I think it would be better to wait until document C.608.M.235.1930.VI has been brought up to date and perfected and has been sent to the mandatory Powers for revision. It will then be possible to draw more accurate conclusions for each territory under mandate.

To sum up, I consider that the Permanent Mandates Commission might make the following recommendations to the Council :

(1) The Permanent Mandates Commission, having examined the replies of the mandatory Powers to the question of prohibition zones, notes their statements and recommends them to continue to use their best endeavours to control the traffic and particularly to prevent the natives from making clandestine distilleries.

(2) The Permanent Mandates Commission, having studied the document drawn up by the Secretariat on the liquor traffic in the territories under B and C mandates, expresses the wish that the Secretariat should continue to perfect this document and bring it up to date.

(3) The Permanent Mandates Commission, having noted the necessity of improving the annual information sent by the mandatory Powers on the control of the liquor traffic and of the use of alcoholic beverages, recommends the mandatory Powers to conform to the plan of information prepared by the Permanent Mandates Commission.

ANNEX 4.

C.P.M.945.

Geneva, November 5th. 1929.

LIQUOR TRAFFIC.

AFRICAN PROHIBITION AREAS.

NOTE BY THE DIRECTOR OF THE MANDATES SECTION.

In its report on its thirteenth session, the Permanent Mandates Commission expressed "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 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."¹

All the mandatory Powers concerned have sent their replies, and these have been assembled in the present document.

1. Cameroons under British Mandate, Tanganyika Territory and Togoland under British Mandate.

(Extract from document C.620.1928.VI (C.P.M.829), letter from the British Government, dated December 11th, 1928, to the Secretary-General.)

With regard to section (c) of A.¹ I am to state that : (a) in the Cameroons under British mandate, the area administered as part of the Northern Provinces of Nigeria and the Bamenda and Mamfe divisions of the Cameroons province are prohibited areas for the purposes of that article of the Convention ; (b) in Togoland under British mandate the area which is administered as part of the Northern Territories of the Gold Coast is likewise a prohibited area ; and (c) Tanganyika Territory is a prohibited area for the purposes of the article.

¹ Article 1 reads 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."

2. Cameroons under French Mandate.

(Extract from the Minutes of the fifteenth session of the Permanent Mandates Commission [document C.05.M.105.1929.VI, page 150], meeting of July 10th, 1929.)

1019. Cameroons under French Mandate: Examination of the Annual Report for 1928 (continuation).

SPIRITS.

COUNT DE PENHA GARCIA recalled that, in the previous year, the Commission had asked for information on the prohibition zone prescribed in Article 4, paragraph 2, of the Convention of St. Germain. This information had been given in the report on Togoland, but did not appear in that on the Cameroons.

M. MARCHAND, accredited representative of the French Government to the Commission, replied that the prohibition zone embraced the whole area of the Cameroons. There was no district in which liquor might be imported without restrictions. Prohibition in the Cameroons was based on the system of rationing.

3. Ruanda-Urundi.

[(Extract from a note communicated by the Belgian Government on February 26th, 1929.)

[*Translation.*]

As persons of white race consumed spirituous liquors in the territory of Ruanda-Urundi before the signing of the Convention of St. Germain-en-Laye, to which the request refers, the Belgian Government has not had to apply the second paragraph of Article 4 of that international agreement.

Nevertheless, the Decree-Law No. 23 of August 1st, 1917, forbids importers of alcohol to supply natives or coloured people therewith, and only permits the use of alcoholic liquors by other persons subject to the restrictions indicated in the memorandum.¹

4. Togoland under French Mandate.

(Extract from the annual report of the French Government on the administration of the mandated territory of Togoland for 1928, page 114.)

[*Translation.*]

ALCOHOL.

Second question. — Parts of Togoland to which Article 4, paragraph 2, of the St. Germain Convention applies. (Recommendation of the Mandates Commission, thirteenth session.)

Reply. — The districts in question are those north of the Atakpamé parallel, and are dealt with in the Decree of July 26th, 1924 (1926 report, page 122), prohibiting the possession, supply and offering for sale of distilled liquor of any kind whatsoever, and spirituous liquor containing more than 14 degrees of alcohol.

¹ PROHIBITION. GENERAL REGULATIONS.

Decree-Law No. 23 of August 1st, 1917, regulates the import, possession and sale of alcoholic liquor (Collection of Laws, 1926, pages 217-219).

The import, transport, distribution and possession of alcohol for consumption and distilled or fermented alcoholic liquor are forbidden save :

- (1) For hospitals and ambulances ;
- (2) For such supplies as the Administration shall provide for its agents ;
- (3) For persons granted authority in writing by the head of the Finance Department or by the Governor. *

This authority is conditional upon a previous enquiry into the reputation of the applicant and to the previous deposit of 5,000 francs. It can only be accorded to European merchants or persons assimilated to European merchants. Importers of alcohol may not supply natives or coloured people. Only persons in possession of a permit from the Governor * or the head of the district may receive a supply. This, however, shall not exceed three litres a month.

The Decree-Law of December 28th, 1925, provides for the supervision of all quantities of distilled or fermented alcoholic liquor imported, re-imported, exported or re-exported. Import into Ruandi-Urundi from the Belgian Congo and export from Ruanda-Urundi to the Belgian Congo of such liquor are only allowed through the Customs houses of Kigoma, Usumbura, Kisenyi and Shangugu (Collection of Laws, 1926, page 220).

* The text says " the Senior Commandant " ; but this official has been replaced by the Governor as Head of the Administration.

ANNEX 5.

C.P.M.1229.
C.P.M.1229 (a).
C.P.M.1229 (b).

PETITIONS REJECTED UNDER ARTICLE 3 OF THE RULES
OF PROCEDURE IN REGARD TO PETITIONS.

REPORT BY THE CHAIRMAN.

In conformity with Article 3 of the Rules of Procedure, I have the honour to submit the following report on the petitions which have been received since the last ordinary session and which, in my opinion, do not merit the Commission's consideration.

I. Iraq.

(a) PETITION FROM MR. A. HORMUZD RASSAM, DATED SEPTEMBER 18TH, 1931.

The purpose of this communication is to refute certain opinions on the petitioner expressed during the Commission's proceedings in connection with the consideration of a previous petition and not to bring forward any new points connected with the administration of a mandated territory. I therefore did not consider this petition admissible.

(b) PETITION FROM MR. A. HORMUZD RASSAM, DATED OCTOBER 23RD, 1931.

The purpose of this communication is to refute certain opinions expressed during the Commission's proceedings on the person of the author of a petition previously examined and on the petition itself, and not to bring forward any new points which could justify an examination by the Commission. I therefore did not consider this petition admissible.

(c) LETTER, DATED OCTOBER 30TH, 1931, FROM MR. MATTHEW COPE, RELATING TO HIS
EXPULSION FROM IRAQ.

As regards the substance, this letter merely reproduces Mr. Cope's petition of April 30th,¹ and the petition of Rear-Admiral Paymaster H. Seymour Hall of May 12th, 1931.² I therefore did not consider this letter admissible in accordance with the rules of procedure in force in regard to petitions.

II. Palestine.

TELEGRAM FROM THE SYRIAN-ARABIAN ASSOCIATION OF PARIS, DATED JULY 15TH, 1931.

The authors of this communication protest against the arming of the Zionists in Palestine and solicit the intervention of the League of Nations to prevent fresh massacres.

In view of the vagueness and absence of detail of this petition, I did not consider it admissible.

III. Western Samoa.

PETITION FROM THE REV. A. J. GREENWOOD, AUCKLAND, NEW ZEALAND, DATED APRIL 10TH,
1931.

This letter is, to a large extent, a rejoinder to the statements made by the accredited representative of New Zealand at the Commission's nineteenth session; moreover, it relates to events which occurred in Western Samoa in 1929, which have already been discussed by the Commission, and which, further, were dealt with in a petition from the Rev. A. J. Greenwood dated May 19th, 1930.³

As the petitioner supplied no important fresh information with regard to these events, I did not consider the petition admissible.

¹ See Minutes of the Twentieth Session of the Permanent Mandates Commission, page 216.

² See page 172 of the present Minutes.

³ See page 182 of the present Minutes.

ANNEX 6.

C.P.M. 1258.

IRAQ.

PETITIONS FROM THE IRAQ MINORITIES (NON-MOSLEM) RESCUE
COMMITTEE, LONDON.

REPORT BY M. ORTS.

1. I have been asked to report on a series of petitions all dealing with the same subject — namely, the situation of the non-Moslem communities in Iraq and emanating from the same body, the Iraq Minorities (non-Moslem) Rescue Committee, whose headquarters are in London. In chronological order these documents are :

- (1) A letter from Mr. A. Hormuzd Rassam, Chairman of the said Committee, dated May 5th, 1931 ;
- (2) A letter from the same, dated May 12th, 1931 ;
- (3) A letter from the same, dated May 21st, 1931 ;
- (4) A letter from Mr. H. E. Hollands, Secretary of the same Committee, dated June 16th, 1931 ;
- (5) A letter from Mr. A. Hormuzd Rassam, dated September 23rd, 1931.

Observations have been made by the British Government with regard to these various communications.

The following is a very brief summary of the voluminous dossier constituted by these petitions and the observations connected therewith.

2. The first petition contradicts certain statements made by the accredited representative of the mandatory Power before the Mandates Commission during its nineteenth session. It relates to certain information given regarding the petitioner personally and to statements regarding the freedom of the Press, public health in Iraq, the representation of the minorities in the Iraq Parliament, the question of the Assyrian refugees and education. The petitioner adds some general remarks on the situation, which he describes as bad, of the minorities in Iraq. The British Government, in its remarks, states that the petitioner's observations are either untrue or exaggerated.

3. In the second communication, the petitioner submits a plan for the formation of a local autonomous administrative area within the Kingdom of Iraq, and particularly within the Mosul vilayet. By means of historical, political and geographical arguments, he endeavours to justify this solution, which, according to him, would also be in the economic, social and religious interests of the inhabitants of this part of Iraq. He suggests, moreover, that a conference should be summoned under the auspices of the League of Nations, which would be attended by representatives of the mandatory Power, the Iraqi Government, the Kurds and the non-Arab peoples of Iraq, which the petitioner claims to represent. The petitioner also states that the Chaldeans and Assyrians ask that the garrison of Mosul should be formed by " Assyrian levies " under the orders of the British High Commissioner, until the petitions submitted to the League of Nations in their name have been decided upon.

Lastly, Mr. A. Hormuzd Rassam justifies the necessity of his petition — to which the chiefs of the different minority communities are stated to have given their formal approval — by the assertion that the experience of the last five years has demonstrated that Iraq, despite the good intentions of the central Government, is unable to give effect in the interior of the country to the guarantees of the Organic Law promulgated in favour of the minorities under Article III of the Anglo-Iraqi Treaty of October 10th, 1922. According to the petitioner, it is, moreover, out of the question that the Arabs should ever recognise the equality before the law of all citizens, including the non-Moslems and the Moslems who are not of their race, such as the Kurds, as long as the law continues to be inspired by the Koran and its traditions.

The British Government, in its observations, disputes the petitioner's claim to represent the non-Moslem communities and especially the Kurds of Iraq. In this Government's opinion, the conference proposed by the petitioner would in no way advance either the pacification of the country or co-operation between the different races of Iraq, in favour of which the majority of the religious chiefs of the non-Moslem minorities of Iraq have declared themselves. The mandatory Power disputes a number of the details adduced by the petitioner and regards the plan for local autonomy as impracticable and unjustified.

4. In the third petition, Mr. A. Hormuzd Rassam states that, according to information he has received, Baghdad and Mosul Christians have been arrested by the Iraqi Government, and that these measures of intimidation have had the effect of interrupting the influx of complaints from Iraq. Among the persons arrested were seven Baghdad Chaldeans, two Mosul

Assyrians and Taufiq Wahbi Beg, a Baghdad Kurd, who had already submitted a petition to the Permanent Mandates Commission with regard to the situation of the Kurds in Iraq. The petitioner adds that the two Assyrians arrested were among the signatories of the communications previously submitted by him to the Mandates Commission. The arrests he regards as the beginning of the reprisals which, indeed, he had foreshadowed. The petitioner asks that the measures taken by the Iraqi Government should be repealed, and that the minorities should be reassured by effective assistance given by the League of Nations.

The mandatory Power, in its observations, notes that its accredited representative gave the Mandates Commission, at its session of June 1931, detailed information with regard to the circumstances in which these persons were arrested and later released.

5. In the fourth petition, Mr. Hollands, Secretary of the Iraq Minorities (non-Moslem) Rescue Committee, transmitted to the Mandates Commission an extract from a letter dated May 14th, 1931, from Mar Shimun, the Catholic Assyrian patriarch in Iraq. This letter contains observations on the statements made by the accredited representative of the mandatory Power before the Mandates Commission at its nineteenth session. These observations relate to the health conditions of the regions inhabited by the Assyrians, the question of the settlement of Assyrians in Iraq and their general situation. The British Government disputes certain of these observations and gives additional particulars with regard to others.

6. In the petition of September 23rd, 1931, Mr. A. Hormuzd Rassam addresses a last appeal to the League of Nations in favour of the Iraqi minorities. He gives details on the general situation of the different minorities and asks that an "enclave" should be created in Iraq, which would constitute a sort of asylum for the Chaldee-Assyrians, the Yazidis, the Jews, the Armenians and the other minorities. In his opinion, effective guarantees should be provided by the League of Nations to the said minorities.

The British Government states that this petition reached it too late for it to be able to submit detailed observations before the end of the present session of the Commission. It asks whether the Commission desires detailed observations to be submitted with regard to this document or whether the Commission considers that the observations already transmitted by the British Government in connection with the numerous petitions previously submitted by Mr. A. Hormuzd Rassam and his associates supply sufficient comments on this last petition.

7. It will be seen from this summary that, apart from the proposal to constitute in Iraq an "enclave" in which the minorities would enjoy local autonomy, no new important fact has been adduced in these various petitions. The complaints which they contain are of the same nature as those formulated in the petitions examined by the Mandates Commission last June.¹

In view of the mandatory Power's observations and of the impossibility for the Commission to appreciate the weight to be attached to these petitions owing to the character of their signatories, the said petitions can only be regarded as a fresh indication of the apprehension — whether legitimate or not — which the possible cessation of the mandate inspires in certain elements belonging to the Iraqi minorities.

I propose that the Commission should suggest to the Council that it should again draw the mandatory Power's attention to the advisability of obtaining effective guarantees from the Iraqi Government as regards the protection of racial and religious minorities before the mandate is terminated, which guarantees, as the Mandates Commission has already been informed, the Iraqi Government is prepared to give.

ANNEX 7.

C.P.M.1257.

IRAQ.

PETITION, DATED MAY 12TH, 1931, FROM REAR-ADMIRAL PAYMASTER
H. SEYMOUR HALL.

REPORT BY M. ORTS.

In his petition of May 12th, 1931, Rear-Admiral Paymaster Seymour Hall (retired) communicated to the Mandates Commission copy of his personal correspondence with Captain Matthew Cope.

¹ See Minutes of the Twentieth Session, page 217.

This correspondence relates to the latter's expulsion from the territory of Iraq in April 1931 and to the impression which this measure is said to have produced on the Christian minorities. As the petitioner remarks, two points stand out prominently in this correspondence :

1. That it is within the legal power of the Iraqi Government, without assigning any reason, to deport any foreigner and to do so without obtaining the counter-signature of the representative of the mandatory Power ;

2. That the deportation of Mr. Cope has removed from Mosul the only independent and impartial European eye-witness of the condition of the minorities in the Mosul liwa. This action has now made it impossible to hope that any members of the minorities will venture to come forward to give evidence, if so invited, in support of their petitions under review by the Permanent Mandates Commission.

The British Government points out, in the first place, that full information has been supplied as to Mr. Cope's activities in the special report on Iraq for the period 1920 to 1931 and in the statement of its accredited representative before the Mandates Commission at its twentieth session.

As regards the first point raised by the petitioner, the British Government observes that under the Iraqi Constitution, the British High Commissioner is not entitled to countersign a deportation order. In the case of Captain Cope, the High Commissioner was, however, consulted, and the action of the Iraqi Government was taken with his full approval.

As regards the second point, the British Government states that there is always at Mosul a British administrative inspector and a British judge, who have the special duty of keeping the High Commissioner informed on all points affecting the obligations of the mandatory Power.

It adds that the fear expressed by Mr. Cope that the moment he left Mosul chaos would be let loose and the principal Christians would be forced to leave the country immediately has not been borne out by the facts.

Since in many countries the laws or police regulations on foreigners entitle the Government to expel without other formality any foreigner regarded as undesirable, I consider that no special recommendation should be made to the Council with regard to the allegations contained in this petition.

ANNEX 8.

C.P.M.1247(1).

IRAQ.

PETITION, DATED MARCH 28TH, 1931, FROM CERTAIN PERSONS PURPORTING TO BE IRAQI KURDS, TRANSMITTED BY THE BRITISH GOVERNMENT ON JULY 20TH, 1931.

REPORT BY M. RAPPARD.

On March 28th, 1931, Abdul Rehman Agha Pishderi and a large number of other signatories applied through the High Commissioner for Iraq to the Secretary-General of the League of Nations to complain of the treatment suffered by the Kurds at the hands of the Iraqi Government and of the British Government. Observations on this petition were transmitted by the British Government from London on July 20th, 1931.

The petitioners, whose signatures are mostly illegible and whose authority is emphatically disputed by the mandatory Power, first of all allege that, in 1925, the League of Nations united Kurdistan to Iraq on two conditions — in the first place, that a Kurdish administration should be set up in Kurdistan and Kurdish nationality protected ; and, in the second place, that, in the event of Iraq becoming free and entering the League of Nations, a special administration should be set up for the Kurds according to their wishes.

On the basis of these assertions, which the Commission will remember do not correspond very closely to the historical facts, the petitioners complain that the guarantees stipulated have been completely disregarded by the Iraqi Government, and that the British Government has failed in its duty to protect their interests. They conclude by demanding the recognition of a national committee elected to represent the Kurdish nation and the energetic intervention of the mandatory Power to protect them against the oppression from which they allege themselves to be suffering.

The British Government, in its reply, attributes this petition to the action of Sheikh Mahmud, and emphatically denies that the petitioners' complaints are justified. The mandatory Power concludes by recalling the fact that Sheikh Mahmud surrendered to the Iraqi Government on May 13th, 1931. Considering this insurrection to be therefore virtually at an end, the mandatory Power invites the League to regard the petition as not deserving serious attention.

In view of the undoubted inaccuracy of the premises on which the petition rests, our complete uncertainty as to the qualification of the petitioners, and especially the absence of any fresh grievance, it seems to me that the Commission cannot accept this petition, except perhaps as an indication of the discontent which still exists among the Kurds of Iraq. Should the Commission agree with this view, it might express it by adopting the following draft resolution :

“ The Mandates Commission,

“ Having examined a petition dated March 28th, 1931, from certain signatories purporting to be Iraqi Kurds ;

“ Having noted the observations put forward on this petition by the British Government on July 20th, 1931 :

“ (1) Notes that the mandatory Power disputes the qualification of the petitioners to speak on behalf of the Iraqi Kurds and disputes all historical foundation for their complaints ;

“ (2) Notes that the petitioners, in stating their grievances, base themselves on legal texts whose meaning they manifestly distort ;

“ (3) Considers that this fresh manifestation of discontent in Iraq, whatever may be its sincerity and value, cannot call for any other observations than those which it already formulated last year in connection with other similar petitions ;

“ (4) Therefore decides to continue to pay the greatest attention to the disquiet persisting among the Kurds and to draw the Council's attention afresh to the uncertain fate which lies before them if Great Britain's moral protection, which they have enjoyed for over ten years, were to be withdrawn.

ANNEX 9.

C.P.M.1260.

IRAQ.

PETITION, DATED MAY 16TH, 1931, FROM MME. ASSYA TAUFIQ.

REPORT BY M. RAPPARD.

In a petition dated May 16th, 1931, addressed to the Permanent Mandates Commission, Mme. Assya Taufiq protests against the arrest by the Iraqi Government of her husband, Taufiq Wahbi Beg, a Kurd of Iraq, and requests that the matter be taken up with the Iraqi Government. The petitioner adds that Taufiq Wahbi Beg had submitted, in April 1931, a petition to the Permanent Mandates Commission concerning the unfair treatment of the Iraqi Government towards the Kurds.

The British Government, in its observations dated October 30th, 1931, states that the circumstances attending the arrest of Taufiq Wahbi Beg were dealt with at length by the accredited representative of the mandatory Power at the session of the Mandates Commission in June 1931 in his opening statement to the Commission, and that His Majesty's Government have nothing to add to this statement. From this statement, it appeared that Taufiq Wahbi Beg had been released unconditionally within a fortnight of the date of the present petition of Mme. Assya Taufiq.

My colleagues will remember that the petition submitted by Taufiq Wahbi Beg in April 1931 was dealt with by the Permanent Mandates Commission at its last session. With regard to the complaint raised by the petitioner concerning the arrest of her husband, I believe that the Commission will agree that no action is necessary, since it appears from the observations of the British Government that Taufiq Wahbi Beg was released six months ago.

ANNEX 10.

C.P.M.1248.

PALESTINE.

PETITION, DATED MAY 10TH, 1931, FROM MR. ISRAEL AMIKAM,
TRANSMITTED ON JULY 8TH, 1931, BY THE GOVERNMENT OF GREAT BRITAIN.

REPORT BY M. RUPPEL.

I. The petitioner, a former employee of the telegraph section of the Department of Posts and Telegraphs of the Government of Palestine, has submitted to the Commission a "Memorandum on the violation by that department of the right of the Hebrew language to equality with the other official languages of Palestine".

He refers to a Government notice published in the *Official Gazette* of October 1920, Section 3 of which reads as follows :

" Telegrams may be sent in any of the three languages — that is to say, English, Arabic, and Hebrew ; but, if in Hebrew, they must be written in Latin characters, it not being practicable at present for the post office to transmit telegrams in Hebrew characters."

This rule, which is still in force, is inconsistent, the petitioner claims, with Article 22 of the Mandate for Palestine, by which it is provided that "English, Arabic and Hebrew shall be the official languages of Palestine", and constitutes a discrimination against the Jewish population as compared with the Arabs, who can despatch and receive telegrams in the Arabic language and in Arabic characters.

He admits that in 1920 the post office was not in a position to transmit telegrams in Hebrew characters owing to the lack of employees sufficiently acquainted with the Hebrew language, but he contends that the reasons given afterwards from time to time by the Department in order to justify the maintenance of the rule made in 1920 can no longer be considered valid, and he then proceeds to criticise the reasons advanced — the small number of Hebrew telegrams and the technical and financial difficulties.

Finally, he draws attention to the fact that the same claim has been made in the past by many Jewish institutions and by the Jewish National Council. He asks the Commission to take whatever steps may be necessary to establish the right of the Hebrew language to official equality, and to ensure that the Hebrew language receives the same facilities from the telegraphic section and is recognised to the same extent as the other official languages of Palestine. The substance of his demand is that telegrams in Hebrew characters shall henceforth be transmitted in Palestine.

II. The British Government, in its observations, transmitted by a letter dated July 8th, 1931, points out that the question raised by the petitioner has been carefully examined from time to time during the past ten years, but that, in view of the technical and financial difficulties involved, it has not hitherto been found practicable to make the necessary arrangements. This declaration seems to indicate that the mandatory Power does not refuse to comply with the requirements of the Jewish community on principle, but only for the time being and for reasons of a temporary character.

As to technical difficulties, mention is made of the necessity of devising a special Morse code, the training of operators to transmit telegrams in Hebrew characters, and the relatively great number of officers engaged on the actual transmission by wire. As regards finance, the additional costs of duplicating staff at offices in the trilingual areas alone is estimated at £P4,500 per annum, or more than the total present revenue from the inland telegraph traffic — which, by the way, is decreasing rapidly, concurrently with the development of the telephone system, and shows already an excess of expenditure over revenue amounting to £P17,000 a year.

Besides these practical considerations, the mandatory Government also examines the legal question — namely, the interpretation of Article 22 of the Mandate. In its opinion, that provision means that the three languages may be used in the Legislature, in the law courts, and for the purpose of addressing Government departments, but does not bind the Palestine Government "in its conduct of a commercial undertaking, such as the post office, to facilitate the employment of any particular script regardless of the effect upon the prosperity and administration of the undertaking in question". The present practice in the matter — to accept telegrams in the Hebrew language but not in Hebrew characters — is asserted to be in accordance with a reasonable interpretation of the mandate.

The observations refer further to the High Court judgment reproduced as Annex XVI to the Annual Report on the Administration of Palestine for 1929. In this case, the court ruled that the use of Hebrew characters could not be considered an essential part of a message written in the Hebrew language, and that the public notice of 1920 was therefore legally valid.

As to telegrams in Arabic characters, attention is drawn to the fact that, under the International Telegraph Regulations, their use is allowed in telegrams exchanged between Arabic-speaking countries, whereas no provision is made for the use of Hebrew characters for international purposes.

III. Palestine is a country with more than one official language. There are other countries in the world where such a legal situation prevails. It is not uncommon, in such countries, for divergencies of views to arise about the practical consequences to be drawn from the constitutional principle in daily administrative life. Issues of this kind must be dealt with by the Governments with considerable caution because they may easily cause agitation and misgiving in one section of the population.

Since the Jews in Palestine, referring to the transmission of telegrams in Hebrew characters, now claim that the Mandatory is guilty of a violation of the article of the mandate regulating the question of language, the Permanent Mandates Commission must consider the situation very carefully.

The High Court of Palestine has had occasion to examine the question. Its answer was in the negative, on the ground that the use of the special characters of a language was not an essential part of a message written in that language. The argument does not seem to me to dissipate all doubts. But it is not necessary to take up a definite attitude on this point, for the matter has another aspect which was not considered by the court. I allude to the question of the equal treatment of all three official languages in Palestine.

The Arabs can use their characters for the transmission of inland telegrams (the traffic with foreign countries may be put aside, because the petition does not concern it). Why should the Jews not make use of their own characters when sending telegrams in the Hebrew language?

In my opinion, any discrimination between the two languages is hardly compatible with the meaning of Article 22 and the spirit of the whole mandate, the aim of which is equal treatment for the two sections of the Palestine population in all respects.

But another consideration has to be taken into account.

The admission of Hebrew as an official language of the country is closely connected with the Jewish National Home, the establishment of which the Mandatory is bound to promote. The petitioner himself refers to Article 2 of the Mandate, where the obligations of the Mandatory are laid down in the well-known terms : to place the country under such political, administrative, and economic conditions as will secure the establishment of the Jewish National Home.

The Permanent Mandates Commission, at its seventeenth (extraordinary) session, very closely examined the fundamental questions connected with the interpretation of this article, and came to the conclusion that a distinction must be made between the ultimate object of the mandate and the immediate obligations of the Mandatory, and that for the accomplishment of the former no time-limit is provided.

This interpretation, which has to be followed in the case before us, allows us — indeed obliges us — to appraise the practical situation which, according to the Palestine Government, justifies the non-acceptance of telegrams in Hebrew characters.

The mandatory Power bases its attitude entirely upon practical difficulties. It has done so from the beginning. The public notice of 1920 said that it was “ not practicable at present to transmit telegrams in Hebrew characters ”. The Government has re-examined the situation from time to time with the same result, and finds that the difficulties have not even yet been overcome.

There is no need to enter into the details of the practical argument. It may be that the difficulties are to some extent not so grave as the Mandatory seems to imagine. For instance, it is not quite clear why the staff of the service must be duplicated, since it is well known that a good number of the employees are Jews. But it is perfectly comprehensible that, in a time of financial stringency, a public Administration should refuse to enlarge the staff of a service whose expenditure exceeds its revenue. And, after all, the matter is not of sufficient importance to be described as a real grievance for the Jewish population.

The question will come up again in time. We are entitled to assume that the Mandatory will then reconsider it conscientiously, and will not lose sight of the fundamental aspect implicit in it — namely, the equal treatment of the two sections of the Palestine population.

I therefore propose that the following conclusions be embodied in the report to the Council :

“ The Permanent Mandates Commission, having examined the petition dated May 10th, 1931, from Mr. Israel Amikam, and the memorandum containing the observations of the British Government, transmitted by its letter of July 8th, 1931, does not consider it proper to make a recommendation to the Council, but trusts that the mandatory Power will from time to time re-examine the matter in order to ascertain whether the technical and financial difficulties which have hitherto prevented the Administration of Palestine from allowing the transmission of telegrams in Hebrew characters still prevail. The Commission will be glad to have information from the Mandatory when the question has been definitely settled.”

ANNEX 11.

C.P.M.1259(1)

PALESTINE.

PETITIONS, DATED MARCH 19TH AND MAY 2ND, 1931, FROM DR. F. KAYAT, PARIS.

REPORT BY M. RUPPEL.

I. The petitioner having married in 1922, before the Latin Patriarch at Jerusalem, an Ottoman woman belonging to the Roman Catholic Church, signed in 1924 a document by which he promised to pay to the order of his wife a sum of £E.800, equivalent to the jewels he had pledged himself to give her before the marriage. The document was endorsed by the wife in favour of her father.

The latter brought an action against the petitioner in a Palestinian civil court to recover the sum of £E800, and obtained judgment in his favour, which was confirmed by the Court of Appeal, both courts having ruled out the respondent's objection that the case, arising out of marriage, was within the jurisdiction of the ecclesiastical court, and that the document was good as a negotiable instrument.

The judgment was later executed by way of subhastation. The petitioner alleges that he was even imprisoned for a time.

In the meantime, the petitioner had sued his wife in the court of the Latin Patriarch, asking for suspension of the judgment of the civil court. The Patriarch, while declaring claims regarding the document in question to be matters of personal status coming within his exclusive jurisdiction, gave only a provisional decision, having regard to the fact that a separation suit brought by the wife before the ecclesiastical court was still pending. This decision was reversed—on an appeal lodged by the wife, by the higher ecclesiastical court at Rome ("Sacra Rota") on the ground that the document was not within its jurisdiction. Ultimately, the supreme ecclesiastical court ("Signatura Apostolica") at Rome delivered judgment in favour of the petitioner, affirming the jurisdiction of the ecclesiastical courts and sentencing the wife to reimburse to her husband the sum which he had paid to his father-in-law.

The petitioner further contends that the judgment of the Patriarch was not recognised by the British Executive Officer, whereas the High Court of Palestine had registered the decision of the lower Roman court but denied any legal importance to that of the supreme Roman court.

He claims that, according to the laws and customs of Palestine, only the religious courts had jurisdiction in his case, that the civil courts, by deciding otherwise, had violated Article 9 of the Mandate for Palestine, which provides that "respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed" and that the British Government, as Mandatory for Palestine, had executed the mandate in a way which constituted a denial of justice against him. He claims from the mandatory Government compensation amounting to at least £10,000, and asks also for urgent measures suspending the execution of all decisions of civil courts in Palestine concerning his marriage.

By a letter dated May 2nd, 1931 (document C. P. M. 1159), counsel for the petitioner has submitted copy of a judgment given by the Latin Patriarch on January 8th, 1930, by which the above-mentioned decision of the supreme Roman court in favour of the petitioner was made executory.

II. The British Government made observations on the petition in a letter dated August 20th, 1931 (document C. P. M. 1222). It is explained therein that the question whether or not the action concerning the petitioner's liability in respect of the document signed by him was a matter for the religious court was considered, on his application, by a Special Tribunal set up in accordance with Article 55 of the Palestine Order in Council 1922. The tribunal, the members of which were the Chief Justice of Palestine, a British Judge, and the Latin Patriarch, came to the conclusion that the matter was not one of personal status lying within the exclusive jurisdiction of the ecclesiastical court. A copy of the judgment, delivered on February 9th, 1931, was attached to the observations.

In the opinion of the Mandatory, the procedure for deciding conflicts of jurisdiction between the civil and ecclesiastical courts, as laid down in the Order in Council, is adequate, and was followed in the petitioner's case.

The British Government therefore does not consider that he has suffered an injustice or that there are any reasons for the payment of the compensation which he claims.

III. The situation regarding the document signed by the petitioner in favour of his wife, and endorsed by her in favour of her father seems to be the following: the civil court, in a lawsuit between the petitioner and his father-in-law, affirming its jurisdiction, delivered judgment against the first-named; the religious court, in an action between him and his wife, assuming the matter to be one of personal status, gave a decision in his favour. It is easy to

understand that he prefers the decision of the Latin Patriarch and contests the jurisdiction of the civil court.

Having read the observations of the mandatory Government, one is, on the other hand, somewhat surprised that the petitioner, in his long statement, should not have found it worth while to mention the judgment of the Special Tribunal, which, on his application, decided that a claim in respect of the instrument in question cannot be within the jurisdiction of a religious court.

The legislation of Palestine (Palestine Order in Council, 1922, Article 55) provides for a special legal procedure for the settlement of conflicts of jurisdiction between the civil and the ecclesiastical courts. The "Special Tribunal" set up for this purpose offers every guarantee of independence and impartiality.

The petitioner availed himself of the possibility thus offered of taking legal proceedings. The judgment went against him. The complaint brought before the Commission is therefore directed, in fact, against the sentence of that high judicial institution, the "Special Tribunal".

The Permanent Mandates Commission has always refused to play the rôle of a *court of appeal*. Following this wise practice, it cannot enter into a re-examination of the nice legal issue as to whether the petitioner's case should have been dealt with by the civil or by the religious courts in Palestine. There is no indication that the interpretation given by the Special Tribunal in the petitioner's case to the Palestinian legislation defining personal status is incompatible with the provisions of the mandate, and particularly with Article 9. Moreover, according to Article 44 of the Palestine Order in Council, 1922, in civil matters, when the amount or value in dispute exceeds £E500, an appeal lies from the supreme court to His Majesty in Council; it seems that the petitioner has still the right to avail himself of this possibility.

For these reasons, I propose that the Commission should accept the following conclusion :

"The Permanent Mandates Commission, having examined the petition dated March 19th, 1931, from Dr. F. Kayat, Paris, and the supplementary letter written on his behalf on May 2nd, 1931, as well as the observations thereon made by the British Government, considers that, as the petition relates to a case which has been examined and settled by the courts, and as it seems, moreover, that a legal remedy is still open to the petitioner, there is no occasion for it to submit a recommendation to the Council."

ANNEX 12.

C.P.M.1262.

PALESTINE

PETITION, DATED MAY 17TH, 1931, FROM THE PRESIDENT
OF THE ARAB EXECUTIVE COMMITTEE.

REPORT BY M. SAKENOBE.

The petition is dated May 17th, 1931, and signed by Mousa Kazem Hussaini, President of the Arab Executive Committee in Palestine.

The mandatory Government transmitted it to the Permanent Mandates Commission, under date of July 2nd, 1931.

The petition is, in reality, a declaration of the Arab Executive Committee on the occasion of the anniversary of May 16th, the day which, they claim, the whole Moslem and Arab world decided to celebrate each year as Palestine Day. The declaration strongly repudiates the mandate regime in Palestine, and expresses the Committee's firm resolve to make every endeavour to remove "this oppression" and defeat "the oppressive Zionist policy".

Such being the substance of the petition, I think that it is incompatible with the terms of the Palestine mandate.

I would therefore propose that the Mandates Commission decide as follows :

"The Commission considers that no action should be taken on the petition, as it is incompatible with the terms of mandates."

ANNEX 13.

C.P.M.1261(1).

CAMEROONS UNDER FRENCH MANDATE.

PETITION DATED MARCH 21st, 1930, FROM M. MOUANGUÉ.

REPORT BY M. PALACIOS.

M. Mouangué's petition is dated March 21st and the mandatory Power's observations November 10th, 1930.

The petitioner declares himself to have been the victim of thefts and depredations in his plantation. He states that he brought the offenders before the courts and that the latter sentenced, not the guilty parties, but the plaintiff to pay the costs of the lawsuit (681.10 francs) and 1 franc damages to the opposing party. He adds that his lawyer defended his interests inadequately and allowed the legal time-limits for appeal to pass without taking action. He asserts that, as a result of this affair, he is in a desperate situation and asks for the revision of his lawsuit, or rather for a fresh time-limit to bring an appeal before the higher courts.

The mandatory Power naturally is opposed to reopening a lawsuit which has followed its regular course, and legitimately refuses the exception, which is asked for, to the rules generally followed. Bad though the interested party's situation may be, the only reason given for making this exception in the present case is quite outside the scope of any intervention by the judicial authorities.

As Rapporteur I therefore propose that the Permanent Mandates Commission should pronounce in favour of the view maintained by the French Government, and should give the Council of the League of Nations an opinion to this effect.

ANNEX 14.

C.P.M.1243(1).

CAMEROONS UNDER FRENCH MANDATE.

PETITION, DATED MAY 18th, 1931, FROM M. V. GANTY "DELEGATE IN EUROPE OF THE NEGRO CITIZENS OF THE CAMEROONS", PARIS, FORWARDED BY THE FRENCH GOVERNMENT ON JUNE 4th, 1931.

REPORT BY COUNT DE PENHA GARCIA.

On June 4th, 1931, the French Government sent to the Secretary-General of the League of Nations a letter, together with a copy of a petition, dated May 18th, 1931, which had been forwarded directly by the party concerned to the Secretariat of the League of Nations.

The petition came from one V. Ganty, calling himself "delegate in Europe of the negro citizens of the Cameroons". The French Cameroons are concerned. Having regard to the conclusions of the petition — withdrawal of the mandate, new regime, corresponding status — the mandatory Power declares that the petition is clearly inadmissible. It asks the Chairman of the Mandates Commission so to decide.

The petition having been submitted to the Commission, I was instructed to make a report.

The petitioner calls himself "delegate in Europe of the negro citizens of the Cameroons". This title has no legal foundation and cannot be recognised by the Mandates Commission.

The signatory cannot claim any other position than that of a person interested in the mandated territory of the Cameroons and enjoying the right of petition.

In his petition there are claims and conclusions which go beyond the rights of petitioners and the competence of the Commission. These should not be taken into consideration. I note, however, in the petition complaints with regard to definite facts which must have the attention of the Commission. The accredited representative of the mandatory Power has promised to furnish explanations on these points.

I therefore propose that the Commission should adopt this suggestion and agree on the following resolution :

"The Commission considers that no action should be taken on the petition, as the conclusions are inadmissible."

ANNEX 15.

C.P.M.1249(1).

TOGOLAND UNDER FRENCH MANDATE.

PETITION, DATED OCTOBER 14TH, 1930, FROM THE "BUND DER DEUTSCH-TOGOLÄNDER", TRANSMITTED BY THE FRENCH GOVERNMENT ON JULY 8TH AND OCTOBER 9TH, 1931.

REPORT BY M. VAN REES.

At the second meeting of the present session, I was requested to examine the petition of the "Bund der Deutsch-Togoländer", dated October 14th, 1930, which the mandatory Power forwarded to the Commission, asking the latter to pronounce on the preliminary question of its admissibility. The French Government explains that the conclusions of this petition seemed to it to be contrary to the rules governing the admissibility of mandate petitions. It adds that it has thought it unnecessary to reply to the different points referred to in the body of the document in view of the fact that most of them have already been dealt with either in observations which it has previously addressed to the League of Nations or in verbal explanations given by its accredited representative to the Permanent Mandates Commission.

It is therefore for the Commission to consider whether, under the rules in force, the petition of the "Bund der Deutsch-Togoländer" of October 14th, 1930, is admissible or not.

This question appears to me to call for a negative answer, since, as the French Government has pointed out, its conclusions, which aim at the withdrawal of the mandate from the mandatory Power, are incompatible with the terms of the Togoland mandate. As regards the different allegations contained in the petition, I observe that some of them relate to facts which have already been dealt with by the Commission in connection with the examination of other petitions, and that the others are contained in documents from anonymous sources. The accredited representative of the mandatory Power has promised to give explanations on such points as require clearing up.

If the Commission agrees with the above view, I propose that it should adopt the following conclusion :

"The Commission considers that no action should be taken on the petition of the "Bund der Deutsch-Togoländer", dated October 14th, 1930, its conclusions being inadmissible."

ANNEX 16.

C.P.M.1265(1).

TANGANYIKA.

PETITION, DATED OCTOBER 20TH, 1930, FROM THE INDIAN ASSOCIATION OF THE TANGANYIKA TERRITORY.

REPORT BY M. PALACIOS.

The petition bears the date of October 20th, 1930, and was transmitted to the Permanent Mandates Commission by the British Government in a letter dated May 15th, 1931, accompanied by the observations which it called for. The mandatory Power also communicated to the Commission in a subsequent letter, dated June 24th, 1931, the resolutions adopted by the Tanganyika Indian Conference at its second session, which was held at Dar-es-Salaam on December 28th and 29th, 1930. It added no observations to this communication, because those concerned stated that they did not wish this communication to be regarded as a petition ; but it does not admit the accuracy of a number of the statements made therein.

The Indian Association's petition sets out to "remove, supplement or complete" the impressions which may have been produced by the replies of the accredited representative, Mr. Jardine, to the questions put to him by the members of the Commission at the eighteenth session. As a matter of fact, the resolutions of the Indian Conference supplement the petition and define the position from the petitioners' point of view.

The Indian community, from which these documents emanate, pays a tribute to Sir Donald Cameron personally and to his work. It describes as "pernicious" the influence exerted by the British Europeans of Kenya on their fellow-countrymen in Tanganyika ; it shows it is

absolutely opposed to the "closer union"; and declares its sympathy with the efforts made in India by Gandhi and his adherents in favour of a National Government for that country in the hope that, when India obtains her freedom, the Indians of the colonies will be able to live and work on a footing of equality with the nationals of other countries. Nevertheless, the association states that the attitude of its members in the territories under mandate is conciliatory, loyal and friendly, both towards the Europeans, towards the other Asiatic peoples, which, although not Indians, make common cause with them, and towards the natives.

Nevertheless, the Indian community desires to be admitted to a larger share corresponding to its numerical importance and capacities, in the Administration and in the higher Government services. It desires a larger representation in the Legislative Council, seats on the different boards and committees of the territory, and a hearing on the Colonial Office's invitation before the higher authorities, such as the Joint Parliamentary Committee, in the circumstances and on the subjects which concern it. The Indian Central Council, which aspires to become the supreme Indian organisation in Tanganyika, wishes to be the organ responsible for designating qualified persons of Indian race to fulfil Government and administrative functions.

The Indian community complains particularly of certain alleged cases of unjust racial discrimination — for example, in the streets, railways and hospitals and in the granting of concessions by the Administration.

It does not wish its services, its importance and its significance to be underestimated. It desires that the obtaining by its members of authorisation to carry arms or of a passport to India should not be made subject to exceptional conditions. It claims free and compulsory education for all its children. To sum up, the community asks that the Indians should be treated in accordance with their value and merits, if not on equality with Europeans, since India is also a Member of the League of Nations.

While making reservations on the accuracy of many of these statements, the mandatory Power only replies to those which figure in the petition and relate to the action of the Government of Tanganyika. It denies that any racial distinctions exist. If distinctions are made in certain localities, they are due to custom or to the degree of civilisation attained by those concerned. People who have acquired a Western mode of life are not asked whether or not they belong to other communities before they are granted the benefit of certain advantages. This is the case, for example, as regards the admittance of patients to hospital. Moreover, a new hospital is being built, one wing of which will be reserved for Indians.

For the rest, the mandatory Power compares the petitioners' statements with those made before the Mandates Commission by Mr. Jardine, and confirms the accuracy of its accredited representative's remarks. The latter, on being interrogated by the Commission when these questions were examined, said that he "sincerely believed that the Indian community had no reason to complain of the way in which it was treated by the local Government, which had always taken the greatest care to avoid any unfair discrimination in the treatment of Indians or any other community, and who administered the same justice to all, regardless of differences of race, class or religion".

* * *

Accordingly, I propose that the Permanent Mandates Commission, having noted the communications of the Indian association and the observations of the mandatory Power, should recommend that the Council of the League of Nations note the accredited representative's statement that the local Government of Tanganyika has always sedulously endeavoured to avoid any unfair differentiation in the treatment of the Indian or of any other community in the territory and to extend even-handed justice to all, irrespective of race, class and creed.

ANNEX 17.

WESTERN SAMOA.

C.P.M.1161(3).

PETITION, DATED MAY 19TH, 1930, FROM MR. O. F. NELSON, AUCKLAND,
NEW ZEALAND.

REPORT BY LORD LUGARD.

The Mandates Commission has already dealt with the accusations made by Mr. Nelson in regard to the action of the Samoan Government, and there appears to be nothing new in the present petition, or which is not covered by the other petitions received.

It may be noted that Mr. Nelson considers that he was unjustly treated because, though he claims to be the representative of the people of Samoa, he was denied audience by the Mandate

Commission, though they heard Sir James Parr and Sir George Richardson. The petitioner should be informed that the only representatives heard by the Mandates Commission are those accredited by the mandatory Government.

The accredited representative, when questioned as to the suggestion that "foreign agitators and not the Samoan people were responsible for the whole trouble", replied that he was unable to find any foundation for this suggestion. The petitioner stated that the verdict of the coroner was to the effect that "the rifle-firing which caused the death of Tamasesse and others was unnecessary". According to the information given by the accredited representative, the coroner's verdict stated :

"The evidence does not show that the rifle-fire was necessary, however. In circumstances as then prevailing, it is inevitable that some action will be taken which may appear at the time to be justified, but when enquired into subsequently will be found to have been unnecessary."

ANNEX 18.

C.P.M.1162(1)

WESTERN SAMOA.

PETITION, DATED MAY 19TH, 1930, FROM THE REVEREND A. JOHN GREENWOOD,
AUCKLAND, NEW ZEALAND.

REPORT BY LORD LUGARD.

The petitioner asks the Mandates Commission to order an enquiry, and attaches to his petition a memorandum by Professor Anderson and others recounting charges against the New Zealand Government and the Administration of Samoa, and asking for publicity for the strictures which they pass on the authorities. It appears, however, that this memorandum has already been published in the *New Zealand Review*, and sent to Archbishop Averill when he attended the Lambeth Conference in London.

The New Zealand Government declines to reply in detail. It points out that most of the charges have already been investigated by a Royal Commission, the proceedings of which were submitted to the Mandates Commission and dealt with by it. It also questions the qualifications of the author of the memorandum to deal with the matter. It points out that the Chief Tamasesse was duly tried and was represented by counsel; and that, in the case of Molia, Sergeant Ricketts was tried for manslaughter and acquitted by a jury. The most important accusations, therefore, having been dealt with by the courts of law, they are, by the rules of the Mandates Commission, excluded from further review, since the Mandates Commission is not a court of appeal.

The New Zealand Government states that the assertion that the administrator refused safe conduct to witnesses at the coroner's inquest is contrary to the verdict, of which a copy was said to be attached. No copy, however, accompanied the letter.

With regard to the general accusations of maladministration and the unsupported statement that Commodore Blake publicly expressed the opinion that enforced starvation must play its part in the coercive measures adopted, it is impossible to express any opinion from the documents submitted, and, in so far as the matters referred to have not already been the subject of discussion at previous sessions, the petitioner is referred to the Minutes of the twenty-first session, when further questions were put to the accredited representative.

I recommend, therefore, that a reply to the petition should be recorded in the following terms :

"The Mandates Commission, having carefully studied the petition from the Rev. A. J. Greenwood and its enclosures, are unable to intervene in those cases, which have already been dealt with by duly-constituted-courts.

"With regard to accusations of a general nature, the petitioner is referred to the Minutes of the Mandates Commission, both in the preceding and in the present sessions."

ANNEX 19.

C.P.M.1163(2).

WESTERN SAMOA.

PETITION, DATED SEPTEMBER 18TH, 1930, FROM THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM, NEW ZEALAND SECTION.

REPORT BY LORD LUGARD.

The Women's International League for Peace and Freedom also ask for a further enquiry, and append to their petition a statement of grievances of the Samoan women.

The New Zealand Government states that an inquest was held regarding the death of Tamasesse by the chief judge; and that a jury unanimously acquitted Sergeant Ricketts regarding the death of Molia.

With regard to some of the other incidents mentioned, the Government stated that it is either "unaware of the incident" or that "it is believed to be imaginary or grossly exaggerated", or that the evidence by a Government officer which is in conflict with the version of the Women's League is accepted.

The reply to this petition has been held over in order that the accredited representative might be asked for any further information which the Commission may require in regard to general and unsupported statements. With regard to the cancelling of Mr. Fitzherbert's licence as a barrister, he informed the Commission that he had never heard of it, and that Mr. Fitzherbert had a well-recognised right of appeal if he desired to exercise it. This case, therefore, does not come within the purview of the Permanent Mandates Commission.

I recommend that the reply of the Mandates Commission should be in the following terms:

"The Mandates Commission, having studied the petition of the Women's International League for Peace and Freedom and the reply of the Government of New Zealand:

"(1) Considers that it cannot interfere in cases which have been duly tried in the authorised Courts;

"(2) While regretting not to have found fuller information in the declaration of the accredited representative on this matter is of opinion that no conclusive reason has been demonstrated which would justify the carrying out of a further enquiry in the country with regard to the facts alleged."

ANNEX 20.

C.P.M.1256(1).

SOUTH WEST AFRICA.

PETITION, DATED JANUARY 15TH, 1931, FROM MR. N. VAN WYK AND OTHER MEMBERS OF THE REHOBOTH COMMUNITY, TRANSMITTED BY THE GOVERNMENT OF THE UNION OF SOUTH AFRICA ON MAY 28TH, 1931.

REPORT BY M^{LLE}. DANNEVIG.

1. A petition, dated January 15th, 1931, with covering letter from the Government of the Union of South Africa, dated May 28th, 1931, has been sent to the League of Nations from fifteen members of the Rehoboth community.

The petitioners claim that they do not understand the meaning of the resolution of the Permanent Mandates Commission on their last petition of October 25th, 1929, approved by

the Council and forwarded to them in a letter from the Secretariat, dated October 3rd, 1930. This resolution runs as follows :

“ The Permanent Mandates Commission, having examined Mr. Jacobus Beukes' petitions, dated October 25th, 1929, and February 11th, 1930, and Mr. Daniel Beukes' telegram of July 2nd, 1929, and not having found that any of the complaints set forth in these petitions and telegrams are well founded, can only recommend the Rehoboths to abandon their internal dissensions, and, as a united community, to work in harmony with the Administration.”

2. The petitioners claim that they wish to “ obtain clearness ”; they do not know “ how to preserve peace ”, since the magistrate of Rehoboth assures them that “ peace must be concluded under Proclamation No. 28 of 1923 ”. They are anxious to have peace but they do not want it under Proclamation No. 28, which is just the cause of dissension with which all their previous petitions to the League of Nations are concerned. In case the League of Nations should have approved of this Proclamation, “ they want to have this definitely stated ”.

3. Proclamation No. 28 of 1923 contains the legal affirmation of the agreement between the Administrator of South West Africa as representing the Government of the Union of South Africa on the one side, and Cornelius van Wyk, Kapitein of the Burghers of the Rehoboth community and the members of the Raad on the other side. This agreement was afterwards denounced by a large majority of the Burghers, who elected a new Raad. The consequence of this agreement were the troubles which led to the resolution of the mandatory Government temporarily to transfer the powers vested in the Raad to a magistrate ; against this resolution the Rehoboths have protested.

4. The mandatory Power has no observations to offer on the petitioners' letter.

5. Petitions from the Rehoboths have been examined by the Permanent Mandates Commission on several occasions. During its sixth session, Lord Lugard, in his report, dated May 25th, 1925, on a petition from the Rehoboths, gave a complete historical summary of the relations between the Rehoboths and the mandatory Power, in which he states regarding the demand for autonomy by the Rehoboths :

“ The grant of *complete* independence is incompatible with the mandate (for the mandate would then cease in terms of Article 22 of the Covenant), yet a very large measure of independence is compatible, as we see in the case of Syria and Iraq, and may even be granted to a portion of a mandated territory, as in the case of Trans-Jordan. It is for the Mandatory to decide if and when a people is qualified for such partial or for complete administrative autonomy. The Administration of South West Africa states that the Bastards are not qualified as yet.”

Lord Lugard's conclusion, approved by the Mandates Commission and Council, ran as follows :

“ I submit that the petitioners be informed that the Mandates Commission, after a careful review of their appeal, sees no grounds for making any representation to the Mandatory, and recommends the petitioners to adopt the course proposed by the Administrator — *e.g.*, they should regularise their constitutional position by a proper election and then, if they so desire, accept his proposal to discuss the agreement.”

6. A further petition from the Rehoboth community, dated November 26th, 1926, was examined by the Commission during its fourteenth session. At the same time, the Commission discussed the report of the Rehoboth Commission (Judge de Villiers), submitted to the Commission by the Government of South Africa, which also informed the Commission that it accepted the conclusions contained in the report. One of these conclusions affirms that the issue of Proclamation No. 28 of 1923 was within the powers of the Union Government, and that the said Proclamation did not encroach upon the existing rights of the community. As the result of its examination of the said petition and report, the Mandates Commission reached the following conclusion :

“ The Commission is of opinion that the petitioners should be informed that the Permanent Mandates Commission understands that their grievances have been fully investigated, and considers that they have now lost their relevance.”

7. From the above, I deduct that the Mandates Commission has had nothing to object to in the Proclamation No. 28 of 1923, which confirmed an agreement between the Administration and the authorised representatives of the Rehoboth community.

8. The Rehoboths, having only been acquainted on these occasions with the conclusions of the Mandates Commission adopted by the Council of the League and not with the entire reports regarding their petitions, it is perhaps comprehensible that they have not been able to grasp the full meaning of these resolutions.

9. If the Commission agrees with me on that point, I submit that the present report should be sent them in full, and that the Permanent Mandates Commission recommends the Council to request the mandatory Power to have the text of the report by the Commission on their former petition fully explained to the petitioners, since the latter allege that they do not understand it ; and also to inform them that, in view of the conclusions of the Special Commission under Judge de Villiers, the Mandates Commission sees no grounds for challenging the validity of Proclamation No. 28 of 1923. It cannot but repeat its previous recommendation that the petitioners should be invited to discuss the agreement with the Administrator and constitute a united community which could work in harmony with the Administration.

ANNEX 21.

I.

**REPORT TO THE COUNCIL OF THE LEAGUE OF NATIONS
ON THE ORDINARY WORK OF THE COMMISSION.**

The Permanent Mandates Commission met at Geneva from October 26th to November 13th, 1931, for its twenty-first session and held twenty-nine meetings, one of which was public. The annual reports were considered in the following order, with the assistance of the representatives of the mandatory Powers.

Ruanda-Urundi, 1930.

Accredited Representative :

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

Tanganyika, 1930.

Accredited Representative :

Mr. D. J. JARDINE, O.B.E., Chief Secretary to the Government of Tanganyika Territory.

Togoland under British Mandate, 1930.

Accredited Representative :

Mr. H. W. THOMAS, Provincial Commissioner, Gold Coast.

Cameroons under British Mandate, 1930.

Accredited Representative :

Mr. G. S. BROWNE, C.M.G., Senior Resident in Nigeria.

Islands under Japanese Mandate, 1930.

Accredited Representative :-

M. N. Iro, Deputy-Director of the Imperial Japanese Bureau accredited to the League of Nations.

Iraq, 1930.

Accredited Representatives :

Lieutenant-Colonel Sir Francis HUMPHRYS, G.C.V.O., K.C.M.G., K.B.E., C.I.E., High Commissioner for Iraq.

Mr. J. H. HALL, D.S.O., M.C., O.B.E., Colonial Office.

Cameroons under French Mandate, 1930.

Accredited Representatives :

M. MARCHAND, Commissioner of the French Republic for the Cameroons.

M. Maurice BESSON, Chief of the First Bureau of the Political Department at the French Ministry for the Colonies.

Western Samoa, 1930-31.

Accredited Representative :

Sir Thomas MASON WILFORD, K.C.M.G., High Commissioner for New Zealand in London.

Togoland under French Mandate, 1930.

Accredited Representative :

M. Maurice BESSON, Chief of the First Bureau of the Political Department at the French Ministry for the Colonies.

A. GENERAL QUESTIONS.¹

I. LIQUOR TRAFFIC (page 180).

1. The Commission, having examined the replies of the mandatory Powers to the question of prohibition zones, notes these replies and hopes that these Powers will continue to use their best endeavours to control the traffic, and particularly to prevent the natives from making clandestine distilleries.

2. The Commission, having studied the document drawn up by the Secretariat on the liquor traffic in the territories under B and C mandates, trusts that the Secretariat will keep the results of this enquiry up to date.

3. The Commission, having recognised the valuable nature of the annual information supplied by the mandatory Powers on the control of the liquor traffic, and of the use of alcoholic beverages, and the need for more detailed information, recommends the mandatory Powers to adopt the methods suggested in the report submitted by its Rapporteur.

II. GENERAL STATISTICS (page 79).

In accordance with the Council's decision of March 5th, 1928, the Secretariat published in 1928 tables regarding the trade, public finances and population of the territories under mandate. These tables were prepared by the Secretariat and then revised by the mandatory Powers, who have sent several communications since 1928 for the purpose of supplementing the data contained therein. On October 21st, 1931, the Secretariat communicated to the Commission the tables revised and brought up to date with the help of the above-mentioned material. The Commission requests the Council to forward these tables to the mandatory Powers in order that they may revise them and complete them if necessary.

B. OBSERVATIONS CONCERNING THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted 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, as usual, be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.²

Observation applicable to All the Territories.

Economic Situation.

The effects of the economic depression now prevailing throughout the world are being felt all the more severely in the mandated territories, since the prosperity of these territories is closely bound up with the ruling prices of raw materials.

The Commission hopes that the mandatory Powers will make a special point of supplying the Commission, in future reports, with information as to the policy they intend to follow in order to deal with the budget deficit entailed by this depression.

¹ The page numbers following each heading are those of the Minutes of the session.

² The page numbers given at the end of each observation are those of the Minutes of the session.

TERRITORY UNDER A MANDATE

C.P.M.1267 (1).

Iraq.

Although in compliance with the Council's resolution dated September 4th, 1931, the Commission during its present session devoted its attention mainly to examining the proposed emancipation of Iraq, it also reviewed the report submitted by the mandatory Power on the administration of this territory during the year 1930. In the Commission's opinion, this report calls for the following observations :

1. *Frontiers.*

The Commission noted a declaration by the accredited representative to the effect that the British and French Governments have agreed to request the Council to determine the frontier between Iraq and Syria, and with this end in view to send a Commission to investigate the meaning of the line mentioned in the Franco-British Convention of 1920. The interested parties propose to ask the Council to decide how it would be desirable to modify the line traced in this Convention in the interests of both territories, due account being taken of the administrative, geographical and tribal considerations involved (page 93).

2. *Administration of Justice.*

The Commission learned with regret that the mandatory Power had not yet succeeded in obtaining redress for the Bahai community in respect of the miscarriage of justice of which it was the victim and to which allusion was made in the Commission's two previous reports to the Council on Iraq (pages 97-98).

TERRITORIES UNDER B MANDATE

C.P.M.1244 (1).

Tanganyika.

GENERAL OBSERVATIONS.

1. *Economic Crisis.*

The Commission regretted to learn from the accredited representative's statement how seriously the world economic crisis had affected the economic, financial and social life of the territory. It trusts that the necessary retrenchments may be effected without any serious diminution in the educational, medical and the other public services which affect the native population and, in particular, that the system of native administration will not be compromised by the effects of the crisis (pages 27-28).

2. *Foodshortage in the Province of Bukoba in 1929.*

The Commission thanks the mandatory Power for its detailed reply to the question asked by the Commission in 1930 with regard to the famine in the province of Bukoba in 1929. It trusts that the steps taken by the Administration will prevent the recurrence of such calamities (pages 26, 30).

3. *Native Policy.*

The Commission is glad to learn that effective steps are being taken to cope with the congestion of the native population in the Arusha-Meru district (page 39).

SPECIAL OBSERVATIONS.

1. *General Administration.*

The Commission has read with keen interest the annual reports of the Provincial Commissioners of the mandated territory on native administration for the year 1930. It would be glad if these reports could be communicated to it regularly in future (page 29).

The Commission welcomes the statement of the accredited representative that the interesting experiment in native administration recently inaugurated is being continued (page 28).

2. *Agricultural Credit.*

The accredited representative informed the Commission that an expert on co-operative banks has been instructed to examine the question of agricultural credit in Tanganyika. It trusts that the mandatory Power will inform it next year of the steps that have by then been taken in consequence of this examination (page 31).

3. *Education.*

In view of the very limited opportunity for the education of girls in Government schools, the Commission hopes that the mandatory Power will spare no efforts in this important aspect of education, in spite of financial stringency (pages 37-38).

4. *Labour.*

The Commission is anxious that the system of labour inspection organised in the Labour Department should not suffer by the measures of retrenchment now being carried out (page 37).

5. *Public Health.*

The Commission notes the accredited representative's statement that, by an amendment to the legislation, doctors holding foreign degrees are permitted to practise in the mandated territory. It hopes that the next report will state the number and nationalities of the doctors (page 38).

Observation applying both to the Cameroons and Togoland under British Mandate and to the Cameroons and Togoland under French Mandate.

Liquor Traffic.

The Commission expresses the desire that neighbouring local authorities may give special attention to the liquor traffic across the frontiers and may conclude agreements and institute measures which will have the effect of making any attempt at smuggling unprofitable (pages 47, 138, 153).

C.P.M.1252(1).

Cameroons under British Mandate.

1. *General Administration.*

The Commission hopes that the efforts made by the Administration to put an end to the differences which have arisen between the Catholic Mission on the one hand and certain chiefs and natives on the other will be crowned with success (page 54).

2. *Public Health.*

The Commission, while thanking the mandatory Power for the information given in the report with regard to sleeping-sickness and leprosy, expresses the hope that steps for effectively combating these diseases will continue to be taken by the Administration (page 55).

C.P.M.1252(1).

Togoland under British Mandate.

1. *Public Finance.*

The Commission noted with satisfaction the statement of the accredited representative that future reports would contain the financial data for the year under examination and not only for the preceding year, as in the case of the present report (page 41).

2. *Liquor Traffic.*

The Commission observed that the consumption of spirituous liquors had considerably decreased in the territory. It desires to express its satisfaction at the excellent report of the Commission of Enquiry entrusted by the Administration with the study of the problem of controlling the consumption of spirituous liquors, and notes the conclusions of this report (page 47).

C.P.M.1264(1).

Cameroons and Togoland under French Mandate.

OBSERVATION APPLICABLE TO BOTH TERRITORIES.

Public Finance.

The question of the subsidies granted by the territories to various propaganda institutions and bodies, which had already engaged the Commission's attention at its thirteenth, fifteenth, eighteenth and nineteenth sessions, was again dealt with.

From the information supplied in the reports for 1930, it appears that the mandatory Power has not yet taken steps in the direction recommended by the Commission. The Commission hopes that the forthcoming reports will give satisfaction on this point (pages 130 and 163-164).

Ruanda-Urundi.

1. General Administration.

The Commission read the very interesting statement of the " Guiding Ideas of the General Policy to be followed in Ruanda-Urundi " published as a preface to the annual report. It hopes that the work of the Administration will be successfully pursued along the lines laid down in that document (pages 16-17).

The Commission noted that chiefs and sub-chiefs have frequently been deposed, on the ground of passive opposition to the instructions of the Mandatory authorities. The Commission observed that the mandatory Power has this state of affairs at heart, and confidently expects more reliable and active co-operation from those called upon to succeed the chiefs who have proved unequal to their duties. It is most anxious to be kept informed of the results obtained in this direction (pages 17-20).

At its sixteenth session, the Commission was informed by the accredited representative of the proposal to transfer the capital of the territory from Usumbura to Astrida. At its nineteenth session, the Commission noted a statement by the accredited representative to the effect that " the proposal was rather to make a division between Usumbura and Astrida, the first remaining the administrative capital, the second becoming the principal centre for the institutions concerned with the educational development of the natives ". Learning at the present session that this proposal has been virtually abandoned, the Commission hopes that detailed information on this subject will be given in the next report (page 15).

The Commission was interested to learn that the project of transferring some of the people of Ruanda to form a colony in the Kivu district has been abandoned (page 22).

2. Public Finance.

The Commission trusts that the recently increased poll-tax will not prove to be in excess of the taxable capacity of the natives (page 21).

3. Infant Mortality.

In view of the high infant mortality in the territory, the Commission would like further information on this subject to be given in the next report (page 23).

4. Education.

The Commission would be glad to know whether the Administration contemplates having instruction in native customs by qualified native teachers introduced into the schools for chiefs' sons (page 18).

5. Alcoholic Liquors.

The Commission hopes to receive information in the next report as to the manufacture, alcoholic content and degree of harmfulness of native beers and other drinks consumed in the territory (page 23).

6. Public Health.

The Commission notes that, by a decree of June 21st, 1930, holders of foreign degrees may be permitted to practise medicine in the mandated territory. It hopes that the next report will state the number and nationalities of doctors authorised to practise in the territory (page 24).

The Commission observes that the efforts to deal with sleeping-sickness have not as yet yielded wholly satisfactory results. It thinks that more ample means should be employed to put down this disease (pages 24, 78-79).

TERRITORIES UNDER C MANDATE

Islands under Japanese Mandate.

Population.

The Commission notes with regret that in ten years the native population of the island of Yap has decreased by about one-quarter. While appreciating the mandatory Power's efforts to ascertain the causes of this decrease, the Commission would suggest that it would be advisable to study this question, not merely from the medical, but also from the social standpoint (pages 84-85).

Western Samoa.

GENERAL OBSERVATION.

When examining the annual report for 1929-30, the Commission submitted to the Council observations, the last two paragraphs of which read as follows :

“ The Permanent Mandates Commission noted these statements of the accredited representative, which indicate that order is re-established in Samoa, that the Samoans are beginning to abandon the attitude of systematic opposition to the Administration which they had taken up, and that the mandatory Power is fully alive to the circumstances which must determine its future policy.

“ Under these circumstances, the Permanent Mandates Commission considered that any judgment on the nature of the troubles that occurred in this territory during 1929-30, and on the question of responsibility, would now merely revive feelings and hamper the efforts which the mandatory Power is making to restore peaceful conditions. It therefore proposes to follow with special attention the new policy which the mandatory Power has announced, and trusts that closer co-operation between the Administration and the native population will lead to definite and satisfactory results in the near future.”

During the present session, the Commission noted that, as appears from the information contained in the annual report for 1930-31, the general situation in Samoa is improving and that, in particular, certain results have already been obtained in the direction of co-operation between the Administration and the native population. The Commission endeavoured to obtain supplementary information on the situation in Samoa from the accredited representative. His replies to its questions did not give any new information which would enable the Commission to form a clear opinion as to the present conditions in the country. The Commission hopes that the next report will afford more reassuring information as to the efforts made to restore the good feeling in the country (pages 145-151).

SPECIAL OBSERVATIONS.

1. General Administration.

The Commission is glad to hear that an anthropologist has been appointed to make an enquiry into the social conditions and customs of the half-castes and natives and that his report would be communicated to it (page 149).

2. Legislation.

The Commission learnt with satisfaction that a volume containing the ordinances concerning Samoa is being compiled and will be forwarded to the Commission (page 151).

3. Missions.

The Commission hopes to find in the next annual report more information as to the activity displayed in the territory by missions in general, and particularly in the educational sphere (page 152).

C. OBSERVATIONS ON PETITIONS.

At its twenty-first session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Powers. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes.¹

Iraq.

(a) *Petitions, dated May 5th, 12th, 21st and September 23rd, 1931, from Mr. A. Hormuzd Rassam* (documents C.P.M. 1211, 1234, 1170 (a), 1246) (pages 101 and 176).

Observations from the British Government dated October 14th, 1931, and October 28th, 1931 (documents C.P.M. 1235, 1234, 1236 and 1246).

¹ The Commission recommends that copies of the petitions and observations of the mandatory Powers relating thereto should be kept in the Library of the League of Nations.

- (b) *Petition dated June 16th, 1930, from Mr. E. H. Hollands* (document C.P.M. 1214) (page 176)
- Observations from the British Government dated October 14th, 1931 (document C.P.M. 1237).
- Report (see Minutes, Annex 6).

CONCLUSIONS.

Considering that the complaints put forward in these petitions are of the same nature as those considered by the Commission in June last, when it examined other petitions (see Minutes of the twentieth session, pages 217 to 219 and 234), and that, apart from the proposal to constitute in Iraq an enclave where the minorities might enjoy local autonomy, no new fact of importance has been adduced in these various petitions, the Commission does not feel called upon to recommend that the Council take any particular action on these petitions. Nevertheless, although unable to gauge how much credence should be attached to these petitions, the Commission regards them as further evidence of the apprehension to which the proposed termination of the mandate has given rise among certain elements belonging to the minorities in Iraq.

- (c) *Petition, dated May 12th, 1931, from Rear-Admiral Paymaster H. Seymour Hall* (document C.P.M. 1181) (page 172).

Observations from the British Government, dated October 14th, 1931 (document C.P.M. 1228).

Report (see Minutes, Annex 7).

CONCLUSIONS.

Since Captain Cope, a British subject who was considered to be an undesirable person by the Government of Iraq, was not expelled without the representative of the mandatory Power first being consulted, the Commission is of opinion that there is no need to make any special recommendation to the Council in regard to the petition.

- (d) *Petition, dated March 28th, 1931, from certain persons purporting to be Iraqi Kurds* (document C.P.M. 1218) (page 172).

Observations from the British Government, dated July 20th, 1931 (document C.P.M. 1218).

Report (see Minutes, Annex 8).

CONCLUSIONS.

The Commission, having examined a petition dated March 28th, 1931, from certain signatories purporting to be Iraqi Kurds ;

Having noted the observations put forward on this petition by the British Government on July 20th, 1931 :

(1) Notes that the mandatory Power disputes the qualification of the petitioners to speak on behalf of the Iraqi Kurds, and disputes the historical foundation for their complaints ;

(2) Notes that the petitioners, in stating their grievances, base themselves on legal texts whose meaning they manifestly distort ;

(3) Considers that this fresh manifestation of discontent in Iraq, whatever may be its sincerity and value, cannot call for any other observations than those which it already formulated last year in connection with other similar petitions ;

(4) Therefore decides to continue to pay the greatest attention to the unrest persisting among the Kurds and to draw the Council's attention afresh to the uncertain fate which lies before them if Great Britain's moral protection, which they have enjoyed for over ten years, were to be withdrawn, unless they are given equivalent guarantees.

- (e) *Petition dated May 16th, 1931, from Mme. Assya Taufiq* (document C.P.M. 1250) (pages 116 and 173).

Observations from the British Government dated October 30th, 1931 (document C.P.M. 1250).

Report (see Minutes, Annex 9).

CONCLUSIONS.

The Commission, having examined the petition from Mme. Assya Taufiq complaining of her husband's arrest, considers that the question no longer arises, since her husband was released six months ago under a decision of the authorities of Iraq.

Palestine.

- (a) *Petition dated March 19th, and May 2nd, 1931, from Dr. F. Kayat* (documents C.P.M. 1155 and 1159) (page 173).

Observations from the British Government, dated August 20th, 1931 (document C.P.M. 1222).

Report (see Minutes, Annex 11).

CONCLUSIONS.

The Commission, having examined the petition from Dr. F. Kayat, as well as the observations thereon made by the British Government, considers that, as the petition relates to a case which has been examined and settled by the courts, and as it seems, moreover, that a legal remedy is still open to the petitioner, there is no occasion to submit a recommendation to the Council.

- (b) *Petition, dated May 10th, 1931, from Mr. Israel Amikam* (document 1216) (page 172).

Observations from the British Government, dated July 8th, 1931 (document C.P.M. 1216).

Report (see Minutes, Annex 10).

CONCLUSIONS.

The Commission, having examined the petition from Mr. Israel Amikam, and the memorandum containing the observations of the British Government, does not consider that the petition should form the subject of a recommendation to the Council, but trusts that the mandatory Power will from time to time re-examine the question of the transmission of telegrams in Hebrew characters in order to ascertain whether the technical and financial difficulties which have hitherto prevented the Administration of Palestine from allowing such transmission still prevail. The Commission will be glad to have information from the mandatory Power when the question has been definitely settled.

- (c) *Petition, dated May 17th, 1931, from the Arab Executive Committee* (document C.P.M. 1215) (page 172).

Observations from the British Government, dated July 2nd, 1931 (document C.P.M. 1215).

Report (see Minutes, Annex 12).

CONCLUSIONS.

The Commission considers that no action should be taken on this petition, as its demands are incompatible with the terms of the mandate.

Cameroons under French Mandate.

- a) *Petition, dated March 21st, 1930, from M. Joseph Mouangué* (document C.P.M.1133), (pages 143 and 173).

Observations from the French Government, dated November 10th, 1930 (document C.P.M. 1133).

Report (see Minutes, Annex 13).

CONCLUSIONS.

The Commission is of opinion that there is no need to make any recommendations to the Council on M. Mouangué's petition, since it deals with a question on which a final judgment has been pronounced by a regular court.

- (b) *Petition, dated May 18th, 1931, from M. Vincent Ganty* (document C.P.M. 1185) (pages 142-143 and 172).

Observation from the French Government, dated June 4th, 1931 (document C.P.M. 1185)

Report (see Minutes, Annex 14).

CONCLUSIONS.

The Commission considers that no action should be taken on the petition, as the conclusions are inadmissible under the existing rules of procedure with regard to mandate petitions.

Togoland under French Mandate.

Petition, dated October 14th, 1930, from the "Bund der Deutsch-Togoländer" (documents C.P.M. 1220 and 1241) (pages 161-162 and 173).

Observations from the French Government, dated July 8th, 1931 (document C.P.M.1220).

Report (see Minutes, Annex 15).

CONCLUSIONS.

The Commission considers that no action should be taken on the petition, its conclusions being inadmissible, under the existing rules of procedure with regard to mandate petitions.

Tanganyika.

Petitions, dated October 20th, 1930, and January 10th, 1931, from the Indian Association, Tanganyika (documents C.P.M. 1164 and 1219) (pages 39-40 and 182).

Observations from the British Government, dated May 15th, 1931, and June 24th, 1931 (documents C.P.M.1164 and 1219).

Report (see Minutes, Annex 16).

CONCLUSIONS.

The Commission, having noted the communications of the Indian Association and the observations of the mandatory Power, recommends the Council to note the accredited representative's statement that the local Government of Tanganyika has always sedulously endeavoured to avoid any unfair differentiation in the treatment of the Indian or of any other community in the territory and to extend even-handed justice to all, irrespective of race, class and creed.

South West Africa.

Petition, dated January 15th, 1931, from Mr. N. van Wyk and from other members of the Rehoboth Community (document C.P.M.1213) (page 173).

Observations from the Government of the Union of South Africa, dated May 28th, 1931 (document 1213).

Report (see Minutes, Annex 20).

CONCLUSIONS.

The Commission recommends the Council to request the mandatory Power to have the text of the report by the Commission on their former petition fully explained to the petitioners, since the latter allege that they do not understand it; and also to inform them that, in view of the conclusions of the Special Commission under Judge de Villiers, the Mandates Commission sees no grounds for challenging the validity of Proclamation No. 28 of 1923. It cannot but repeat its previous recommendation that the petitioners should be invited to discuss the agreement with the administrator and constitute a united community, which could work in harmony with the administration.

Western Samoa.

(a) *Petition dated May 19th, 1930, from Mr. O. F. Nelson* (document C.P.M.1073) (pages 148 and 182).

Observations from the Government of New Zealand, dated December 5th, 1930 (document C.P.M.1134).

Report (see Minutes, Annex 17).

CONCLUSIONS.

The Commission, in view of the fact that the allegations made by the petitioner have already been examined by the competent New Zealand judicial authority and by the Mandates Commission at a previous session, and, after hearing the explanations given at the present session by the accredited representative, concludes that no further action need be taken on Mr. Nelson's petition.

(b) *Petition, dated May 19th, 1930, from the Rev. A. John Greenwood* (document C.P.M.1071) (page 182).

Observations from the New Zealand Government, dated December 5th, 1930 (document C.P.M.1135).

Report (see Minutes, Annex 18).

CONCLUSIONS.

The Commission, having carefully studied the petition from the Rev. A. J. Greenwood is unable to give an opinion on the concrete cases referred to, as these have already been considered by duly constituted courts.

With regard to the accusations of a general nature, the Commission considers that these do not call for action by the Council.

(c) *Petition, dated September 18th, 1930, from the Women's International League for Peace and Freedom (New Zealand Section)* (document C.P.M. 1142) (pages 148 and 182).

Observations from the New Zealand Government, dated January 28th, 1931 (document C.P.M.1142).

Report (see Minutes, Annex 19).

CONCLUSIONS.

The Commission considers that it cannot give an opinion on cases which have been duly heard in the proper courts.

While regretting not to have found fuller information in the declaration of the accredited representative on this matter, the Commission feels that no conclusive reason has been advanced which would justify the carrying out of a further special enquiry by a special Commission with regard to the facts alleged in the petition.

D. OBSERVATION FROM THE COMMISSION ON THE REDUCTION OF THE NUMBER OF ITS SESSIONS DURING THE YEAR 1932 (pages 14 and 173).

The Commission has noted a decision taken by the twelfth Assembly to the effect that the budgetary estimates for 1932 only allow one session to be held in that year.

The Commission will make every effort to comply with the Assembly's decision and carry out, if possible, the essential part of its ordinary task and such other work as cannot be postponed until the following financial year.

The Commission feels bound to draw the Council's attention to the consequences which this decision would involve if it were to be maintained or renewed.

The Commission would be absolutely unable to fulfil the duties conferred upon it by Article 22 of the Covenant; consequently, the whole mandates system, of which the Commission forms an essential part, would be prevented from working in an effective and regular manner.

The Commission has requested its Chairman to hold himself at the disposal of the Council to explain, if the Council so desires, the grounds on which the Commission's fears are based.

II.

COMMENTS OF CERTAIN ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION.¹

CAMEROONS AND TOGOLAND UNDER FRENCH MANDATE.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED NOVEMBER 25th, 1931.

[*Translation.*]

By a letter dated November 21st, 1931, you were good enough to send me a typewritten copy of the observations of the Permanent Mandates Commission referring to the reports on the administration of Togoland and Cameroons in 1930.

¹ The accredited representatives for the islands under Japanese mandate, the Cameroons under British mandate and Iraq have informed the Secretariat that they do not wish to submit any comments on the Commission's observations.

In reply to this communication, I have the honour to inform you that the only observation which I desire to have inserted in the report of the Commission is in connection with "Public Finance" and the question of subsidies granted by the territory to various institutions.

The wording of this observation is as follows :

"The mandatory Power has, on several occasions, explained to the Commission its point of view on this question. It is of the opinion that the grant of the subsidies referred to is, in the majority of cases, of the nature of valuable propaganda in favour of the territories."

(Signed) Maurice BESSON.

WESTERN SAMOA.

COMMENTS OF THE ACCREDITED REPRESENTATIVE, DATED NOVEMBER 25TH, 1931.

Whilst I am glad to learn that the Permanent Mandates Commission recognises the improvement in the general situation in Samoa as disclosed in the last annual report, I am sorry to note that the Commission feels that my replies to certain questions did not give any new information which would enable it to form a clear opinion as to the present condition in the country.

When the Prime Minister of New Zealand forwarded, on July 13th last, to the Secretary-General of the League of Nations the last annual report, he would, I feel sure, have taken the opportunity which that letter afforded of supplying any information on recent developments which was not contained in the report. The absence of additional information would seem to imply that nothing had happened since the report had been prepared which could be called "new". I endeavoured to leave with the Commission the impression that the position appeared to be quite satisfactory and the future promising ; but, as I pointed out, no Government could guarantee that there would not be trouble of any kind. After a lengthy period of non-co-operation, one cannot expect the machinery of Government to function suddenly with that regularity to which we were accustomed before the Mau movement ; but there is every reason to believe that the improvement indicated is being well maintained.

With regard to the observation on General Administration, I am sorry if my reply to Lord Lugard's question gave the Commission to understand that an anthropologist had been appointed to make an enquiry into the social conditions and customs of the half-castes and natives. What I said was that Dr. Te Rangihiroa had been engaged in anthropologist investigation in Honolulu and was now in some islands of the Pacific, and I added that, if a copy of any report which he had made could be obtained, it would be supplied. Perhaps it was not made sufficiently clear by me that Dr. Te Rangihiroa had not been appointed by the New Zealand Government to make specific enquiries in Samoa.

(Signed) Thomas Mason WILFORD.

RUANDA-URUNDI.

COMMENT OF THE ACCREDITED REPRESENTATIVE, DATED DECEMBER 2ND, 1931.

[Translation.]

The section of the report of the Permanent Mandates Commission dealing with General Administration mentions a statement to the effect that the proposal to retain Usumbura as the administrative capital of Ruanda-Urundi has been virtually abandoned.

To avoid any possible misunderstanding, the accredited representative of the Belgian Government thinks it advisable to point out that the question of the choice of the capital is simply being re-examined, and that it is impossible at present to foresee the outcome.

(Signed) HALEWYCK DE HEUSCH.

ANNEX 22.

IRAQ.

SPECIAL REPORT OF THE COMMISSION TO THE COUNCIL
ON THE PROPOSAL OF THE BRITISH GOVERNMENT WITH REGARD
TO THE EMANCIPATION OF IRAQ.

1. On September 4th, 1931, the Council adopted the following resolution :

“ The Council requests the Permanent Mandates Commission to submit its opinion on the proposal of the British Government for the emancipation of Iraq after consideration of the same in the light of the resolution of the Council of September 4th, 1931, with regard to the general conditions to be fulfilled before a mandate can be brought to an end ”.¹

The Council resolution regarding the general conditions which must be fulfilled before a mandate can be terminated is as follows :

“ The Council notes the conclusions — appended to the present resolution — at which the Permanent Mandates Commission has arrived regarding the general conditions to be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime. In view of the responsibilities devolving upon the League of Nations, the Council decides that the degree of maturity of mandated territories which it may in future be proposed to emancipate shall be determined in the light of the principles thus laid down, though only after a searching investigation of each particular case. The Council will naturally have to examine with the utmost care all undertakings given by the countries under mandate to the mandatory Power in order to satisfy itself that they are compatible with the status of an independent State and, more particularly, that the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission. ”²

Iraq is one of those communities which, in the terms of Article 22 of the Covenant, “ have reached a stage of development where their existence as independent nations can be provisionally recognised, subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone ”.

The task entrusted by the Council to the Commission consists in giving its opinion as to whether the time for putting an end to the mandatory regime, as contemplated in Article 22 of the Covenant, has arrived in the case of Iraq, a regime which from its inception has possessed certain special features³ and — if the Commission has correctly interpreted the Council's wishes — in defining the guarantees which would in that case be given by Iraq to the League of Nations. ⁴

2. As the Commission pointed out in its report on its twentieth session, the question whether a people which has hitherto been under the mandatory regime has become fit to stand alone is above all a question of fact. In determining its ability to do so, it is necessary not only to ascertain whether the country desirous of emancipation has at present the essential political institutions and administrative machinery of a modern State, but also whether it gives evidence of such social conditions and civic spirit as would ensure the regular working of these institutions and the effective exercise of the civil and political rights established by law.

The Commission desires to point out that it has had no opportunity of observing at first hand the moral condition and internal policy of Iraq, the degree of efficiency reached by its administrative organisation, the spirit in which its laws are applied and in which its institutions function.

In judging the actual situation in Iraq, the Commission can therefore only endeavour to reach a conclusion on the basis of the annual reports of the mandatory Power and the special report entitled “ Progress of Iraq during the Period 1920-1931 ”, together with the explanations furnished year by year by the accredited representatives of the mandatory Power during the examination of these reports and the numerous petitions addressed to the League of Nations by inhabitants of Iraq or by third parties with the observations of the mandatory Power upon them.

The views of the British Government as to the political maturity of Iraq are the views of the guide who has constantly seen and directed the rapid progress made by that country during the mandatory regime. The full significance of these views is recognised when they are considered in conjunction with the declaration made by the accredited representative of that Government at the twentieth session of the Mandates Commission — the great importance of which the Council will certainly have appreciated — to the effect that :

“ His Majesty's Government fully realises its responsibility in recommending that Iraq should be admitted to the League, which is, in its view, the only legal way of

¹ See *Official Journal*, November 1931, pages 2058.

² See *Official Journal*, November 1931, pages 2055-2056.

³ See *Minutes*, pages 154, 175.

terminating the mandate. Should Iraq prove herself unworthy of the confidence which has been placed in her, the moral responsibility must rest with His Majesty's Government . . . " ¹

Had it not been for this declaration, the Commission would, for its part, have been unable to contemplate the termination of a regime which appeared [some years ago to be necessary in the interest of all sections of the population.

In the report on the "Progress of Iraq during the Period 1920-1931", the Permanent Mandates Commission noted the following passage :

"They (His Majesty's Government) have never regarded the attainment of an ideal standard of administrative efficiency and stability as a necessary condition either of the termination of the mandatory regime or of the admission of Iraq to membership of the League of Nations. Nor has it been their conception that Iraq should from the first be able to challenge comparison with the most highly developed and civilised nations in the modern world." ²

This conception of the requirements which must be insisted upon in emancipating a country hitherto under mandate has appeared to the Commission to be sound.

This was the point of view from which the Commission proceeded when formulating in the present report its opinion as to the existence in Iraq of *de facto* conditions which satisfy the general conditions contained in the Council resolution of September 4th, 1931.

3. Subject to these general *de facto* conditions, the Commission suggested in its report to the Council on the work of its twentieth session that the following conditions must be fulfilled before a mandated territory can be released from the mandatory regime — conditions which must apply to the whole of the territory and its population :

"(a) It must have a settled Government and an administration capable of maintaining the regular operation of essential Government services ;

"(b) It must be capable of maintaining its territorial integrity and political independence ;

"(c) It must be able to maintain the public peace throughout the whole territory ;

"(d) It must have at its disposal adequate financial resources to provide regularly for normal Government requirements ;

"(e) It must possess laws and a judicial organisation which will afford equal and regular justice to all."

The Council took note of these various suggestions.

The Commission endeavoured to determine, with the help of its usual sources of information and to the extent compatible with the nature of its functions and procedure, whether these conditions really existed in Iraq.

It has now arrived at the following opinion, based on the accompanying considerations :

(a) The accredited representative, while not claiming that the administration of Iraq had attained perfection, stated on behalf of the British Government that the first condition was fulfilled in Iraq.³ As the Commission has no information which would justify a contrary opinion, it considers that the assumption may be accepted that Iraq now possesses a settled Government and an administration capable of maintaining the regular operation of essential Government services.

(b) The present military establishment of Iraq is not such that this country can be regarded as capable of maintaining its territorial integrity and political independence against a foreign aggressor by means of its own national forces. ⁴

On the other hand, if Iraq should be admitted to the League of Nations it would enjoy the guarantees of security which all the States Members of the League derive from the Covenant. In the same eventuality the Anglo-Iraqi Treaty of Alliance of June 30th, 1930, would automatically come into force, and under Article 4 of this treaty the contracting parties are bound to afford each other mutual and immediate help in case of war.

In these circumstances, and if the termination of the mandatory regime is accompanied by the admission of Iraq to the League of Nations, the Commission considers that Iraq fulfils the second condition, interpreted in the sense attached to it by the Commission itself. ⁵

(c) During the present session, the accredited representative of the mandatory Power also stated that the Iraq army and police would be sufficient to cope with anything that could be reasonably foreseen. ⁶

The Commission accepts this judgment, having no information to the contrary. It expresses the opinion that the present situation in Iraq justifies the acceptance of the assumption that the Government is able to maintain the public peace throughout the whole territory.

¹ See Minutes of the twentieth session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), page 134.

² See special report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the "Progress of Iraq during the Period 1920-1931", pages 10 and 11.

³ See Minutes, page 100.

⁴ See Minutes, page 90.

⁵ See Minutes of the twentieth session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), page 177.

⁶ See Minutes, page 102.

(d) The Commission does not propose to express an opinion on the solidity of the financial system of a State whose credit has not yet been tested and whose national currency has not yet been put into circulation.¹

The present financial situation of Iraq is undoubtedly sound and the latent resources of the country are considerable.² Furthermore, the Commission found nothing in the information supplied by the mandatory Power which might lead it to suppose that Iraq, provided that the public revenues continue to be prudently managed and that steps are taken to encourage economic development, will not have at its disposal adequate financial resources to provide regularly for normal Government requirements.

(e) The Commission is of opinion that Iraq possesses laws and a judicial organisation which, subject to certain readjustment and improvements, the necessity of which was recognised by the accredited representative of the mandatory Power,³ and provided that at least the same guarantees be assured as the Anglo-Iraqi Judicial Agreement of March 4th, 1931, will afford uniform justice to all.

4. In its report to the Council on the work of its twentieth session, the Commission suggested that, without prejudice to any supplementary guarantees which might be justified by the special circumstances of certain territories or their recent history, the undertakings of a new State should ensure and guarantee :

(a) The effective protection of racial, linguistic and religious minorities ;

(b) The privileges and immunities of foreigners (in the Near-Eastern territories), including consular jurisdiction and protection as formerly practised in the Ottoman Empire in virtue of the capitulations and usages, unless any other arrangement on this subject has been previously approved by the Council of the League of Nations in concert with the Powers concerned ;

(c) The interests of foreigners in judicial, civil and criminal cases, in so far as these interests are not guaranteed by the capitulations ;

(d) Freedom of conscience and public worship and the free exercise of the religious, educational and medical activities of religious missions of all denominations, subject to such measures as may be indispensable for the maintenance of public order, morality and effective administration ;

(e) The financial obligations regularly assumed by the former mandatory Power ;

(f) Rights of every kind legally acquired under the mandate regime ;

(g) The maintenance in force for their respective duration and subject to the right of denunciation by the parties concerned of the international conventions, both general and special, to which, during the mandate, the mandatory Power acceded on behalf of the mandated territory.

The Council took note of these suggestions.

(a) In the case of Iraq, the Commission is of opinion that the protection of racial, linguistic and religious minorities should be ensured by means of a series of provisions inserted in a declaration to be made by the Iraqi Government before the Council of the League of Nations and by the acceptance of the rules of procedure laid down by the Council in regard to petitions concerning minorities, according to which, in particular, minorities themselves, as well as any person, association or interested State, have the right to submit petitions to the League of Nations.

(i) This declaration, the text of which would be settled in agreement with the Council, would contain the general provisions relating to the protection of the said minorities accepted by several European States.

In addition, Iraq would accept any special provisions which the Council of the League of Nations, in agreement with the Iraqi Government, might think it necessary to lay down as a temporary or permanent measure to ensure the effective protection of racial, linguistic and religious minorities in Iraq.

Various suggestions as to how practical effect could be given to this protection were made in the course of the Commission's discussion.⁴

(ii) Iraq would agree that, in so far as they affected persons belonging to the racial, linguistic or religious minorities, these provisions would constitute obligations of international concern and would be placed under the guarantee of the League of Nations. No modification could be made in them without the assent of a majority of the Council of the League of Nations

Iraq would agree that any Member of the Council of the League of Nations would have the right to bring to the attention of the Council any infraction or danger of infraction of any of these stipulations, and the Council could thereupon take such action and give such directions as it might deem proper and effective in the circumstances.

Finally Iraq would agree that any difference of opinion as to questions of law or fact arising out of these provisions between Iraq and a Member of the Council of the League of Nations would be held to be a dispute of an international character under

¹ See Minutes, page 94.

² See Minutes, page 94-95, 103-105.

³ See Minutes, page 106.

⁴ See Minutes, pages 64-68, 112-115, 157-158, 174-175.

Article 14 of the Covenant of the League of Nations. Any such dispute would, if the other party thereto demanded, be referred to the Permanent Court of International Justice. The decision of the Permanent Court would be final and would have the same force and effect as an award under Article 13 of the Covenant.

(b) As regards more particularly the safeguarding of the interests of foreigners in judicial matters, civil and criminal, the Commission considers that the Iraqi Government should give a solemn pledge to the Council guaranteeing those interests. This pledge, which would take the place of the capitulations which would normally be revived on the expiration of the Judicial Agreement of March 4th, 1931, should be based on that agreement, which has received the approval of the Council and of the Powers concerned, and should be subject to the consent of the said Powers. The majority of the Commission, however, is of opinion that it would be desirable that the foreign judges forming part of the judiciary of Iraq should not be exclusively of British nationality.¹

(c) On the other hand, should there be a simple reversion to the system of the capitulations, it would be important to safeguard the interests of the nationals of those of the States Members of the League which did not enjoy capitulatory rights in the Ottoman Empire, or which had renounced them by treaty. In that case, therefore, Iraq should make a declaration to the Council guaranteeing the interests in civil and criminal judicial matters of foreigners who do not enjoy the benefit of the capitulations. The terms of this declaration, which would be determined by agreement between Iraq and the Council, might be based on the considerations outlined in the previous paragraph.

(d) Iraq should formally undertake before the Council in accordance with the resolution of September 4th, 1931, to ensure and guarantee freedom of conscience and public worship, and the free exercise of the religious, educational and medical activities of religious missions of all denominations, whatever their nationality, subject to such measures as may be indispensable for the maintenance of morality and public order.

(e) Iraq should also make a declaration before the Council with regard to the financial obligations assumed in regular form by the mandatory Power. This declaration should provide every guarantee for the application of the principle laid down in the Council's resolution of September 15th, 1925.²

(f) and (g) Iraq should likewise give an undertaking to the Council to respect all rights of every kind legally acquired before and during the mandatory regime and to maintain in force the international Conventions both general and special to which, during the currency of that regime, Iraq or the mandatory Power on its behalf has acceded, for the period of validity provided for in such Conventions subject to any right of denunciation which the parties may possess.

5. The Commission recommended that "the new State, if hitherto subject to the economic equality clause, should consent to secure to all States Members of the League of Nations the most-favoured-nation treatment as a transitory measure on condition of reciprocity".

In its resolution of September 4th, 1931, the Council decided that it would have to satisfy itself that "the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission". The Council therefore held that the concession of this latter advantage should be one of the conditions laid down for the termination of the mandate.

Iraq should therefore formally accept the obligation to grant most-favoured-nation treatment subject to reciprocity to all States Members of the League of Nations for a transitional period, the duration of which would be determined by negotiations with the Council.

* * *

Except as regards protection of minorities for which the procedure is provided above, the Commission recommends that Iraq should be requested to accept that any difference of opinion arising between Iraq and any Member of the League of Nations relating to the interpretation or the execution of the undertakings assumed before the Council may, by an application by such Member, be submitted to the Permanent Court of International Justice.

¹ See Minutes, pages 169-170,

² Extract from the Council's resolution of September 15th, 1925 (see *Official Journal*, October 1925, page 1363):

"The Council,

"In view of the discussion of the Permanent Mandates Commission, in the course of its sixth session, on the subject of loans, advances and investments of public and private capital in mandated territories, and in view of the earlier discussions and enquiries and of the statements of the mandatory Powers on this subject:

"(1) Declares that the validity of financial obligations assumed by a mandatory Power on behalf of a mandated territory in conformity with the provisions of the mandate and all rights regularly acquired under the mandatory regime are in no way impaired by the fact that the territory is administered under mandate;

"(2) Agrees on the following principles:

"(a) That the cessation or transfer of a mandate cannot take place unless the Council has been assured in advance that the financial obligations regularly assumed by the former mandatory Power will be carried out and that all rights regularly acquired under the administration of the former mandatory Power shall be respected, and,

"(b) That, when this change has been effected, the Council will continue to use all its influence to ensure the fulfilment of these obligations".

* * *

6. Finally the Commission, in conformity with the Council's resolution of September 4th, 1931, examined the undertakings entered into by Iraq with Great Britain from the point of view of their compatibility with the status of an independent State.

After having carefully considered the text of these undertakings and having heard the explanations and information on the subject from the accredited representative, the Commission¹ came to the conclusion that, although certain of the provisions of the Treaty of Alliance of June 30th, 1930, were somewhat unusual in treaties of this kind, the obligations entered into by Iraq towards Great Britain did not explicitly infringe the independence of the new State.²

¹ See Minutes, pages 171, 176, 177-181.

² See Minutes, pages 74-78, 100, 120-122, 171, 176.

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ABBREVIATIONS

Govt. = Government Memo. = Memorandum Int. = International
P.M.C. = Permanent Mandates Commission Resol. = Resolution

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Geneva, November 13th, 1931.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

TWENTY-FIRST SESSION OF THE COMMISSION

(Geneva, October 26th-November 13th, 1931.)

I.

**REPORT TO THE COUNCIL OF THE LEAGUE OF NATIONS
ON THE ORDINARY WORK OF THE COMMISSION.**

The Permanent Mandates Commission met at Geneva from October 26th to November 13th, 1931, for its twenty-first session and held twenty-nine meetings, one of which was public. The annual reports were considered in the following order, with the assistance of the representatives of the mandatory Powers.

Ruanda-Urundi, 1930.

Accredited Representative :

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

Tanganyika, 1930.

Accredited Representative :

Mr. D. J. JARDINE, O.B.E., Chief Secretary to the Government of Tanganyika Territory.

Togoland under British Mandate, 1930.

Accredited Representative :

Mr. H. W. THOMAS, Provincial Commissioner, Gold Coast.

Cameroons under British Mandate, 1930.

Accredited Representative :

Mr. G. S. BROWNE, C.M.G., Senior Resident in Nigeria.

Islands under Japanese Mandate, 1930.

Accredited Representative :

M. N. Iro, Deputy-Director of the Imperial Japanese Bureau accredited to the League of Nations.

Iraq, 1930.

Accredited Representatives :

Lieutenant-Colonel Sir Francis HUMPHRYS, G.C.V.O., K.C.M.G., K.B.E., C.I.E., High Commissioner for Iraq.

Mr. J. H. HALL, D.S.O., M.C., O.B.E., Colonial Office.

Cameroons under French Mandate, 1930.

Accredited Representatives :

M. MARCHAND, Commissioner of the French Republic for the Cameroons.

M. Maurice BESSON, Chief of the First Bureau of the Political Department at the French Ministry for the Colonies.

Western Samoa, 1930-31.

Accredited Representative :

Sir Thomas Mason WILFORD, K.C.M.G., High Commissioner for New Zealand in London.

Togoland under French Mandate, 1930.

Accredited Representative :

M. Maurice BESSON, Chief of the First Bureau of the Political Department at the French Ministry for the Colonies.

A. GENERAL QUESTIONS.¹

I. LIQUOR TRAFFIC (page 180).

1. The Commission, having examined the replies of the mandatory Powers to the question of prohibition zones, notes these replies and hopes that these Powers will continue to use their best endeavours to control the traffic, and particularly to prevent the natives from making clandestine distilleries.

2. The Commission, having studied the document drawn up by the Secretariat on the liquor traffic in the territories under B and C mandates, trusts that the Secretariat will keep the results of this enquiry up to date.

3. The Commission, having recognised the valuable nature of the annual information supplied by the mandatory Powers on the control of the liquor traffic, and of the use of alcoholic beverages, and the need for more detailed information, recommends the mandatory Powers to adopt the methods suggested in the report submitted by its Rapporteur.

II. GENERAL STATISTICS (page 79).

In accordance with the Council's decision of March 5th, 1928, the Secretariat published in 1928 tables regarding the trade, public finances and population of the territories under mandate. These tables were prepared by the Secretariat and then revised by the mandatory Powers, who have sent several communications since 1928 for the purpose of supplementing the data contained therein. On October 21st, 1931, the Secretariat communicated to the Commission the tables revised and brought up to date with the help of the above-mentioned material. The Commission requests the Council to forward these tables to the mandatory Powers in order that they may revise them and complete them if necessary.

B. OBSERVATIONS CONCERNING THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted 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, as usual, be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.²

Observation applicable to All the Territories.

Economic Situation.

The effects of the economic depression now prevailing throughout the world are being felt all the more severely in the mandated territories, since the prosperity of these territories is closely bound up with the ruling prices of raw materials.

The Commission hopes that the mandatory Powers will make a special point of supplying the Commission, in future reports, with information as to the policy they intend to follow in order to deal with the budget deficit entailed by this depression.

¹ The page numbers following each heading are those of the Minutes of the session.

² The page numbers given at the end of each observation are those of the Minutes of the session.

TERRITORY UNDER A MANDATE

C.P.M.1267 (1).

Iraq.

Although in compliance with the Council's resolution dated September 4th, 1931, the Commission during its present session devoted its attention mainly to examining the proposed emancipation of Iraq, it also reviewed the report submitted by the mandatory Power on the administration of this territory during the year 1930. In the Commission's opinion, this report calls for the following observations :

1. *Frontiers.*

The Commission noted a declaration by the accredited representative to the effect that the British and French Governments have agreed to request the Council to determine the frontier between Iraq and Syria, and with this end in view to send a Commission to investigate the meaning of the line mentioned in the Franco-British Convention of 1920. The interested parties propose to ask the Council to decide how it would be desirable to modify the line traced in this Convention in the interests of both territories, due account being taken of the administrative, geographical and tribal considerations involved (page 93).

2. *Administration of Justice.*

The Commission learned with regret that the mandatory Power had not yet succeeded in obtaining redress for the Bahai community in respect of the miscarriage of justice of which it was the victim and to which allusion was made in the Commission's two previous reports to the Council on Iraq (pages 97-98).

TERRITORIES UNDER B MANDATE

C.P.M.1244 (1).

Tanganyika.

GENERAL OBSERVATIONS.

1. *Economic Crisis.*

The Commission regretted to learn from the accredited representative's statement how seriously the world economic crisis had affected the economic, financial and social life of the territory. It trusts that the necessary retrenchments may be effected without any serious diminution in the educational, medical and the other public services which affect the native population and, in particular, that the system of native administration will not be compromised by the effects of the crisis (pages 27-28).

2. *Foodshortage in the Province of Bukoba in 1929.*

The Commission thanks the mandatory Power for its detailed reply to the question asked by the Commission in 1930 with regard to the famine in the province of Bukoba in 1929. It trusts that the steps taken by the Administration will prevent the recurrence of such calamities (pages 26, 30).

3. *Native Policy.*

The Commission is glad to learn that effective steps are being taken to cope with the congestion of the native population in the Arusha-Meru district (page 39).

SPECIAL OBSERVATIONS.

1. *General Administration.*

The Commission has read with keen interest the annual reports of the Provincial Commissioners of the mandated territory on native administration for the year 1930. It would be glad if these reports could be communicated to it regularly in future (page 27).

The Commission welcomes the statement of the accredited representative that the interesting experiment in native administration recently inaugurated is being continued (page 28).

2. *Agricultural Credit.*

The accredited representative informed the Commission that an expert on co-operative banks has been instructed to examine the question of agricultural credit in Tanganyika. It trusts that the mandatory Power will inform it next year of the steps that have by then been taken in consequence of this examination (page 31).

3. *Education.*

In view of the very limited opportunity for the education of girls in Government schools, the Commission hopes that the mandatory Power will spare no efforts in this important aspect of education, in spite of financial stringency (pages 37-38).

4. *Labour.*

The Commission is anxious that the system of labour inspection organised in the Labour Department should not suffer by the measures of retrenchment now being carried out (page 37).

5. *Public Health.*

The Commission notes the accredited representative's statement that, by an amendment to the legislation, doctors holding foreign degrees are permitted to practise in the mandated territory. It hopes that the next report will state the number and nationalities of the doctors (page 38).

Observation applying both to the Cameroons and Togoland under British Mandate and to the Cameroons and Togoland under French Mandate.

Liquor Traffic.

The Commission expresses the desire that neighbouring local authorities may give special attention to the liquor traffic across the frontiers and may conclude agreements and institute measures which will have the effect of making any attempt at smuggling unprofitable (pages 47, 138, 153).

C.P.M.1252(1).

Cameroons under British Mandate.

1. *General Administration.*

The Commission hopes that the efforts made by the Administration to put an end to the differences which have arisen between the Catholic Mission on the one hand and certain chiefs and natives on the other will be crowned with success (page 54).

2. *Public Health.*

The Commission, while thanking the mandatory Power for the information given in the report with regard to sleeping-sickness and leprosy, expresses the hope that steps for effectively combating these diseases will continue to be taken by the Administration (page 55).

C.P.M.1252(1).

Togoland under British Mandate.

1. *Public Finance.*

The Commission noted with satisfaction the statement of the accredited representative that future reports would contain the financial data for the year under examination and not only for the preceding year, as in the case of the present report (page 41).

2. *Liquor Traffic.*

The Commission observed that the consumption of spirituous liquors had considerably decreased in the territory. It desires to express its satisfaction at the excellent report of the Commission of Enquiry entrusted by the Administration with the study of the problem of controlling the consumption of spirituous liquors, and notes the conclusions of this report (page 47).

C.P.M.1264(1).

Cameroons and Togoland under French Mandate.

OBSERVATION APPLICABLE TO BOTH TERRITORIES.

Public Finance.

The question of the subsidies granted by the territories to various propaganda institutions and bodies, which had already engaged the Commission's attention at its thirteenth, fifteenth, eighteenth and nineteenth sessions, was again dealt with.

From the information supplied in the reports for 1930, it appears that the mandatory Power has not yet taken steps in the direction recommended by the Commission. The Commission hopes that the forthcoming reports will give satisfaction on this point (pages 130 and 163-164).

Ruanda-Urundi.

1. General Administration.

The Commission read the very interesting statement of the " Guiding Ideas of the General Policy to be followed in Ruanda-Urundi " published as a preface to the annual report. It hopes that the work of the Administration will be successfully pursued along the lines laid down in that document (pages 16-17).

The Commission noted that chiefs and sub-chiefs have frequently been deposed, on the ground of passive opposition to the instructions of the Mandatory authorities. The Commission observed that the mandatory Power has this state of affairs at heart, and confidently expects more reliable and active co-operation from those called upon to succeed the chiefs who have proved unequal to their duties. It is most anxious to be kept informed of the results obtained in this direction (pages 17-20).

At its sixteenth session, the Commission was informed by the accredited representative of the proposal to transfer the capital of the territory from Usumbura to Astrida. At its nineteenth session, the Commission noted a statement by the accredited representative to the effect that " the proposal was rather to make a division between Usumbura and Astrida, the first remaining the administrative capital, the second becoming the principal centre for the institutions concerned with the educational development of the natives ". Learning at the present session that this proposal has been virtually abandoned, the Commission hopes that detailed information on this subject will be given in the next report (page 15).

The Commission was interested to learn that the project of transferring some of the people of Ruanda to form a colony in the Kivu district has been abandoned (page 22).

2. Public Finance.

The Commission trusts that the recently increased poll-tax will not prove to be in excess of the taxable capacity of the natives (page 21).

3. Infant Mortality.

In view of the high infant mortality in the territory, the Commission would like further information on this subject to be given in the next report (page 23).

4. Education.

The Commission would be glad to know whether the Administration contemplates having instruction in native customs by qualified native teachers introduced into the schools for chiefs' sons (page 18).

5. Alcoholic Liquors.

The Commission hopes to receive information in the next report as to the manufacture, alcoholic content and degree of harmfulness of native beers and other drinks consumed in the territory (page 23).

6. Public Health.

The Commission notes that, by a decree of June 21st, 1930, holders of foreign degrees may be permitted to practise medicine in the mandated territory. It hopes that the next report will state the number and nationalities of doctors authorised to practise in the territory (page 24).

The Commission observes that the efforts to deal with sleeping-sickness have not as yet yielded wholly satisfactory results. It thinks that more ample means should be employed to put down this disease (pages 24, 78-79).

TERRITORIES UNDER C MANDATE

C.P.M.1266 (1).

Islands under Japanese Mandate.

Population.

The Commission notes with regret that in ten years the native population of the island of Yap has decreased by about one-quarter. While appreciating the mandatory Power's efforts to ascertain the causes of this decrease, the Commission would suggest that it would be advisable to study this question, not merely from the medical, but also from the social standpoint (pages 84-85).

Western Samoa.

GENERAL OBSERVATION.

When examining the annual report for 1929-30, the Commission submitted to the Council observations, the last two paragraphs of which read as follows :

“ The Permanent Mandates Commission noted these statements of the accredited representative, which indicate that order is re-established in Samoa, that the Samoans are beginning to abandon the attitude of systematic opposition to the Administration which they had taken up, and that the mandatory Power is fully alive to the circumstances which must determine its future policy.

“ Under these circumstances, the Permanent Mandates Commission considered that any judgment on the nature of the troubles that occurred in this territory during 1929-30, and on the question of responsibility, would now merely revive feelings and hamper the efforts which the mandatory Power is making to restore peaceful conditions. It therefore proposes to follow with special attention the new policy which the mandatory Power has announced, and trusts that closer co-operation between the Administration and the native population will lead to definite and satisfactory results in the near future.”

During the present session, the Commission noted that, as appears from the information contained in the annual report for 1930-31, the general situation in Samoa is improving and that, in particular, certain results have already been obtained in the direction of co-operation between the Administration and the native population. The Commission endeavoured to obtain supplementary information on the situation in Samoa from the accredited representative. His replies to its questions did not give any new information which would enable the Commission to form a clear opinion as to the present conditions in the country. The Commission hopes that the next report will afford more reassuring information as to the efforts made to restore the good feeling in the country (pages 145-151).

SPECIAL OBSERVATIONS.

1. *General Administration.*

The Commission is glad to hear that an anthropologist has been appointed to make an enquiry into the social conditions and customs of the half-castes and natives and that his report would be communicated to it (page 149).

2. *Legislation.*

The Commission learnt with satisfaction that a volume containing the ordinances concerning Samoa is being compiled and will be forwarded to the Commission (page 151).

3. *Missions.*

The Commission hopes to find in the next annual report more information as to the activity displayed in the territory by missions in general, and particularly in the educational sphere (page 152).

C. OBSERVATIONS ON PETITIONS.

At its twenty-first session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Powers. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes.¹

Iraq.

- (a) *Petitions, dated May 5th, 12th, 21st and September 23rd, 1931, from Mr. A. Hormuzd Rassam* (documents C.P.M. 1211, 1234, 1170 (a), 1246) (pages 101 and 176).

Observations from the British Government dated October 14th, 1931, and October 28th, 1931 (documents C.P.M. 1235, 1234, 1236 and 1246).

¹ The Commission recommends that copies of the petitions and observations of the mandatory Powers relating thereto should be kept in the Library of the League of Nations.

- (b) *Petition dated June 16th, 1930, from Mr. E. H. Hollands (document C.P.M. 1214) (page 176)*

Observations from the British Government dated October 14th, 1931 (document C.P.M. 1237).

Report (see Minutes, Annex 6).

CONCLUSIONS.

Considering that the complaints put forward in these petitions are of the same nature as those considered by the Commission in June last, when it examined other petitions (see Minutes of the twentieth session, pages 217 to 219 and 234), and that, apart from the proposal to constitute in Iraq an enclave where the minorities might enjoy local autonomy, no new fact of importance has been adduced in these various petitions, the Commission does not feel called upon to recommend that the Council take any particular action on these petitions. Nevertheless, although unable to gauge how much credence should be attached to these petitions, the Commission regards them as further evidence of the apprehension to which the proposed termination of the mandate has given rise among certain elements belonging to the minorities in Iraq.

- (c) *Petition, dated May 12th, 1931, from Rear-Admiral Paymaster H. Seymour Hall (document C.P.M. 1181) (page 172).*

Observations from the British Government, dated October 14th, 1931 (document C.P.M. 1228).

Report (see Minutes, Annex 7).

CONCLUSIONS.

Since Captain Cope, a British subject who was considered to be an undesirable person by the Government of Iraq, was not expelled without the representative of the mandatory Power first being consulted, the Commission is of opinion that there is no need to make any special recommendation to the Council in regard to the petition.

- (d) *Petition, dated March 28th, 1931, from certain persons purporting to be Iraqi Kurds (document C.P.M. 1218) (page 172).*

Observations from the British Government, dated July 20th, 1931 (document C.P.M. 1218).

Report (see Minutes, Annex 8).

CONCLUSIONS.

The Commission, having examined a petition dated March 28th, 1931, from certain signatories purporting to be Iraqi Kurds ;

Having noted the observations put forward on this petition by the British Government on July 20th, 1931 :

(1) Notes that the mandatory Power disputes the qualification of the petitioners to speak on behalf of the Iraqi Kurds, and disputes the historical foundation for their complaints ;

(2) Notes that the petitioners, in stating their grievances, base themselves on legal texts whose meaning they manifestly distort ;

(3) Considers that this fresh manifestation of discontent in Iraq, whatever may be its sincerity and value, cannot call for any other observations than those which it already formulated last year in connection with other similar petitions ;

(4) Therefore decides to continue to pay the greatest attention to the unrest persisting among the Kurds and to draw the Council's attention afresh to the uncertain fate which lies before them if Great Britain's moral protection, which they have enjoyed for over ten years, were to be withdrawn, unless they are given equivalent guarantees.

- (e) *Petition dated May 16th, 1931, from Mme. Assya Taufiq (document C.P.M. 1250) (pages 116 and 173).*

Observations from the British Government dated October 30th, 1931 (document C.P.M. 1250).

Report (see Minutes, Annex 9).

CONCLUSIONS.

The Commission, having examined the petition from Mme. Assya Taufiq complaining of her husband's arrest, considers that the question no longer arises, since her husband was released six months ago under a decision of the authorities of Iraq.

Palestine.

- (a) *Petition dated March 19th, and May 2nd, 1931, from Dr. F. Kayat* (documents C.P.M. 1155 and 1159) (page 173).

Observations from the British Government, dated August 20th, 1931 (document C.P.M. 1222).

Report (see Minutes, Annex 11).

CONCLUSIONS.

The Commission, having examined the petition from Dr. F. Kayat, as well as the observations thereon made by the British Government, considers that, as the petition relates to a case which has been examined and settled by the courts, and as it seems, moreover, that a legal remedy is still open to the petitioner, there is no occasion to submit a recommendation to the Council.

- (b) *Petition, dated May 10th, 1931, from Mr. Israel Amikam* (document 1216) (page 172).

Observations from the British Government, dated July 8th, 1931 (document C.P.M. 1216).

Report (see Minutes, Annex 10).

CONCLUSIONS.

The Commission, having examined the petition from Mr. Israel Amikam, and the memorandum containing the observations of the British Government, does not consider that the petition should form the subject of a recommendation to the Council, but trusts that the mandatory Power will from time to time re-examine the question of the transmission of telegrams in Hebrew characters in order to ascertain whether the technical and financial difficulties which have hitherto prevented the Administration of Palestine from allowing such transmission still prevail. The Commission will be glad to have information from the mandatory Power when the question has been definitely settled.

- (c) *Petition, dated May 17th, 1931, from the Arab Executive Committee* (document C.P.M. 1215) (page 172).

Observations from the British Government, dated July 2nd, 1931 (document C.P.M. 1215).

Report (see Minutes, Annex 12).

CONCLUSIONS.

The Commission considers that no action should be taken on this petition, as its demands are incompatible with the terms of the mandate.

Cameroons under French Mandate.

- (a) *Petition, dated March 21st, 1930, from M. Joseph Mouangué* (document C.P.M.1133), (pages 143 and 173).

Observations from the French Government, dated November 10th, 1930 (document C.P.M. 1133).

Report (see Minutes, Annex 13).

CONCLUSIONS.

The Commission is of opinion that there is no need to make any recommendations to the Council on M. Mouangué's petition, since it deals with a question on which a final judgment has been pronounced by a regular court.

- (b) *Petition, dated May 18th, 1931, from M. Vincent Ganty* (document C.P.M. 1185) (pages 142-143 and 172).

Observation from the French Government, dated June 4th, 1931 (document C.P.M. 1185).

Report (see Minutes, Annex 14).

CONCLUSIONS.

The Commission considers that no action should be taken on the petition, as the conclusions are inadmissible under the existing rules of procedure with regard to mandate petitions.

Togoland under French Mandate.

Petition, dated October 14th, 1930, from the "Bund der Deutsch-Togoländer" (documents C.P.M. 1220 and 1241) (pages 161-162 and 173).

Observations from the French Government, dated July 8th, 1931 (document C.P.M.1220).

Report (see Minutes, Annex 15).

CONCLUSIONS.

The Commission considers that no action should be taken on the petition, its conclusions being inadmissible, under the existing rules of procedure with regard to mandate petitions.

Tanganyika.

Petitions, dated October 20th, 1930, and January 10th, 1931, from the Indian Association, Tanganyika (documents C.P.M. 1164 and 1219) (pages 39-40 and 182).

Observations from the British Government, dated May 15th, 1931, and June 24th, 1931 (documents C.P.M.1164 and 1219).

Report (see Minutes, Annex 16).

CONCLUSIONS.

The Commission, having noted the communications of the Indian Association and the observations of the mandatory Power, recommends the Council to note the accredited representative's statement that the local Government of Tanganyika has always sedulously endeavoured to avoid any unfair differentiation in the treatment of the Indian or of any other community in the territory and to extend even-handed justice to all, irrespective of race, class and creed.

South West Africa.

Petition, dated January 15th, 1931, from Mr. N. van Wyk and from other members of the Rehoboth Community (document C.P.M.1213) (page 173).

Observations from the Government of the Union of South Africa, dated May 28th, 1931 (document 1213).

Report (see Minutes, Annex 20).

CONCLUSIONS.

The Commission recommends the Council to request the mandatory Power to have the text of the report by the Commission on their former petition fully explained to the petitioners, since the latter allege that they do not understand it; and also to inform them that, in view of the conclusions of the Special Commission under Judge de Villiers, the Mandates Commission sees no grounds for challenging the validity of Proclamation No. 28 of 1923. It cannot but repeat its previous recommendation that the petitioners should be invited to discuss the agreement with the administrator and constitute a united community, which could work in harmony with the administration.

Western Samoa.

(a) *Petition dated May 19th, 1930, from Mr. O. F. Nelson* (document C.P.M.1073) (pages 148 and 182).

Observations from the Government of New Zealand, dated December 5th, 1930 (document C.P.M.1134).

Report (see Minutes, Annex 17).

CONCLUSIONS.

The Commission, in view of the fact that the allegations made by the petitioner have already been examined by the competent New Zealand judicial authority and by the Mandates Commission at a previous session, and, after hearing the explanations given at the present session by the accredited representative, concludes that no further action need be taken on Mr. Nelson's petition.

(b) *Petition, dated May 19th, 1930, from the Rev. A. John Greenwood* (document C.P.M.1071) (page 182).

Observations from the New Zealand Government, dated December 5th, 1930 (document C.P.M.1135).

Report (see Minutes, Annex 18).

CONCLUSIONS.

The Commission, having carefully studied the petition from the Rev. A. J. Greenwood is unable to give an opinion on the concrete cases referred to, as these have already been considered by duly constituted courts.

With regard to the accusations of a general nature, the Commission considers that these do not call for action by the Council.

(c) *Petition, dated September 18th, 1930, from the Women's International League for Peace and Freedom (New Zealand Section)* (document C.P.M. 1142) (pages 148 and 182).

Observations from the New Zealand Government, dated January 28th, 1931 (document C.P.M.1142).

Report (see Minutes, Annex 19).

CONCLUSIONS.

The Commission considers that it cannot give an opinion on cases which have been duly heard in the proper courts.

While regretting not to have found fuller information in the declaration of the accredited representative on this matter, the Commission feels that no conclusive reason has been advanced which would justify the carrying out of a further special enquiry by a special Commission with regard to the facts alleged in the petition.

D. OBSERVATION FROM THE COMMISSION ON THE REDUCTION OF THE NUMBER OF ITS SESSIONS DURING THE YEAR 1932 (pages 14 and 173).

The Commission has noted a decision taken by the twelfth Assembly to the effect that the budgetary estimates for 1932 only allow one session to be held in that year.

The Commission will make every effort to comply with the Assembly's decision and carry out, if possible, the essential part of its ordinary task and such other work as cannot be postponed until the following financial year.

The Commission feels bound to draw the Council's attention to the consequences which this decision would involve if it were to be maintained or renewed.

The Commission would be absolutely unable to fulfil the duties conferred upon it by Article 22 of the Covenant; consequently, the whole mandates system, of which the Commission forms an essential part, would be prevented from working in an effective and regular manner.

The Commission has requested its Chairman to hold himself at the disposal of the Council to explain, if the Council so desires, the grounds on which the Commission's fears are based.

II.

COMMENTS OF CERTAIN ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION.¹

CAMEROONS AND TOGOLAND UNDER FRENCH MANDATE.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED NOVEMBER 25th, 1931.

[Translation.]

By a letter dated November 21st, 1931, you were good enough to send me a typewritten copy of the observations of the Permanent Mandates Commission referring to the reports on the administration of Togoland and Cameroons in 1930.

¹ The accredited representatives for the islands under Japanese mandate, the Cameroons under British mandate and Iraq have informed the Secretariat that they do not wish to submit any comments on the Commission's observations.

In reply to this communication, I have the honour to inform you that the only observation which I desire to have inserted in the report of the Commission is in connection with "Public Finance" and the question of subsidies granted by the territory to various institutions.

The wording of this observation is as follows :

"The mandatory Power has, on several occasions, explained to the Commission its point of view on this question. It is of the opinion that the grant of the subsidies referred to is, in the majority of cases, of the nature of valuable propaganda in favour of the territories."

(Signed) Maurice BESSON.

WESTERN SAMOA.

COMMENTS OF THE ACCREDITED REPRESENTATIVE, DATED NOVEMBER 25TH, 1931.

Whilst I am glad to learn that the Permanent Mandates Commission recognises the improvement in the general situation in Samoa as disclosed in the last annual report, I am sorry to note that the Commission feels that my replies to certain questions did not give any new information which would enable it to form a clear opinion as to the present condition in the country.

When the Prime Minister of New Zealand forwarded, on July 13th last, to the Secretary-General of the League of Nations the last annual report, he would, I feel sure, have taken the opportunity which that letter afforded of supplying any information on recent developments which was not contained in the report. The absence of additional information would seem to imply that nothing had happened since the report had been prepared which could be called "new". I endeavoured to leave with the Commission the impression that the position appeared to be quite satisfactory and the future promising ; but, as I pointed out, no Government could guarantee that there would not be trouble of any kind. After a lengthy period of non-co-operation, one cannot expect the machinery of Government to function suddenly with that regularity to which we were accustomed before the Mau movement ; but there is every reason to believe that the improvement indicated is being well maintained.

With regard to the observation on General Administration, I am sorry if my reply to Lord Lugard's question gave the Commission to understand that an anthropologist had been appointed to make an enquiry into the social conditions and customs of the half-castes and natives. What I said was that Dr. Te Rangihiroa had been engaged in anthropologist investigation in Honolulu and was now in some islands of the Pacific, and I added that, if a copy of any report which he had made could be obtained, it would be supplied. Perhaps it was not made sufficiently clear by me that Dr. Te Rangihiroa had not been appointed by the New Zealand Government to make specific enquiries in Samoa.

(Signed) Thomas Mason WILFORD.

RUANDA-URUNDI.

COMMENT OF THE ACCREDITED REPRESENTATIVE, DATED DECEMBER 2ND, 1931.

[Translation.]

The section of the report of the Permanent Mandates Commission dealing with General Administration mentions a statement to the effect that the proposal to retain Usumbura as the administrative capital of Ruanda-Urundi has been virtually abandoned.

To avoid any possible misunderstanding, the accredited representative of the Belgian Government thinks it advisable to point out that the question of the choice of the capital is simply being re-examined, and that it is impossible at present to foresee the outcome.

(Signed) HALEWYCK DE HEUSCH.

LEAGUE OF NATIONS

GENEVA, November 1931

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TO THE

RECORDS

OF THE

Permanent Mandates
Commission

No. 3

(SESSIONS XI-XX)

1927-1931

Series of League of Nations Publications

VI. A. MANDATES ✓

1931. VI. A. 4.

REFERENCES

Roman numerals indicate the number of the Session.
Arabic figures indicate the page.

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ABBREVIATIONS

Conf.	=	Conference.
Cttee.	=	Committee.
Depart.	=	Department.
Gen.	=	General.
Govt.	=	Government.
I.L.O.	=	International Labour Office.
Int.	=	International.
Memo.	=	Memorandum.
P.M.C.	=	Permanent Mandates Commission.
Prof.	=	Professor.
Resol.	=	Resolution.
Sec. Gen.	=	Secretary-General.

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Geneva, September 21st, 1931.

LEAGUE OF NATIONS

MANDATES

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY

Rapporteur : Dr. Christian L. LANGE (Norway).

The annual reports of the Mandatory Powers, the reports of the Permanent Mandates Commission and the Minutes of the discussions of the Council on Mandates Questions during the period which has elapsed since the close of the Eleventh Session of the Assembly have, as in previous years, been submitted to the Sixth Committee.

The Committee has noted that, thanks to the efforts of the Council, of the Permanent Mandates Commission and of the Mandatory Powers, the essentially humanitarian experiment instituted by Article 22 of the Covenant has, after only a short period, been crowned with indisputable success. Hence the Permanent Mandates Commission has again received the praise of several delegations for an achievement to which it has largely contributed.

Furthermore, the delegates of the Mandatory Powers have again emphasised the value of the co-operation which has been established between their Governments and the Mandates Commission, to the great advantage of the task undertaken. Some of these delegates laid stress upon the value of the results already achieved.

The Sixth Committee has approved the rules laid down in the Council's resolution of September 4th, 1931, with regard to the general conditions to be fulfilled before the mandate regime can be brought to an end, in respect of a country placed under that regime. Like the Mandates Commission and the Council, it considered that the emancipation of the territories covered by Article 22 of the Covenant should be made dependent on the fulfilment of certain *de facto* conditions, and on the existence of certain guarantees stipulated in the interests both of the territories concerned and of the international community. The guarantees relating to the safeguarding of the rights of foreigners, the effective protection of racial, linguistic and religious minorities and the maintenance of the principle of economic equality are, in the Sixth Committee's opinion, of quite special importance and deserve the Assembly's particular attention.

Another problem common to all the territories under mandate was raised in the course of the debate, that of the development of the public health services in the mandated territories, which has recently been dealt with in a Council Resolution. The recommendations put forward in this connection by the Permanent Mandates Commission, which the Council has endorsed and which it has forwarded to the Mandatory Powers, seem likely to contribute largely to the success of the work of civilisation undertaken in the mandated territories under the auspices of the League of Nations.

Lastly, the Sixth Committee has once again manifested the importance which it attaches to the settlement, in Palestine, of the controversies that have arisen owing to the establishment of the Jewish National Home in that territory. The Committee noted that order had not again been disturbed since the regrettable incidents of 1929, and associated itself with the hope expressed by the Mandates Commission and the Council that the efforts made by the Mandatory Power to facilitate Jewish immigration without infringing the rights of the Arab population would be crowned with success.

The Sixth Committee has the honour to recommend to the Assembly the adoption of the following resolution :

" DRAFT RESOLUTION,

" The Assembly,

" Having taken note of the work accomplished by the Mandatory Powers, the Permanent Mandates Commission and the Council in regard to the execution of Article 22 of the Covenant ;

" (a) Renews the expression of confidence in them voted by the past sessions of the Assembly and again congratulates them on what has been achieved through co-operation between them ;

" (b) Expresses its gratification at the constructive and particularly useful work which the Council has just performed with the help of the Permanent Mandates Commission in determining the criterion to be applied when it is proposed to bring to an end the mandate regime in respect of a country placed under that regime ;

" (c) Specially notes in the Council's resolution on this question the importance attached to the maintenance of the principle of economic equality and to guarantees for the effective protection of racial, linguistic and religious minorities.

" (d) Expresses the hope, as in previous years, that through the prosecution of the joint efforts of the Mandatory Powers, the Council and the Permanent Mandates Commission, the mandatory system may continue to ensure the achievement of the ideal of civilisation proclaimed in Article 22 of the Covenant".

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VI.B. SLAVERY

1931

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Genève, le 10 janvier 1931.

SOCIÉTÉ DES NATIONS

COMMISSION INTERNATIONALE D'ENQUÊTE AU LIBÉRIA

**COMMUNICATION DU GOUVERNEMENT DE LIBÉRIA,
EN DATE DU 9 JANVIER 1931.**

Note du Secrétaire général:

Le Secrétaire général a l'honneur de communiquer au Conseil et aux Membres de la Société une lettre, en date du 9 janvier 1931, du délégué permanent de la République de Libéria auprès de la Société des Nations.

Genève, le 9 janvier 1931.

Pour compléter ma lettre du 15 décembre dernier (Réf.LL.1072)¹ que vous avez fait paraître avec le rapport de la Commission internationale d'enquête, j'ai l'honneur de vous informer que mon Gouvernement, anxieux de montrer, aussi vite que possible, par des actes concrets, l'évidence de sa sincérité, me charge de vous faire la déclaration suivante :

« Le Gouvernement de la République de Libéria accepte, en principe, les recommandations suggérées par la Commission internationale d'enquête dans son rapport sur l'esclavage et le travail forcé au Libéria et adopte ces recommandations comme base sur laquelle sera réglée toute amélioration de la politique sociale de la République, jusqu'aux limites de ses moyens. »

Vous constaterez, Monsieur le Secrétaire général, qu'avec la même franchise et loyauté avec laquelle il a saisi la Commission internationale d'enquête, mon Gouvernement est fermement décidé, *dans la mesure de ses moyens*, de faire siennes les recommandations de la Commission, bien qu'il ne s'agisse que des simples recommandations et suggestions *indicatives* qu'aucun gouvernement ne pourrait, ni juridiquement, ni politiquement, être obligé d'accepter, bien que la Convention relative à l'abolition du travail forcé ou obligatoire, conclue en 1930, ne soit pas encore entrée en vigueur.

J'ajoute « dans la mesure de ses moyens » parce que la Commission, en formulant ses recommandations, semble avoir oublié la crise économique mondiale qui sévit tout particulièrement au Libéria, ainsi que la situation financière très précaire du pays.

Il me semble que, par cette déclaration, aucun membre ou non-membre de la Société des Nations ne saurait maintenant mettre en doute la bonne foi et la sincérité de mon Gouvernement.

En vous priant de porter ces lignes *aussi vite que possible* à la connaissance des Membres du Conseil et de la Société des Nations et de les faire paraître, j'ai l'honneur, etc.

(Signé) Antoine SOTTILE,

Chargé d'Affaires, Délégué permanent de
Libéria à la Société des Nations.

¹ Note du Secrétariat: Voir document C. 658. M. 272. 1930. VI.

Geneva, January 10th, 1931.

LEAGUE OF NATIONS

INTERNATIONAL COMMISSION OF ENQUIRY IN LIBERIA

**COMMUNICATION FROM THE LIBERIAN GOVERNMENT,
DATED JANUARY 9th, 1931.**

Note by the Secretary-General :

The Secretary-General has the honour to communicate to the Council and Members of the League a letter, dated January 9th, 1931, from the Permanent Delegate of the Liberian Republic accredited to the League of Nations.

[*Translation.*]

Geneva, January 9th, 1931.

In continuation of my letter of December 15th last (LL.1072)¹, which you circulated with the report of the International Commission of Enquiry, I have the honour to inform you that my Government, being desirous of giving evidence of its sincerity by definite acts at the earliest possible moment, has instructed me to make the following declaration to you :

" The Government of the Liberian Republic accepts in principle the recommendations made by the International Commission of Enquiry in its Report on Slavery and Forced Labour in Liberia and adopts these recommendations as a basis for regulating any improvement which may be made in the social policy of the Republic, to the full extent of its resources."

You will observe that my Government, again acting in the frank and loyal spirit in which it set up the International Commission of Enquiry, is firmly resolved, *so far as its resources will permit*, to adopt the recommendations of the Commission, although they are merely recommendations and suggestions *submitted for guidance* which no Government could, legally or politically, be compelled to accept, more particularly since the Convention for the Abolition of Forced or Compulsory Labour, concluded in 1930, has not yet come into force.

I said "*so far as its resources will permit*", because the Commission, in making its recommendations, seems to have ignored the world economic crisis which is particularly severe in Liberia, and the very precarious financial position of the country.

I feel sure that, in view of this declaration, no Member of the League and no non-Member State can now question my Government's good faith and sincerity.

I would ask you to bring the foregoing *as rapidly as possible* to the knowledge of the Members of the Council and of the League of Nations and publish it.

(Signed) Antoine SOTTILE,

*Chargé d'Affaires, Permanent Delegate of the
Liberian Republic to the League of Nations.*

¹ *Note by the Secretariat :* See document C. 658. M. 272. 1930. VI.

Geneva, January 9th, 1931.

LEAGUE OF NATIONS

SLAVERY CONVENTION OF SEPTEMBER 25th, 1926.

**COMMUNICATION
FROM THE GOVERNMENT OF THE UNITED STATES OF AMERICA
REGARDING THE REPORT
OF THE INTERNATIONAL COMMISSION OF ENQUIRY INTO
THE EXISTENCE OF SLAVERY AND FORCED LABOUR
IN LIBERIA.**

At the request of the Government of the United States of America, the Secretary-General of the League of Nations has the honour to transmit herewith to the Governments parties to the International Slavery Convention of September 25th, 1926, for information, the text of a communication, dated Washington, December 23rd, 1930, accompanied by a Note and a Memorandum on the Report of the International Commission of Enquiry into the Existence of Slavery and Forced Labour in Liberia.

Department of State,
Washington, December 23rd, 1930.

The Secretary of State of the United States of America presents his compliments to the Acting Secretary General of the League of Nations and has the honour to transmit herewith, for the information of the Governments parties to the International Slavery Convention of 1926, copies of a note and a memorandum which have recently been addressed to the Government of Liberia on the subject of the conditions disclosed by the report of the International Commission of Enquiry into the Existence of Slavery and Forced Labour in Liberia.

**COPY OF A NOTE DELIVERED TO THE GOVERNMENT OF LIBERIA ON
NOVEMBER 5th, 1930, BY THE AMERICAN CHARGÉ D'AFFAIRES *AD INTERIM*
AT MONROVIA.**

Under telegraphic instructions from my Government, I have the honour to inform you that the Secretary of State has received from the American member of the International Commission of Enquiry into the Existence of Slavery and Forced Labour in Liberia a signed copy of the unanimous report which was recently submitted by that Commission to the Liberian Government.

The Government of the United States is profoundly shocked at this revelation of the existence in the Republic established in the name of human freedom of conditions not only in the tragic contrast to the ideals of its founders, but in denial of the engagements entered into by the Republic of Liberia through its adherence to the International Slavery Convention of 1926. My Government fears that the forthcoming publication of this report will cause a revulsion of feeling throughout the civilised world against the Republic of Liberia, which international public opinion will hold responsible for the conditions and practices reported by the International Commission.

In view of the recent assurance of the Liberian Government "that it accepts the recommendations and suggestions of the International Commission of Enquiry and agrees to adopt said recommendations", the Government of the United States is convinced that the Government of Liberia fully realises that its prestige before the world will now depend upon the sincerity and effectiveness with which it puts promptly into execution the reform measures to which it stands solemnly committed.

Series of League of Nations Publications

VI.B. SLAVERY
1931. VI.B.2.

COPY OF MEMORANDUM DELIVERED TO THE LIBERIAN CONSUL GENERAL
BY THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA ON
NOVEMBER 17th, 1930.

(The text of this message was also delivered to the Liberian Government by the American Chargé d'Affaires *ad interim* at Monrovia on December 1st, 1930).

The establishment of the International Commission of Enquiry into the Existence of Slavery and Forced Labour was agreed upon with extreme reluctance by the Liberian Government. The Liberian Government consistently denied, both before and during the investigation, that either slavery or forced labour existed in the Republic. The Commission, comprising one American member, one member nominated by the League of Nations, and one member appointed by Liberia, began its work in April of this year. It submitted its unanimous report to the Liberian Government on September 8th, 1930. The American member delivered a signed copy to the Department of State on October 21st, 1930.

This report is a shocking indictment of the Liberian Government's policy of suppression of the natives, permitted, if not actually indulged in, by nearly all the high officials of Liberia, including the Vice-President of the Republic. The conclusions are drawn from over two hundred and sixty depositions. Many suspicious criminal practices and even torture are cited.

While direct criminal participation in the shipment of forced labor to the Spanish colony of Fernando Po, under conditions characterised by the report as "scarcely distinguishable from slave raiding and slave trading" is established against Vice-President Yancy, several district commissioners, county superintendents and many other officials, the President of Liberia and members of his cabinet were aware of these and other abuses, having received recorded complaints from the natives. High officials of the Liberian Government made use on their private farms of forced labor, often brutally and ruthlessly impressed under the guise of Government work. The report establishes the existence of domestic and tribal slavery, as well as "pawning" of natives.

Since the submission of the report on September 8th, 1930, the Government of Liberia has made numerous promises of reform, but, in so far as the American Government is aware, the Government of Liberia has failed to submit definite plans for their execution. The Department of State is informed that a Cabinet committee was appointed to examine the report, but that its recommendations comprised a series of only partial reforms, without measures for carrying them out. Subsequently, two Executive Proclamations were issued—one forbidding the further exportation of Labourers, and the other declaring domestic servitude and "pawning" illegal. Neither carried adequate sanctions. With respect to the latter, the American Government points out that slavery has always been "illegal" in Liberia, having been expressly forbidden by the Constitution of 1847.

On September 30th, 1930, the President of Liberia informed the American Government that the Liberian Government "accepted the recommendations of the International Commission" and agreed to carry them out. In its reply of October 3rd, the American Government stated that when the details of the reform program were received, the American Government would study them with a view to rendering assistance. Although the American Chargé d'Affaires *ad interim* has made frequent enquiries, no such details have as yet been received from the Government of Liberia.

Ten weeks have now elapsed since the formal submission of the report to the Liberian Government. The American Government understands that not only has no action been taken against the officials whose guilt was established therein, but apparently all of these officials continue to hold public office.

It was brought to the attention of the American Government during the course of the investigation, that the Government of Liberia was endeavouring through threats and intimidation to prevent the submission of testimony. The natives of Liberia came forward, nevertheless, and made their depositions before the members of the International Commission. It has now been reported that, instead of correcting its abuses the Government of Liberia has encouraged measures of retaliation against these helpless people.

Should this be true, the American Government is convinced that it will irreparably damage the good name of Liberia, and that it will banish from the world its belief in the sincerity of Liberia's intentions to institute reforms. International public opinion will no longer tolerate those twin scourges of slavery and forced labor. Unless they are abolished, and unless there is instituted by the Liberian Government a comprehensive system of reforms, loyally and sincerely put into effect, it will result in the final alienation of the friendly feelings which the American Government and people have entertained for Liberia since its establishment nearly a century ago.

Geneva, June 11th, 1931.

LEAGUE OF NATIONS

Slavery Convention.

ANNUAL REPORT BY THE COUNCIL.

Note by the Secretary-General.

By its resolution of September 25th, 1926, the Assembly requested the Council to prepare and communicate to the Assembly every year a document mentioning the laws and regulations forwarded to the Secretary-General in accordance with Article 7 of the Slavery Convention. The Council was also asked to include in this document such supplementary information as the Members of the League might furnish respecting the measures taken by them to bring about the progressive abolition of slavery and conditions analogous thereto.

On May 20th, 1931, the Council adopted the following resolution:

" In view of the resolution adopted by the Assembly on September 25th, 1926, the Council decides to forward to the Assembly the communications forwarded by the British Government in respect of the Colony of the Gambia and the Somaliland, Nyasaland and Uganda Protectorates, Northern Rhodesia, the Gold Coast Colony, Ashanti, and the Northern Territories of the Gold Coast, as also the communications from the Governments of Persia and of the Sudan. The report of the International Commission of Enquiry in Liberia, with all relevant documents, which has already been distributed to the Members of the League, will be regarded as annexed to these communications.

" It further authorises the Secretary-General to communicate to the Assembly, three weeks before the opening of its twelfth ordinary session, a list of such laws and regulations as may be forwarded to him after the present session of the Council in accordance with Article 7 of the Slavery Convention, as well as any supplementary information furnished by the different Governments in regard to the measures taken to secure the progressive abolition of slavery and conditions analogous thereto."

Acting upon the first paragraph of this resolution, the Secretary-General has the honour to communicate the following documents to the Assembly:

1. Communications from the British Government:

(a) Letter, dated October 27th, 1930, referring to the Colony of the Gambia and the Somaliland Protectorate;

(b) Letter, dated January 17th, 1931, referring to the Nyasaland and Uganda Protectorates;

(c) Letter, dated January 28th, 1931, referring to Northern Rhodesia;

(d) Letter, dated February 17th, 1931, referring to the Gold Coast Colony, to Ashanti and to the Northern Territories of the Gold Coast.

2. Letter from the Government of Persia, dated December 16th, 1930.

3. Letter from the Government of the Sudan, dated March 13th, 1931.

According to the terms of the Council resolution dated May 20th, 1931, the report of the International Commission of Enquiry in Liberia and the relevant documents¹ are to be considered as annexed to the communications enumerated above.

¹ Document C.658.M.272.1930.VI. and *Official Journal*, February 1931, pages 463-470, 186-194, 218-220.

I. COMMUNICATIONS FROM THE BRITISH GOVERNMENT.

(a) GAMBIA AND SOMALILAND PROTECTORATE. ¹

London, October 27th, 1930.

I am directed by Mr. Secretary Henderson to transmit to you herewith a copy of Gambia Ordinance No. 3 of 1930 entitled "An Ordinance to affirm and declare that the Legal Status of Slavery does not exist", together with a copy of an Ordinance enacted by the Governor of the Somaliland Protectorate of April 18th entitled the "Affirmation of the Abolition of Slavery Ordinance, 1930".

(Signed) C. Howard SMITH.

Gambia.

*An Ordinance to affirm and declare that the Legal Status of Slavery does not exist
(August 15th, 1930).*

BE IT ENACTED by the Governor of the Colony of the Gambia with the advice and consent of the Legislative Council thereof as follows:

1. This Ordinance may be cited as "The Affirmation of the Abolition of Slavery Ordinance, 1930".
2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

Somaliland Protectorate.

*An Ordinance to affirm and declare that the Legal Status of Slavery does not exist
(April 18th, 1930).*

It IS HEREBY enacted as follows:

1. This Ordinance may be cited as "The Affirmation of the Abolition of Slavery Ordinance, 1930".
2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

(b) PROTECTORATES OF NYASALAND AND UGANDA. ²

London, January 17th, 1931.

I am directed by Mr. Secretary Henderson to transmit to you herewith a copy of Nyasaland Protectorate Ordinance No. 9 of 1930, declaring that the legal status of slavery does not exist in the Protectorate, together with copies of extracts from judgments given by Uganda Protectorate Courts relevant to the question of slavery in Uganda.

(Signed) C. Howard SMITH.

Nyasaland Protectorate.

*An Ordinance to affirm and declare that the Legal Status of Slavery does not exist
(September 25th, 1929).*

Enacted by the Governor of the Nyasaland Protectorate with the advice and consent of the Legislative Council thereof:

1. This Ordinance may be cited as "The Affirmation of the Abolition of Slavery Ordinance, 1930".
2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

Protectorate of Uganda.

Extract from Judgment given by Subordinate Court in Civil Case No. 24 of 1912 heard in the District Court of M'bale (Yange Bin Shehe versus Sheikh Mohidin).

In this case, which first came on for hearing on October 21st, 1912, the plaintiff, a Swahili, requests a declaration "that a Masai woman, at present forcibly restrained in the house of defendant, an Arab, is not married to Omar Mohidin, and is at liberty to return to the plaintiff, whose slave she was in German East Africa".

¹ See *Official Journal*, March 1931, page 584.

² See *Official Journal*, March 1931, pages 585 to 586.

I should explain that the parties, who were not originally assisted by legal aid, approach the Court at the same time, claiming relief against each other; Yange claiming possession of the woman, and Sheikh Mohidin alleging that the woman was married to his brother Omar Mohidin and that Yange had committed adultery with her . . .

The issues now stand as follows:

- (1) Did plaintiff buy the woman as a slave.
- (2) If so, what right has he over her:
 - (a) In Mahomedan law ?
 - (b) In the law as administered in Uganda ?
- (3) Was the woman married to Omar Mohidin, and if so, is the marriage a valid one according to Mahomedan law ?

With regard to part (b) what rights has he over her in the law as administered in Uganda ?

In this part of the issue the facts are even clearer. The Section of the Order in Council which guides the procedure in cases of native customs lays down that " in all cases . . . to which natives are parties, every Court shall be guided by native law so far as it is applicable and is not repugnant to justice and morality or inconsistent with any Order in Council or Ordinance ". There are a great many provisions of Mahomedan law by which this Court can be guided, but there are others which it cannot accept. The plaintiff originally made no claim to be the woman's manumitter; he took his stand on the bare facts that she was his slave and consequently his property, *vide* his evidence on January 24th when examined by the Court:

" I have no other title to appear as the woman's guardian in this suit other than the title given me by the fact of her being my slave. I have not married her. "

It would be difficult to conceive a contention more repugnant to both justice and morality. But even if he were the manumitter, I should be prepared to hold as a question of public policy, that the fact of manumission should not give him any rights over a freed slave in this country. The slave becomes free on entering British territory, and I should be of opinion that the practice in this country would not be tolerant of the former slave-owner's retaining any right over a female who was formerly his slave. For the purpose of Courts in this country the manumitter should be erased from Shafai's list of possible guardians. I find therefore that the plaintiff has no *locus standi* and is not entitled to the declaration he asks for.

(Signed) P. W. PERRYMAN,
Subordinate Judge.

M'bale, Eastern Province, Uganda,
May 24th, 1913.

Extract from Judgment given in the High Court in Civil Case No. 17 of 1913.

In this case two appeals (Civil Appeals Nos. 2 and 3 of 1913 in the High Court of this Protectorate) from the decisions of the District Judge at M'bale have, by consent between the parties, been consolidated in one suit as Original Civil Case No. 17 of 1913, Omar Mohidin, Somali, plaintiff, *versus* Sikuthani, Masai woman, defendant . . .

It is unnecessary for me to go into the claims set up in the two cases in the Court below beyond saying that in one of them the defendant Sikuthani was claimed by a person named Yange bin Shehe as his ward, he alleging that in consequences of his having acquired her as his slave in German East Africa, and having subsequently manumitted her, he still had rights over her as her guardian. He also alleged that she was forcibly detained by one Sheikh Mohidin, brother of Omar Mohidin aforesaid, and asked for a declaration that she was not married to Omar Mohidin.

I am satisfied that the finding of the District Judge in this suit was right, and that upon the evidence Yange bin Shehe had no rights recognisable or enforceable at law over the woman in this Protectorate and that his appeal fails.

(Signed) S. C. King FARLOW,
Judge.

Entebbe, March 30th, 1914.

(c) NORTHERN RHODESIA. ¹

London, January 28th, 1931.

I am directed by Mr. Secretary Henderson to transmit to you herewith a copy of Ordinance No. 17 of 1930 of Northern Rhodesia, declaring that the legal status of slavery does not exist in Northern Rhodesia.

(Signed) C. Howard SMITH.

¹ See *Official Journal*, March 1931, page 586.

*An Ordinance to affirm and declare that the Legal Status of Slavery does not exist
(November 21st, 1930).*

ENACTED by the Governor of Northern Rhodesia with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the "Affirmation of the Abolition of Slavery Ordinance, 1930".

2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

(d) GOLD COAST, ASHANTI, AND NORTHERN TERRITORIES OF THE GOLD COAST. ¹

London, February 17th, 1931.

I am directed by Mr. Secretary Henderson to transmit to you herewith copies of three Ordinances—viz., No. 20, of 1930, of the Gold Coast Colony; No. 10, of 1930, of Ashanti, and No. 6, of 1930, of the Northern Territories of the Gold Coast respectively—declaring that the legal status of slavery does not exist in these territories.

(Signed) C. Howard SMITH.

The Re-affirmation of the Abolition of Slavery Ordinance, 1930.

Gold Coast Colony.

No. 20, of 1930.

I assent.

A. R. SLATER,
Governor.

December 19th, 1930.

An Ordinance to re-affirm and declare that the Legal Status of Slavery does not exist.

December 19th, 1930.

Date of
commencement.

Be it enacted by the Governor of the Gold Coast Colony, with the advice and consent of the Legislative Council thereof, as follows:

1. This Ordinance may be cited as the Re-affirmation of the Abolition of Slavery Ordinance, 1930.

Short title.

2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

Declaration of
illegality of the
status of slavery.

Passed in the Legislative Council this fifth day of December in the year of our Lord one thousand nine hundred and thirty.

L. W. WOOD,
Acting Clerk of the Legislative Council.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found to be a true and correct printed copy of the said Bill.

L. W. WOOD,
Acting Clerk of the Legislative Council.

* * *

Ashanti.
No. 10, of 1930.

An Ordinance to re-affirm and declare that the Legal Status of Slavery does not exist.

December 27th, 1930.

Date of
commencement.

Be it enacted by the Governor of the Gold Coast, with respect to Ashanti, as follows:

1. This Ordinance may be cited as the Re-affirmation of the Abolition of Slavery Ordinance, 1930.

Short title.

¹ See *Official Journal*, April 1931, pages 726 to 727.

2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist. Declaration of
illegality of
slavery status.

Enacted this nineteenth day of December, 1930.

A. R. SLATER,
Governor of the Gold Coast.

Northern Territories of the Gold Coast.

No. 6, of 1930.

An Ordinance to re-affirm and declare that the Legal Status of Slavery does not exist.

December 27th, 1930.

Date of
commencement.

Be it enacted by the Governor of the Gold Coast, with respect to the Northern Territories, as follows:

1. This Ordinance may be cited as the Re-affirmation of the Abolition of Slavery Ordinance, 1930. Short title.

2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist. Declaration of
illegality of
slavery status.

Enacted this nineteenth day of December, 1930.

A. R. SLATER,
Governor of the Gold Coast.

* * *

2. LETTER FROM THE PERSIAN GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS. ¹

[*Translation.*]

Geneva, December 16th, 1930.

I have the honour to enclose for your information the substance of a report by the Acting Governor of the Island of Hengam in the Persian Gulf regarding the liberation of a runaway slave who had taken refuge in the Island.

(*Signed*) A. SEPAHBODY.

Report by the Governor of the Island of Hengam.

On June 22nd, 1930, a slave named Abdullah, son of Ahmed, a native of Zanzibar, belonging to Charès-Ebne-Rahmah, living at Raas-Ol-Kheymeh, fled from his oppressors in a sailing-boat and after fourteen days of suffering and privations arrived at the Island of Hengam. The above-mentioned person was employed as a diver for pearl-fishing and complained of the treatment received from his master.

He was immediately set at liberty.

3. LETTER FROM THE GOVERNMENT OF THE SUDAN TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS. ²

Khartoum, March 13th, 1931.

In accordance with Resolution III, adopted in connection with Article 7 of the Slavery Convention of September 25th, 1926, I have the honour to furnish the following information supplementary to that contained in my despatch No. M.15 of March 27th, 1930.

2. There was no evidence whatever of slave-trading in the Sudan in 1930, though a few cases which had their origin in the traffic which was disclosed in the southern district of the Fung Province in 1927 and 1928 were finally disposed of during the year.

3. The most encouraging feature of the period under review has been the gradual awakening of the Berta, to whom reference was made in paragraph 3 of the above-mentioned despatch, to the fact that this Government affords them the protection without which they would have been

¹ See *Official Journal*, March 1931, page 586.

² See *Official Journal*, May 1931, page 786.

unable to throw off the yoke of the "Watawit". A number of complaints of ill-treatment made by them was investigated, one noteworthy case leading to the conviction and imprisonment of a Watawit sheikh and the appointment of a Berta in his place. Incidents such as this, which go a long way to convince even the more reactionary Watawit that the Government is in earnest, have resulted in the lot of the Berta being so improved that many, who were previously living in servile conditions, are now content to remain with their old masters in a state of independence without asking for formal manumission.

4. Of 321 "freedom papers" issued in the Fung Province during the year, ninety-five were given to refugees from Abyssinia who, arriving in twos and threes from time to time, were settled in the neighbourhood of Roseires. Those recipients who were of Sudan domicile returned to reside, if not in the village of their old master, at least within their tribal boundaries.

5. The Berta colonies in the White Nile Province, which were established in 1929 (see paragraph 4 of my last report), are in a flourishing condition. The colonists are entirely independent and are living on friendly terms with the Arabs and claiming rights to land and gum-gardens.

6. For the rest, the situation throughout the Sudan is entirely satisfactory and calls for no particular comment.

(Signed) J. L. MAFFEY.

Governor-General of the Sudan.

Geneva, September 25th, 1931.

LEAGUE OF NATIONS

SLAVERY

REPORT SUBMITTED BY THE SIXTH COMMITTEE TO THE ASSEMBLY

Rapporteur : H. E. Jonkheer J. LOUDON (Netherlands).

The British delegation proposed that the Sixth Committee should recommend the Assembly to adopt a resolution to reappoint the Temporary Commission on Slavery which sat in 1924 and 1925. This Commission would have been instructed to examine the material on slavery collected since the publication of the report of the Temporary Commission in 1925, and to recommend to the next Assembly the measures of assistance which the League of Nations could render to those countries which have agreed to abolish slavery.

The British proposal was discussed at the plenary meetings of the Sixth Committee on September 16th and 17th. While the delegations of Hungary, India, Liberia, New Zealand, South Africa and Switzerland, expressing the opinion of the majority of the Committee, unreservedly supported the proposal, other delegations made certain observations thereon. The question was then referred to a Sub-Committee composed of the representatives of Abyssinia, Belgium, the British Empire, Denmark, France, India, Italy, Liberia, the Netherlands, Portugal and Spain. This Sub-Committee met in the afternoon of September 17th under the chairmanship of the Netherlands delegate. The proposal of the British delegation was supported in the Sub-Committee by the representatives of Denmark, India, Liberia and Spain. The representative of the Netherlands submitted another draft resolution which might be described as an amendment to the British proposal. These two texts gave rise to an exchange of views. Certain views were expressed on the expediency of reappointing the Temporary Commission on Slavery, as to its practical value and as to its correctness from a legal point of view. After this exchange of views, the Sub-Committee unanimously agreed on a draft resolution which it proposed that the Sixth Committee should recommend the Assembly to adopt.

The Sixth Committee approved the Sub-Committee's report and the draft resolution submitted to it. The Committee therefore has the honour to recommend that the Assembly adopt the following resolution :

" The Assembly,

" Requests the Council to appoint for one year a small Committee of experts to examine the material upon slavery which has been supplied or transmitted by Governments since the signature of the Convention of 1926. This Committee will submit to the Council suggestions with a view to recommending to the next Assembly the measures of assistance which the League of Nations could render to those countries which have agreed to abolish slavery and which request such assistance ".

Genève, le 25 septembre 1931.

SOCIÉTÉ DES NATIONS

ESCLAVAGE

RAPPORT PRÉSENTÉ PAR LA SIXIÈME COMMISSION A L'ASSEMBLÉE

Rapporteur : S. E. le Jonkheer J. LOUDON (Pays-Bas).

La délégation britannique avait proposé à la sixième Commission de recommander à l'Assemblée l'adoption d'une résolution tendant à la réinstitution de la Commission temporaire de l'esclavage, qui siégea en 1924-25. Cette Commission aurait été chargée d'examiner la documentation sur l'esclavage qui s'est accumulée depuis la publication du rapport de la Commission temporaire, en 1925, et de recommander à la prochaine Assemblée les mesures d'assistance que la Société des Nations pourrait prêter aux pays qui sont convenus d'abolir l'esclavage.

La proposition britannique a donné lieu à un débat au cours des séances plénières des 16 et 17 septembre de la sixième Commission. Tandis que les délégations de l'Afrique du Sud, de la Hongrie, de l'Inde, du Libéria, de la Suisse et de la Nouvelle-Zélande, interprètes de la majorité de la Commission, appuyaient sans réserve cette proposition, d'autres délégations ont formulé quelques observations à son endroit. La Commission en a alors renvoyé l'examen à un sous-comité composé des représentants de la Belgique, de l'Empire britannique, du Danemark, de l'Espagne, de l'Éthiopie, de la France, de l'Inde, de l'Italie, du Libéria, des Pays-Bas et du Portugal. Ce sous-comité a siégé le 17 septembre après-midi, sous la présidence du délégué des Pays-Bas. La proposition de la délégation britannique a été appuyée au sein du sous-comité par les représentants du Danemark, de l'Espagne, de l'Inde. Le représentant des Pays-Bas a soumis un autre texte de résolution qui était le caractère d'un amendement à la proposition britannique. Ces deux textes ont donné lieu à un échange de vues. Certains doutes ont été exprimés, soit sur l'opportunité de la réinstitution de la Commission temporaire de l'esclavage, soit sur sa portée pratique, soit encore sur sa correction au point de vue juridique. A l'issue de cet échange de vues, le sous-comité s'est unanimement rallié à un projet de résolution dont il a proposé à la sixième Commission de recommander l'adoption à l'Assemblée. La sixième Commission a fait sien le rapport du sous-comité et le texte de résolution qui lui était soumis. La Commission a en conséquence l'honneur de recommander à l'Assemblée l'adoption du projet de résolution suivant :

« L'Assemblée,

« Prie le Conseil de nommer pour un an un comité restreint d'experts chargé d'examiner la documentation sur l'esclavage fournie ou transmise par les gouvernements depuis la signature de la Convention de 1926. Ce comité présentera au Conseil des suggestions pour recommander à la prochaine Assemblée les mesures d'assistance que la Société des Nations pourrait prêter aux pays qui sont convenus d'abolir l'esclavage et qui demanderont cette assistance. »