

LEAGUE OF NATIONS

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*League of Nations Publications*

VI. A. MANDATES

1936  
1937

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PERMANENT MANDATES COMMISSION

MINUTES

OF THE

THIRTIETH SESSION

Held at Geneva from October 27th to November 11th, 1936

including the

REPORT OF THE COMMISSION TO THE COUNCIL

Series of League of Nations Publications

VIA. MANDATES  
1936. VIA. 2.

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## PERMANENT MANDATES COMMISSION

### MINUTES OF THE THIRTIETH SESSION

*Held at Geneva from October 27th to November 11th, 1936.*

The following members of the Commission took part in the work of the thirtieth session: <sup>1</sup>

M. ORTS (*Vice-Chairman*) ;  
M. VAN ASBECK ;  
Mlle. DANNEVIG ;  
Lord HAILEY ;  
M. MANCERON ;  
M. PALACIOS ;  
Count DE PENHA GARCIA ;  
M. RAPPARD ;  
M. SAKENOBE.

*Expert of the International Labour Organisation* : Mr. C. W. H. WEAVER.

*Secretary* : M. E. DE HALLER, Acting Director of the Mandates Section.

M. ORTS (*Vice-Chairman*) acted as Chairman, in the absence of the Marquis Theodoli (*Chairman*).

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

For the *Cameroons under French Mandate* :

M. REPIQUET, Honorary Governor-General of the Colonies ;  
M. BESSON, Head of the First Bureau of the Political Division of the French Colonial Ministry.

For the *Cameroons under British Mandate* :

Mr. O. W. FIRTH, Senior Resident, in charge of the Cameroons Province.

For *Togoland under French Mandate* :

M. BESSON, Head of the First Bureau of the Political Division of the French Colonial Ministry.

For *Togoland under British Mandate* :

Mr. A. F. E. FIELDGATE, Provincial Commissioner, Gold Coast.

For *Ruanda-Urundi* :

M. P. RYCKMANS, Governor-General of the Belgian Congo ;  
M. HALEWYCK DE HEUSCH, Director-General in the Belgian Colonial Ministry.

For *Western Samoa* :

Mr. C. A. BERENDSEN, C.M.G., Permanent Head, Prime Minister's Department, Wellington.

For the *Islands under Japanese Mandate* :

M. N. ITO, Envoy Extraordinary and Minister Plenipotentiary of Japan in Warsaw.

\* \* \*

Also attended the session : M. V. CATASTINI, Former Director of the Mandates Section, Expert.

\* \* \*

All the meetings of the Commission, with the exception of part of the first, were private.

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<sup>1</sup> *Absence of the Members* : The marquis THEODOLI, *Chairman* : the entire session ; M. SAKENOBE : first seven meetings ; Lord HAILEY : last two meetings.

## FIRST MEETING.

*Held on Tuesday, October 27th, 1936, at 11 a.m.*

### **Opening Speech by the Chairman : Tribute to Lord Lugard : Welcome to Lord Hailey.**

The CHAIRMAN spoke as follows :

As our Chairman is unable to take part in our work, he has asked me to prepare for and preside over the present session in his stead.

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

The Commission, which quite recently lost two of its members—M. Van Rees and M. Merlin—will certainly have heard with regret that it is henceforth to be deprived of the collaboration of another most distinguished member, Lord Lugard. In a letter to the Secretary-General of the League of Nations, dated July 24th, 1936, Lord Lugard tendered his resignation from membership of the Commission.

I need hardly say how greatly we shall feel the absence of Lord Lugard, who, for thirteen years, has placed his very vast colonial experience and undisputed authority at our disposal. I am sure you will all desire me to convey to him our warmest gratitude for his invaluable aid and wish him a long, happy and productive life in retirement.

In selecting Lord Hailey as our eminent friend's successor, the Council could not have made a better choice. Lord Hailey's exceptionally long and brilliant career, the very important administrative posts he has held, and his personal and extensive acquaintance with the problems of colonial administration have admirably prepared him for his new task.

We shall therefore continue our work in the knowledge that we shall find in our new colleague a fund of experience and wisdom similar to that which rendered his distinguished predecessor's collaboration so valuable. On your behalf, I extend to him a most cordial welcome.

Before coming to the items of our agenda, I propose, as is customary, to recapitulate briefly the discussions and decisions of the Council and of the Assembly, with regard to mandates, which have taken place since our last session.

On September 26th, 1936, the Council examined the report on the work of our twenty-ninth session. At the request of Marquis Theodoli, I represented the Commission at the Council table. My colleagues will have already read in the Minutes of the meeting, which have been communicated to them, the report submitted by the representative of Roumania, Rapporteur for mandates questions, and the discussion which followed thereon. I will therefore merely draw your attention to some of the statements made on that occasion.

The French representative informed the Council of the negotiations which were being conducted in Paris between the mandatory Power and certain Syrian notables and furnished a number of details concerning the draft treaty which was the outcome of these negotiations. The representative of Turkey availed himself of the opportunity to draw attention to the interest his Government takes in the future of the Turkish populations of Alexandretta and Antioch.

The representative of the United Kingdom told the Council that a Royal Commission had been appointed to enquire into the disorders in Palestine, adding that his Government was not in a position to supply the Mandates Commission at its present session with the information for which it had expressly asked.

The representative of the Mandates Commission then made a brief statement based on the Commission's observations to the Council on the work of its twenty-ninth session, and, in general, on the opinions expressed by the members of the Commission during the examination of the report on the administration of Palestine in 1935. He laid stress on the circumstances which had made it impossible for the Commission to examine this question as fully as it is its custom to do. He also felt obliged to draw the Council's attention to the fact that, unless an extraordinary session of the Commission were convened, one whole year more must elapse before the Council could be put in possession of the opinion of its advisory organ concerning a mandated territory which had for the last eight months been occupying the attention of the world.

The Rapporteur expressed the hope that order would be restored as soon as possible in Palestine in order that the enquiry instituted by the mandatory Power within the framework of the mandate might be carried out effectively. He proposed that the Council should at present merely note the statements of the representative of the United Kingdom, the representative of the Mandates Commission, and the reply made to these observations. The Rapporteur also proposed that the Council should take note of the statements made by the French Government regarding Syria and Lebanon, adding that the Mandates Commission would, in due time, examine the texts and all other relevant information in the light of both the general and particular rules applicable to the case.

After these statements, the Council adopted its Rapporteur's report and instructed the Secretary-General to communicate to the Governments of the mandatory Powers the Commission's observations on the annual reports, and to request these Governments to take the action asked for by the Commission. The Council also approved the conclusions of the Commission concerning the petitions examined, and instructed the Secretary-General to bring them to the knowledge of the mandatory Powers and petitioners concerned.

As is customary, a discussion on the question of mandates took place in the Sixth Committee of the Assembly. This discussion is summarised in the report of the Sixth Committee to the Assembly, which has already been communicated to the members of the Commission, so that I need not analyse its contents.

The Assembly, with the report of its Sixth Committee before it, adopted on October 10th, 1936, a resolution in which a tribute was paid to the work carried out by the mandatory Powers, the Mandates Commission and the Council (in application of Article 22 of the Covenant and of the mandates themselves) and renewed its expression of confidence. In the terms of this resolution, the Assembly once again expressed its profound regret at the disturbances in Palestine and its confidence in the impartiality of the enquiry instituted by the mandatory Power. Finally, the Assembly expressed its appreciation of the efforts of the mandatory Power with a view to bringing forth the emancipation of Syria and Lebanon, affirmed its full confidence in the mandatory Power and voiced the hope that questions connected with the problem of emancipation would be equitably settled.

Before calling upon those of my colleagues who may wish to make any observations on the account I have given of the work of the Assembly and the Council, I will ask the Acting Director of the Mandates Section, in accordance with the usual practice, to give us some information concerning the work of the Secretariat.

#### **Statement by the Acting Director of the Mandates Section.**

M. DE HALLER made the following statement :

Since the Commission's last session, the Mandates Section has pursued its normal work.

The Section has seen, as usual, to the printing of the Minutes and of the Commission's report to the Council on the work of its last session. These documents were distributed to the Council and to States Members of the League on August 17th, 1936.

The members of the Commission were kept in touch with the essential political, economic and social facts relating to the mandated territories, through the regular distribution of information from official sources and the more important Press reports.

The Commission was informed of the resignation of Lord Lugard on July 24th, 1936, and of the appointment by the Council of his successor on September 19th, 1936. The Minutes of the meeting of the Council were sent to members of the Commission.

The Minutes of the Council meeting held on September 26th, 1936, at which the Mandates Commission's report was examined, were sent to members of the Commission, together with the report and resolution adopted by the Assembly on October 10th, 1936. The proceedings of the Sixth Committee of the Assembly will be communicated to the Commission as soon as the final text has been issued.

As in the past, a list of the official documents transmitted by the mandatory Powers has been drawn up for each of the territories the administration of which is to be examined at the present session ; this list will be distributed immediately (Annex 1).

As notified to the Commission by the accredited representative, the Government of the Union of South Africa communicated the " Report of the Commission on South West Africa " soon after the close of the last session. This document was distributed to members of the Commission individually on July 11th, 1936.

In addition to the annual reports which usually appear on the agenda of the autumn session are included the reports on the territories of Togoland and the Cameroons under French mandate. Consideration of these reports, which should have been taken at the summer session, was deferred to the autumn session by agreement between the French Government and the Chairman.

The annual reports reached the Secretariat on the dates shown hereunder :

Territory	Administrative period	Date of receipt
Islands under Japanese mandate . . . . .	1935	August 27th, 1936.
Ruanda-Urundi . . . . .	1935	August 28th, 1936.
Togoland under French mandate . . . . .	1935	September 8th, 1936.
Cameroons under British mandate. . . . .	1935	September 9th, 1936.
Togoland under British mandate . . . . .	1935	September 9th, 1936.
Cameroons under French mandate . . . . .	1935	September 12th, 1936.
Western Samoa . . . . .	1935-36	September 21st, 1936.

#### **Comments on the Opening Speech by the Chairman.**

M. RAPPARD desired, on behalf of the whole Commission, to thank the Chairman for the admirable manner—that had been greatly appreciated—in which he had represented the Commission in the Council.

In his opening speech, the Chairman had made a special reference to the two important questions of Syria and Palestine. The time would come for dealing fully with these questions, and, if for the present members did not desire to go into them, that by no means indicated that they were indifferent to those important problems.

The CHAIRMAN agreed that the Commission would undoubtedly have to deal with those two questions.

The question of Palestine had already been discussed at length at the twenty-ninth session and the Commission would have to deal with it again. He himself thought that the Commission might be convened for the purpose before its ordinary session in June 1937; it did not seem possible to him that the Mandates Commission should not be given an opportunity, before the middle of 1937, of expressing an opinion on the events which had occurred in Palestine since April 1936.

As regarded the Franco-Syrian Treaty, the members of the Commission had been notified of the communication made to the Council by the representative of France. The representative of the Mandates Commission had refrained from taking part in the discussion on the subject in the Council, as the Treaty would in due course be submitted to the Commission, which would thus have an opportunity of expressing its opinion. Moreover, so far as he knew, the text of the Treaty had not yet been published.

Those two problems would obviously constitute the Commission's main task in the near future.

#### **Absence of M. Sakenobe.**

The CHAIRMAN said that M. Sakenobe, who was ill, had sent a telegram to the effect that he would be unable to attend the first meetings of the session.

#### **Tribute to Lord Lugard (continuation).**

M. VAN ASBECK wished to take the opportunity to express his high regard for Lord Lugard's strong personality, which had deeply impressed him from the outset; he greatly regretted the departure of one whom the Secretary of State for the Colonies of the United Kingdom, when speaking quite recently of the distinguished services Lord Lugard had rendered to the British Empire, had rightly described as a "Grand Old Man of the Colonies".

M. PALACIOS associated himself with M. van Asbeck's tribute to Lord Lugard. All the members of the Commission would, he felt sure, agree with the sentiments which had just been expressed. He deplored Lord Lugard's absence, and desired to refer to his merits as a writer. His book "The Dual Mandate in British Tropical Africa", published in 1922, had reached its third edition in 1926 and was the standard guide and source of information on British work in Africa.

The CHAIRMAN associated himself with his colleagues' tribute to Lord Lugard. He stressed the qualities which had given Lord Lugard such exceptional authority in the Mandates Commission: his fine character, his integrity and his admirable independence. Everyone felt not only esteem but also affection for him. He proposed that a telegram be sent to Lord Lugard conveying to him the Commission's sentiments.

*The Chairman's proposal was adopted.*

#### **Adoption of the Agenda.**

The CHAIRMAN asked the Commission to express its views as to the provisional agenda.

#### **EXAMINATION OF THE ANNUAL REPORTS OF THE MANDATORY POWERS.**

##### *Togoland and Cameroons under French Mandate.*

The CHAIRMAN read the following letter, dated October 23rd, 1936, from the French Government to the Secretary-General:

"In compliance with the desire expressed by the Permanent Mandates Commission on several occasions, I have the honour to inform you that the accredited representative of Togoland and the Cameroons under French mandate will be accompanied at the next session of the Commission by M. Repiquet, Honorary Governor-General of the Colonies, who, having acted as Commissioner of the Republic in the Cameroons for over eighteen months, will be able to supply the Commission with any additional information it may desire to obtain on the administration of the territory during the year 1935."

The Chairman added that the Commission would greatly appreciate M. Repiquet's presence: it was always anxious to be in direct touch with those in authority in the mandated territories.

*Palestine.*

The CHAIRMAN recalled that, at its twenty-ninth session,<sup>1</sup> the Commission had decided to postpone the consideration of certain aspects of the situation in Palestine referred to in the annual report of the mandatory Power for 1935. It would recall the circumstances which had determined that adjournment : the facts in question were directly connected with the disturbances then occurring in Palestine, and, as the mandatory Power had stated that it did not propose to comment on those events for the time being, the Commission's decision was unavoidable. The Commission had reserved its right, therefore, to revert to them at the present session, in the hope that the mandatory Power would be in a position to furnish all the necessary information. Its hopes had been disappointed by the statement made to the Council by the United Kingdom representative. The Chairman had no intention of reproaching the mandatory Power, for the disturbances were still continuing when the Council had met, and, for the same reasons as before, it was unable to furnish any information. However that might be, the latest reply from the mandatory Power was such that the Commission would be unable to carry out its intention to examine during the present session the questions that had been postponed, and no doubt the Commission would agree that this item should be removed from the agenda of the present session.

*The Chairman's proposal was adopted.*

*The Commission approved its agenda (Annex 2).*

**Programme of Work of the Commission.**

The CHAIRMAN explained that, no remarks having been made by the members of the Commission or the accredited representatives with regard to the programme of work, it had become final.

(The Commission went into private meeting.)

**Method of dealing with Petitions regarding Palestine and Syria : Appointment of a Sub-Committee to deal with the Petitions connected with the Palestine Disturbances.**

The CHAIRMAN reminded the Commission that it had before it a list of petitions to be examined.

As was to be expected, there was a fairly large number of petitions from Palestine. The signatories denounced certain acts of the authorities connected with the suppression of the disturbances, or objected to the general situation of the country as it would appear to be in the light of recent events.

The Commission would have to decide whether these petitions could be examined, when, in the absence of an official version, it had had to reserve judgment as to the expediency of the measures taken to re-establish order and as to the present situation in Palestine.

In view of the importance of the matters involved, would it not perhaps be desirable to appoint, for all the petitions in question, not one Rapporteur, but two or three members of the Commission to make a joint report ?

M. RAPPARD was surprised at the number of petitions concerning Palestine and Syria which had been retained for examination. If his information were correct, no accredited representatives for Palestine and Syria would be present during the session. As the members knew from experience, it was almost impossible to report on a petition when the information already available could not be supplemented by an exchange of views with the accredited representative. In those circumstances, he would be glad to know the Chairman's intentions.

The CHAIRMAN said he intended to suggest that those of his colleagues who were willing to report on the petitions relating to Syria, Lebanon, and even Palestine, should themselves decide whether it would be necessary to put questions, on certain points connected with those petitions, to a representative of the mandatory Power.

If not, the Commission would dispense with the help of those representatives ; if the reply was in the affirmative, he would have no hesitation in asking the mandatory Power to be good enough to send to Geneva, before the end of the session, a representative who would give any necessary supplementary information on the petitions.

Count DE PENHA GARCIA pointed out that the right to petition was one of the most important features of the mandate. Care should consequently be taken that the examination of the petitions was not suspended for a long period, except for good reasons. Difficulties as to the necessary information might arise in connection with their examination, but it was nevertheless the Commission's duty to deal with them as soon as possible.

Two possibilities might arise : the Commission might find the information furnished by the mandatory Power sufficient and would be able to express an opinion on the petition concerned, or the information might be inadequate and then one of two procedures might be

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 208.

adopted : either it would suffice to ask the mandatory Power for additional information, or a representative should be asked to attend to give further information. The Commission could then question him on specific points concerning which it desired to be more fully informed ; or, again, it might expect some light to be thrown on the matter by such general explanations as were furnished by the representative of the mandatory Power. In any event, every petition must be dealt with within the regular time-limit.

The CHAIRMAN agreed that the Commission must see that the right to petition was not impaired nor the exercise of that right obstructed in any way. As Count de Penha Garcia had said, action must be taken on every petition within a reasonable period. The Commission would therefore make every effort to this end, but as regards petitions of the first category—those relating to the disturbances in Palestine—circumstances might prove too strong and might prevent it from expressing an opinion on the petitions as rapidly as it would be the first to desire.

COUNT DE PENHA GARCIA thought that, by the very fact that a mandatory Power communicated its own observations with the petition, the petition was subject to consideration by the Commission. In effect, that meant that the mandatory Power recognised that the Commission need not wait before examining the petition ; otherwise, the observations would not have been sent together with the petition.

M. RAPPARD replied that the conclusion reached by Count de Penha Garcia did not always follow. In its observations, the mandatory Power frequently referred the Commission to the accredited representative, who was instructed to supplement them. The Commission would rarely be able, in his opinion, to reply suitably to petitioners unless it exchanged views with the accredited representative. However, he agreed with Count de Penha Garcia that it should not treat petitions as a mere matter of routine. He supported the Chairman's proposal as to procedure.

The CHAIRMAN invited the Rapporteurs now to state whether they wished to enlist the aid of a representative of the mandatory Power when examining the petitions on Syria. He would repeat that, generally speaking, the Commission should never hesitate to ask that a representative of the mandatory Power should attend in order to furnish any information considered necessary. The right to petition must be respected and the Commission was in duty bound to take all the necessary steps to enable it to form a sound judgment.

There was a number of petitions connected with the disturbances in Palestine. In view of the observations made by Count de Penha Garcia, he thought the question might be put in the following manner : Each petition was accompanied by a note containing the mandatory Power's observations. It was therefore possible that the mandatory Power anticipated that the Commission would examine those petitions during the present session. But might it not be rash for the Commission to form a judgment of special facts and incidents in the absence of an official account of events on which it had, for the moment, no opinion ? Later, the Commission, being better informed, might regret having expressed a particular opinion on the basis of imperfect information.

The question arose, therefore, whether it intended to deal with those petitions or not. He suggested that three members should be asked to examine them, to exchange views, and then to inform the Commission whether, in their opinion, a report should be made at the present session. The sub-committee might consist of M. van Asbeck, M. Palacios and M. Rappard.

M. RAPPARD had not been very much impressed by similar sub-committees in the past. In any event, one or other of the members should undertake to prepare a report, and, when it came to setting forth the general opinion held by a sub-committee, difficulties arose.

The CHAIRMAN felt sure M. van Asbeck, for instance, would be good enough to undertake the drafting of a report clearly setting forth any opinions that might be expressed in the sub-committee.

*The Chairman's proposals were approved.*

#### **Question of the Participation of Mandated Territories in Measures taken by the Members of the League of Nations under Article 16 of the Covenant.**

The CHAIRMAN recalled that, at the twenty-ninth session,<sup>1</sup> the Marquis Theodoli had invited the Commission to express its views on the lawfulness of applying sanctions in territories under mandate. A discussion had taken place on this subject which, after a first exchange of views, the Commission decided to "suspend". Should it be resumed now ? While reserving

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 168.

his personal opinion, the Chairman thought that the question might be viewed from various aspects :

1. It might be considered that, this question being one of those outside the ordinary scope of its work, the Commission should only examine it with a view to solving it, if expressly required to do so by the Council.
2. It might also be legitimately maintained that the Commission was entitled to examine spontaneously any question concerning the application of the mandates system or arising in connection with the application of that system.
3. Some might consider that the discussion at the twenty-ninth session had been carried far enough to determine the prevailing opinion of the Commission, so that there was no point in reopening the debate.
4. Others again might object that, since such an important question had been raised, the Commission was bound to discuss it thoroughly and record its formal vote.

Before inviting his colleagues to express their views, the Chairman desired to point out that, if the discussion were reopened, the author of the original motion would not be there to present his argument or reply to objections raised to it. That fact would appear to imply, if not the "burial" of the question, at least its adjournment.

M. MANCERON, without wishing to dwell on the fact that the question would now appear to have lost a great part of its importance, would merely retain the last suggestion made by the Chairman—namely, that in view of the absence of the Marquis Theodoli, who had raised the question, it would be difficult to enter into a full discussion, which would obviously necessitate the presence of its originator. He would therefore agree to the adjournment ; but the simplest course appeared to him to be to withdraw the question from the agenda for the present.

Mlle. DANNEVIG recalled that she had not been present when the discussion had taken place at the twenty-ninth session. She agreed with M. Manceron that the question was less urgent than a few months ago and that it would be preferable to leave it, unless asked to give an opinion on it by the Council. Moreover, the entire question of sanctions was to form the subject of examination by a special committee ; the aspect of this particular question might then be changed and it would be better, under the circumstances, now to drop the matter.

M. RAPPARD would agree to adjourn the question but not to strike it off the agenda of the Commission. Of the suggestions which had just been made, the idea should not be retained that the question had lost its present importance. It might be inadvisable to consider the matter when it formed a burning question, but it was, on the other hand, a problem which should be dealt with calmly. Moreover, it had been rightly pointed out that, out of courtesy to the Marquis Theodoli, a problem which he had raised should not be considered in his absence. A further and even more important idea was that the entire structure and working of the League of Nations would possibly, after the discussions of the Committee appointed by the Assembly, undergo far-reaching changes, and the Mandates Commission's view might be affected by the result of those discussions.

The CHAIRMAN asked M. Rappard to state whether, in his opinion, this was a question which the Commission could place spontaneously on its agenda, or whether it could not deal with it until requested by the Council to do so. For his part, he would be somewhat afraid that the Commission, if it took upon itself to settle the question officially in one way or the other, might expose itself to the charge of aggravating a general situation which was already delicate enough.

M. RAPPARD recalled that he had considered it inadvisable to examine this question at the last session. On the other hand, now that the tension existing at that time had disappeared and peace reigned, he did not think such a charge could be levelled against the Commission. It was impossible not to consider the fact that the mandatory Powers might have to reopen the question of sanctions. Personally, he did not think the Commission need be afraid spontaneously to examine the question, and he would not be in favour of striking it off the agenda ; it could be dealt with now under its general and theoretical aspect, and from that point of view was quite within the powers of the Commission.

He added that M. van Asbeck had just made an interesting suggestion to him : it would be advisable that the Committee appointed by the Assembly, which was to deal with the entire problem in December, should have its attention drawn to this particular aspect of the question of sanctions. It would be difficult to find practical means of acting on this suggestion, since there would be no session of the Council before the Committee appointed by the Assembly met. Nevertheless, the problem would undoubtedly not be definitely settled in December. Under those circumstances, the Mandates Commission might possibly add a paragraph to its report requesting the Council to bring the question which had been raised in the Mandates Commission to the notice of the Committee, since that Committee could not deal with the problem as a whole without considering this particular aspect.



Count DE PENHA GARCIA was of opinion that the question should be removed from the agenda. Was it for the Mandates Commission on its own initiative to deal at that moment with a question which formed part of the great problem of the life and organisation of the League of Nations? There were sound reasons for awaiting a request from the Council before doing so. It had just been pointed out that a Committee appointed by the Assembly would deal with the problem of the revision of the Covenant, and that Committee would no doubt be entitled to examine this particular aspect of the problem. It was therefore not for the Mandates Commission to deal with it, except perhaps later, should that be necessary. Moreover, the Minutes of the Mandates Commission would show traces of its concern with regard to the application of sanctions in the mandated territories, and that would be sufficient to bring the matter to the attention of the Council and of the Committee.

M. PALACIOS agreed with the solution proposed by M. Rappard. That solution, however, involved certain difficulties which ought to be mentioned. He, too, felt that the question ought not to be removed from the agenda. Although the discussion, for reasons of expediency—owing to the absence of the Marquis Theodoli and for other reasons—had been provisionally adjourned, the question, apart from its particular significance in the case of Italy, was itself of fundamental importance. He did not see how a more or less detailed discussion of the substance of the question could be avoided if it was to form the subject of an observation to the Council.

M. Palacios reminded the Commission that, when the Italian member had raised the question, he had been perhaps the only one who had upheld the usefulness of a debate on so important and fundamental a problem. In his opinion, it was only necessary to consider what was deemed in principle to be in conformity with justice and with the interests of the colonies before and after the establishment of the mandates to determine whether the colonies should indiscriminately follow the fate of the mother countries. On the signing of the Congo Agreement in 1885, care had been taken to establish the neutrality of the African possessions concerned in case of war between the mother countries, and, after Japan had left the League of Nations, she had nevertheless continued to exercise the mandate over the South Sea islands on behalf of the League and had claimed the advantages of economic equality in the mandated territories like any other Member of the League.

M. Palacios felt, as M. Rappard did, that, now that the political problem had become less acute, the question could be examined more calmly and dispassionately. He felt, on the other hand, that it might be somewhat difficult for the Commission to suggest to the Council, or to say outright, that the Committee for the reform of the Covenant ought to deal with the question. That body could undoubtedly deal with it and should perhaps do so on its own initiative. He wondered, however, how it could ignore the Mandates Commission, the special organ possessing full competence, under the terms of Article 22 of the Covenant, to deal with all questions concerning the mandated territories. He was afraid that to pass on the problem to the other Committee was simply an unjustifiable way of shelving a responsibility which devolved upon the Mandates Commission and which would probably be referred back to it.

The question, in short, was more complicated than it appeared and, while M. Palacios agreed, in principle, with most of what had been said by M. Rappard, he would ask the latter and the other members of the Commission to remember how very difficult and complex the problem was.

M. VAN ASBECK considered that there was a general problem and also a special question.

In the first place, the question was whether the Commission was competent to deal with the question raised by the Marquis Theodoli. In his opinion, its competence could not be denied in a matter of such importance for the welfare of the populations of the territories under mandate. The question whether it was wise at a particular moment to deal with such a problem was one of expediency, but he wished to stress the fact that the Mandates Commission must be considered competent to do so.

Secondly, was it advisable at the present time to retain the question on the agenda of the Commission? The circumstances had greatly changed since June last and, if he had referred to the consideration of the problem by the Committee appointed by the Assembly, he had not done so in order to leave a loophole for the Mandates Commission, but in order that the question should be referred to the body which was, at the present time, best able to consider it within the general compass of the problem of the Covenant with which the Committee appointed by the Assembly would no doubt deal. If that Committee considered that the Mandates Commission should first give its views, it could make the necessary request to the Council.

In conclusion, M. van Asbeck supported M. Rappard's proposal that the question should be adjourned and that its importance should be pointed out in the report to the Council, which would then decide whether the matter should be referred to the Committee appointed by the Assembly.

Lord HAILEY thought the Commission was faced by one of those mixed questions in which considerations of tactics and of principle were closely connected and which were always so difficult to settle. For his part, he would be in favour of considering it solely from the point of view of the objective which the Mandates Commission had before it. He thought none of his colleagues believed it advisable to examine the question at the present moment, since it was impossible to give an opinion on sanctions on account of the lack of information as to the future of the sanction system, while the interest of the native populations was not for the moment affected by sanctions.

From the point of view of the interest of the Mandates Commission, the best thing would be that the question should disappear. Nevertheless, if the Commission struck this point from its agenda, new questions might be raised or new measures be proposed, while, if it merely adjourned the matter, it might possibly never be required to take it up again. He was, therefore, in favour of adjourning the question *sine die*, as this would be the best means of avoiding attention being drawn to the subject.

M. RAPPARD, in reply to M. Palacios, did not think that, if it were suggested that the question should be considered by the Committee appointed by the Assembly, the latter would in turn refer it to the Mandates Commission. Indeed, what opinion could the Mandates Commission be asked to give? Its opinion on the lawfulness of the application of sanctions in territories under mandate? But, since the very problem of sanctions was to be considered by the Committee appointed by the Assembly, the Mandates Commission could not be requested to give an opinion which could but be hypothetical; no one could say what would happen to sanctions after the work of the Committee in question. He therefore saw no disadvantage in informing the Council that it would be advisable to draw the attention of the Committee to this particular aspect of the question of sanctions.

In reply to Lord Hailey, M. Rappard said it would obviously be very convenient that the question should disappear, but how could it disappear? It might disappear with war itself, no doubt, but it might also disappear with the League of Nations. Consequently, in that connection also he saw no disadvantage in the Council judging what was the best thing to do after the Mandates Commission had made an observation in the following sense:

“ The Permanent Mandates Commission,

“ Recalling that the question of the participation of mandated territories in sanctions against a State Member recognised as having committed a breach of the Covenant was raised at its twenty-ninth session;

“ Noting, on the other hand, that the general question of the application of the principles of the Covenant has been submitted to a special Committee appointed by the Assembly;

“ Considering that these questions are inevitably closely bound up with each other:

“ Suggests that the Council should consider the advisability of drawing the attention of the Committee appointed by the Assembly to deal with the application of the principles of the Covenant, to this particular aspect of the problem submitted to it.”

M. Rappard did not think that the Mandates Commission would run any risk in submitting a suggestion in this sense to the Council. On the contrary, to do so would make its position quite clear. The Mandates Commission had had to deal with what was a burning question at the time—a question, moreover, which had been raised under circumstances which he considered unfortunate. On the other hand, it would be unpardonable of the Commission to consider that such a problem did not arise. The very differences of opinion which had been expressed in the Commission showed that such a problem did indeed exist. At what time should it be discussed? It happened also that in surgery the question arose whether it was better to wait until fever made an operation difficult, or to take action calmly at a moment when there was no danger. He had never thought that the Commission should waste its time in abstract discussions, but it was permissible to consider that the problem in question might again arise in practice.

The CHAIRMAN noted that three suggestions had been made to the Commission:

- (1) To remove the question entirely from the Commission's agenda;
- (2) To retain the question on the agenda while adjourning the discussion;
- (3) In reporting to the Council, to point out the advisability of submitting the question for the consideration of the Committee appointed by the Assembly.

He recalled that, in the observations which it made to the Council on the work of the twenty-ninth session, the Commission had not alluded to the question of sanctions as brought up before it. The Chairman did not think it possible to leave the Council in ignorance that such a question had been raised. He would therefore be in favour, in any case, of mentioning it in the observations to the Council on the work of the thirtieth session, and of explaining why it had not been discussed during that session.

Nevertheless, before pronouncing in favour of the third proposal, he would wish to know exactly the terms of reference and the powers of the Committee appointed by the Assembly, and, in particular, whether the Council could submit certain questions for the examination of that Committee, which was an organ of the Assembly. While waiting for that point to be cleared up, he proposed that his colleagues should consider at leisure the Minutes of the discussion which had just taken place; in a few days, it would be easier for them to give a definite opinion.

COUNT DE PENHA GARCIA thought there was almost complete agreement among all the members of the Commission. No one was in favour of examining the substance of the question at the present session. As Lord Hailey had said, it was a matter of expediency whether the question should be struck off the agenda or adjourned *sine die*.

As to the procedure in respect of the Council, M. Rappard had made a suggestion, but the text which he had read appeared to go beyond the present position. Moreover, if the Mandates

Commission desired to make suggestions to the Committee appointed by the Assembly regarding questions within the former's competence, there would be many other subjects which it could raise.

In practice, it would not make much difference whether the Commission adjourned the question *sine die* or struck it from its agenda, since, even in the second case, the Commission would not be prevented from reopening the matter if circumstances so required.

What would therefore be the best way of bringing the matter before the Council? It might be better to adopt a more elastic method than that suggested by M. Rappard. For the moment, Count de Penha Garcia agreed with the proposal just made by the Chairman. The Commission would no doubt reach the conclusion that the question should be adjourned *sine die* and that a very discreet allusion should be inserted in its report to the Council.

M. PALACIOS also supported the Chairman's proposal.

*The Chairman's proposal to suspend the discussion was adopted.*

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## SECOND MEETING.

*Held on Tuesday, October 27th, 1936, at 4 p.m.*

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### **Cameroons under French Mandate : Examination of the Annual Report for 1935.**

M. Repiquet, Honorary Governor-General of the Colonies, and M. Besson, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies, accredited representatives of the mandatory Power, came to the table of the Commission.

#### WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed M. Repiquet and M. Besson, accredited representatives of the mandatory Power for the examination of the annual report on the administration of the Cameroons under French mandate.

M. Repiquet was familiar with the problems involved in the administration of the Cameroons, having for more than two years held the high office of Commissioner of the Republic in that country. The Commission had been able to appreciate the advantage of the presence of a high official of the local administration of the mandated territories at the time of the examination of the annual reports. It could not therefore but feel keen satisfaction at the appointment of Governor Repiquet as accredited representative.

The Commission was also happy to have a further opportunity of collaborating with M. Besson.

#### GENERAL STATEMENTS BY THE ACCREDITED REPRESENTATIVES.

M. BESSON thought that he could not do better, in order to introduce M. Repiquet, Governor-General of the Colonies, who had just returned from the Cameroons, than to read to the Commission a letter sent to him on September 7th, 1936, by Mr. Johnston, Director of the American Protestant Mission. On the occasion of the Governor-General's departure, Mr. Johnston desired to express, "on behalf of the mission and on his own behalf, the great value he attached to the admirable services M. Repiquet had rendered to the Cameroons during his short stay." He stressed in particular, "that his broadmindedness, sense of justice and generosity towards the work of the missions had made co-operation easy and pleasant in matters in which the interests of both the Government and the missions in the social and moral development of the population naturally coincided. The progress made by the tribes in the Cameroons as compared with that achieved in other parts of Africa was remarkable; and while conscious that a great many influences had contributed towards this result, the Director of the American Protestant Mission could not but feel that its source must be sought in the supervision and guidance of a wise and liberal administration."

M. Besson then made the following general observations.

The preceding year,<sup>1</sup> the Mandates Commission had asked for information concerning the establishment of naval bases and fortified centres in the mandated territory; it feared that Duala might be transformed into a kind of fortress. M. Besson was able to state that there was no risk of that, and that those who had expressed apprehensions in that connection could be fully reassured. A decree, dated May 16th, 1935, provided, in accordance with the mandate, that the mandated territories were under no obligation to establish bases of operations for the fleet.

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 107 and 61.

M. Besson then gave the Commission the latest figures received at the Colonial Ministry on the financial position of the Cameroons. They were as follows :

Ordinary Section of the Budget :

Receipts amounted to 62,756,145 francs and ordinary expenditure to 57,785,174 francs, a surplus of receipts over expenditure of 4,970,971 francs.

Extraordinary Section of the Budget :

Surplus receipts amounted to 70,660 francs, giving a total surplus of over 5,000,000 francs. This surplus was paid to the Reserve Fund, which now had assets amounting to 17,200,000 francs.

The financial situation of the Cameroons was therefore very satisfactory and the financial depression had completely disappeared.

As regarded the question of the application of economic equality to the countries that had left the League of Nations, M. Besson stated that he would inform the Commission of the French Government's point of view at the time when the chapter on that question was being discussed.

M. REPIQUET then made the following statement :

Mr. President, I am very grateful for the welcome extended to M. Besson and myself. I have for a long time known of the friendly attitude of the Mandates Commission towards the heads of mandated territories ; and I now have a further proof, for which I thank you.

I will tell you what I know of the Cameroons as a result of having administered it, but I shall also make comparisons with the colonies I have governed. I entered upon a colonial career thirty-eight years ago, and my experience during these thirty-eight years enables me to make useful comparisons.

When I was appointed to the Cameroons, the Colonial Minister, M. Laval, who has since been President of the Council of France, said, " I am giving you a fine command ". My knowledge of the Cameroons was derived from what I was able to learn from my colleagues and from the books I had read. I knew in fact that it would be a " fine command " ; nevertheless I could not suppose that the Cameroons was what it is. I travelled all over it. I went to the most remote areas. I was able to see the amazing way in which that country has developed, and I have here an eyewitness who will not contradict me. I refer to your new colleague, Lord Hailey, from whom I had the honour of a visit in Yaundé.

The Cameroons is developing very rapidly. We have been working there for fifteen years. I do not say for twenty years, although the French have occupied it for twenty years. As a matter of fact, France's influence began to be felt in 1922. France began work in the Cameroons at very much the same time as the Mandates Commission began its work. The Cameroons has really made extraordinary progress as compared with other countries with which I am familiar. I have been to the Pacific, the Indian Ocean and Africa (the Ivory Coast and Senegal). I can testify that one cannot but be absolutely astonished at the extent and rapidity of the progress achieved in the Cameroons. You have only to travel about the country, throughout which the " French peace " prevails—there are no risings in the Cameroons, no movements, and everyone lives in peace—to convince yourself of the work which is going on and to realise what a future this territory has before it.

The Cameroons is admirably situated between British Nigeria and French Equatorial Africa. It is really the key to this area. It is the natural outlet to the sea for the products of the Logone and Shari valleys and the Chad basin. The Cameroons has one advantage over the other countries on the west coast—it has a port, the port of Duala. It is a river port, easily reached by boat. I was able, for instance, to go on board the *Brazza* at Duala Quay, seventeen miles from the sea, in deep water. We had no difficulty in going down the river. I am sure my successors will make further improvements in this port.

The Cameroons also has the advantage of a varied climate, which explains its varied production, and is the reason for its prosperity. It is not a one-crop country ; it is a country of many crops. And it is a mining, even a gold-bearing, country as well, for, in 1934, gold was discovered there. There is, therefore, plenty of scope for development in the country.

In this fine territory, France is pushing on with the development of a fertile soil and the education of the natives, for whom it is preparing a better future. I should like to dwell on that, because it is of interest that the condition of the natives has changed completely in about fifteen years. In 1901, I visited the Pahuin villages and found them absolutely wretched. But about ten months ago, I toured the Pahuin district and saw very fine villages, roads well laid out, natives well-clothed, chiefs who behaved very correctly, and I complimented them, for they deserved it. That is the work of France.

France, exercising her mandate from the Powers in the best interests of all, constantly extends further her beneficent guardianship of the people entrusted to her care. The population is increasing, thanks to our medical work. We have splendid doctors. The young doctors are really remarkable. They are devoted to their work, and go to the villages and visit the poor natives. Processions of natives may now be seen coming to the dispensaries for consultation. Sometimes, our doctors at Yaundé, for instance, see some 200 to 300 patients a day.

France's policy is one of active benevolence, firmness without unnecessary severity, education in the widest and most humane sense of the word, in the colonial tradition and in accordance with the generous principles of the French Republic. I had first-class administrators as collaborators, people who love their work and love the territory. There is really a Cameroons spirit in the territory; they think Cameroons and love Cameroons. The best pupils in the Colonial School ask to be allowed to serve in the Cameroons. The personnel is first-class. The young people who come to the Cameroons are full of drive and enthusiasm. Following the example of their leaders, they have achieved quite remarkable results.

By her maternal rule, France has given the natives the courage and desire to live. Unfortunately, in these forests, they were dying of hunger not so very long ago. By means of food crops, through our permanent activities and with our assistance, the native has become not only a man who lives, but a man who lives well. Throughout the territory, he now eats to his heart's content and he can have such medical attention as he needs free of charge, if he wishes. He works freely with a feeling of security, and he does not hesitate to apply to our courts for genuine and prompt justice. It is an interesting fact that the natives constantly apply to our courts, which overflow with litigants. The administrators are sometimes overwhelmed with work. But that shows that the natives have confidence in our justice and prefer to appeal to it rather than to the native notables. The Administrator has with him two native notables, who are responsible for informing him as to native custom.

The Commissioners of the Republic, assisted by a highly valuable staff, have bent their energies, in a spirit of confident co-operation with the colonists, traders and missionaries of all denominations, to fulfilling the "sacred mission of civilisation" assumed by our country. As both administrators and guides, they have contributed in less than twenty years to making the Cameroons of to-day. I feel bound to draw attention to the admirable spirit that prevails in the Cameroons. The chief administrator is the friend of the student administrator; their relations are cordial. Discipline does not suffer. Far from it. It was with great satisfaction that I found again the same spirit in the Cameroons as I had found at the beginning of my career.

One example of the prosperity of the Cameroons took me completely by surprise when I arrived in the country in July 1934—the exhibition fairs. These fairs reflect the activities of the Cameroons and are astonishingly extensive and comprehensive. Fairs are held periodically at Yaundé and Duala and are not without some effect on the vitality of the territory. They sum up its very varied activities. They comprise agricultural produce, the import and export trade, typical local industrial products and samples and patterns of native art. The administrative services and the religious missions participate, and the native communities also make a contribution. The progress achieved is shown by maps and graphs.

France's economic policy is an almost unexampled liberalism. To illustrate the rate at which the Cameroons is developing, allow me to describe what has been done during the twenty-six months I have spent there. I do so only in order to give you an idea of the situation. My predecessors did the same, and this shows how quickly the Cameroons has developed.

Since July 1934, over 1,500 kilometres of roads have been constructed and opened to traffic—from Bertua-Betare-Oya to the border of French Equatorial Africa, Sangmelima to Djum, N'Gaundere to Meiganga, Galim, Tibeti to Banyo, and Garua to Mokolo. These roads are practicable at all times of the year, and that is important, because, as you are aware, there are floods in the Northern Cameroons for four or five months in the year. It has been found possible to build roads on the slopes which can be used at all seasons.

In view of the desirability of replacing ferries by bridges wherever possible, the Public Works Service put a bridge over the Nun to connect Dschwang and Bafussam with Fumbot and Fumban, and a bridge over the Nyong at M'Balmayo connecting up the Yaundé-Ebolowa-Kribi road.

We took advantage of our railway bridges, which are very solid structures, to make road bridges over the Sanaga, so that these railway bridges now serve both the railway and motor and other wheeled traffic. In 1935, the Kienke and Ossa Creek bridges were completed.

At the same time, work was begun on water-supply works at Duala and Bonaberi, the construction of the Akua school centre, the foundations of a building for the Customs and Harbour Service, and the lighting of the quays at Duala. The wharfing of Bonaberi, in deep water, was finished and thrown open in 1935, as well as the river port of M'Balmayo on the Nyong and its approaches. In twenty-six months, the Railway Service has built eleven stations on the northern and central lines, and has repaired some of the permanent way.

We have also devoted attention to aviation, and the flying-grounds now open are available to all. The present flying-grounds in the Cameroons bear comparison with those of the French and foreign possessions on the coast of Africa. Since 1934, the Yaundé air base has been opened and that of Garua improved. The Duala base, begun before then, was transformed. The runway was enlarged, the surroundings were cleared, a large hangar was built—it cost us 400,000 francs. Telephonic communications have been installed near the landing-place, as well as a meteorological station and a radiogoniometric station. The aeronautical equipment of Duala

will shortly be completed by moorings for seaplanes. There are thirty-four landing-grounds or emergency landing-grounds on the northern air line from Yaundé to Fort Foureau. The chain of lighting extending across the southern forest and, linking up Duala, Yaundé and the Chad, will be completed this year. Meteorological safety devices were provided on the air line Yaundé-Garua in 1934 and on the coastal air line Dakar-Pointe Noire in 1935.

I now turn to the programme for health work. This programme has been carried out rapidly, important works having been completed at N'Kongsamba, Yabassi, Kribi, N'Gaundere Garua, Marua, Fort Foureau, as well as the maternity home at Ebolowa, the isolation ward at the Yaundé native hospital, and a BCG laboratory at Duala. The building of dispensaries is being pushed forward actively in all parts of the territory. A considerable effort is being made, and this year we had to provide 13,800,000 francs for native health services and medical care out of a budget of 60,000,000 francs.

Leper hospitals or agricultural colonies for lepers, in accordance with modern practice, have been opened wherever necessary.

Our admirable doctors wage incessant war against sleeping-sickness and other diseases, infectious and non-infectious, as is shown by the very encouraging and continuous fall in the index of trypanosomiasis contamination. At Ayos, the training of rural midwives has begun. Pregnant native women are very willing, in some districts, to see a doctor, but we want to do better—to provide rural midwives who will work in the villages.

There is a considerable improvement in health throughout the country. Native housing is changing. Small mud-houses, whitened with kaolin, covered with raffia tiles and provided with windows, and even huts of hard material, have replaced the old, unlighted and airless leaf and bark cabins. Bricks dried in the sun are also being used more frequently in village building instead of mud bricks. A protected water-supply has now been installed in most centres.

The native, moreover, is on his mettle. One native makes a fine hut; the others in a spirit of imitation want to make as good a hut, and the results are splendid. As to the water-supply, it was essential to see that the natives did not pollute their water. We were able to persuade them to make dams with overflow pipes, and this has done much to improve health.

Yaundé is drained by the drainage system of the adjoining marshes and by the eucalyptus plantations in the reclaimed land.

At Duala, the drinking-water is sterilised by "verdunisation" on the Bunau-Varilla method. The appearance of this town has been improved by close collaboration between the health and sanitary services.

Mining activities are progressing normally. In 1934, the Mines Service discovered the existence of gold in the Eastern Cameroons north of Batouri; from the Betare-Oya-Maiganga region, 13 kilogrammes of the precious metal were extracted during that year, 88 kilogrammes in 1935, and 135 kilogrammes during the first five months of 1936. That is an encouraging start. The production of cassiterite and rutile is likewise following an ascending curve: 223 tons of tin ore in 1934, 314 in 1935; in 1936, the rate of increase is still higher.

In 1935 and 1936, the fuel research mission sent by the National Liquid Fuel Office prospected the whole of the reserved zone in the territory. The territory made a point of reserving an oil-bearing zone for its financial requirements.

Motor traffic has increased considerably. On December 31st, 1935, there were 1,853 vehicles in the Cameroons—that is to say, 284 more than the previous year.

From 1934 to 1936, the telegraph system was extended from Nachtigal to Bafia, from Ebolowa to Ambam, from Eseka to Lolodorf, and the inter-urban telephone system from M'Banga to Loum, from Loum to N'Kongsamba and from Bonaberi to M'Banga.

Wireless stations have been opened at Betare-Oya, Manoka, Kribi, and wireless communications are now possible from Duala to Yaundé.

Lastly, between now and January 1st, 1937, a new sub-fluvial cable, with sixteen conductors, will be laid from Duala to Bonaberi, as well as a treble telegraph line, while telephonic communication will be established between Duala and Edea, and a wireless station opened at Tibati.

Throughout the whole territory, particularly in the south, the area under cultivation has been greatly extended. During the last twenty-six months, colonists obtained 125 concessions, covering an area of 13,600 hectares, part of which is being used for banana growing and other parts for the cultivation of oleaginous plants, manioc, cocoa and coffee, which is also increasing considerably.

A sum of 1,244,438 francs has been placed at the disposal of the Agricultural Mutual Credit Fund.

The Department has been asked to establish a post office savings bank in the interest of the colonists and natives. I strongly urged the necessity for the establishment of this bank. When I was administering Réunion, some years ago, I got the authorities to establish a post office savings bank, with the result that the creoles of Réunion, who had not hitherto acquired the habit, were encouraged to save. I hope that a similar result will be achieved in the Cameroons.

Food crops and other native plantations have undergone considerable expansion. This increase in production, and hence in consumption, is proved by the Customs statistics.



From 124,037 tons (72,528,000 francs) on December 31st, 1934, exports rose to 126,043 tons (97,997,000 francs) by December 31st, 1935.

During the corresponding period, imports amounted to 31,048 tons (58,713,000 francs) at the end of 1934, and to 42,024 tons (of a value of 88,621,000 francs) on December 31st last.

After a depression of some years, the economic situation of the territory has now not only been restored, but—the facts are there to prove it—has once again become flourishing.

The state of the finances, having regard to local economy, is such that it enabled me to contemplate the execution of works to supplement the territory's equipment. This programme, which is intended to meet the country's general requirements, includes the opening of a road from Yaundé to Duala via Edea and Bonepoupa, a road from the Bamoun district to Banyo via Ngambe in the Tikar region and the remaking of the roads from Kribi to Lolodorf and from Kribi to Edea ; construction of bridges : on the Sanaga, to provide direct communication between the south, north and west of the territory ; on the Dibamba, at Bonepoupa ; on the Meng, near Tibati (northern road) ; on the Vina (road from N'Gaundere to Meiganga) ; and on the Kadei (eastern road).

The purchase of motor-ferries has been decided on in principle for crossing the Benue—the Benue is a very wide river—at Garoua, and crossing the M'Bam on the Bafia route.

It was also proposed to asphalt the streets of Yaundé and Duala, to improve the track on the northern and central railways, to improve the road from Yaundé to Chad, to establish permanent road communications between Mokolo and Maroua via the Meri Pass and to make submersible causeways in the Mayos on the road from Garoua to Lere.

The cost of carrying out the programme was to be spread over five financial years.

Lastly, since the Cameroons has the inestimable advantage of a natural port, it was my intention to obtain a loan to enable this port, Duala, to meet the present requirements of shipping and to be easily accessible at all times to ocean-going vessels of a tonnage which will doubtless continue to increase. At present, we are obliged to wait until the tide rises sufficiently to enable vessels to proceed upstream. By digging a natural channel, this necessity would be avoided. The financial situation of the territory would have enabled the administration to meet the services of such a loan without any difficulty.

I feel sure that my successor, M. Boisson, will share these views and will continue for the benefit of the territory the tasks which my predecessors and I myself have begun. M. Boisson is a young Governor who may stay a long time in order to undertake a lengthy work in the Cameroons ; that is, moreover, the definite wish of the Minister for the Colonies, who informed me of his views on the matter before I left for Geneva. M. Boisson has high hopes and far-reaching plans. As I said at the beginning of my statement, the Cameroons are rapidly going ahead. Considerable efforts have been made and remarkable results have been achieved. In making this assertion, I am speaking not so much as the Commissioner of the Republic as an observer. I have rarely seen a country develop so easily, in such a short time and so well. It has also progressed economically, since the loan contracted by my predecessors was ridiculously small. I do not think there is any colony in the world which would have been content with such a small loan as the Cameroons. The debt service is met without the slightest effort. It amounts to a small sum compared, for instance, with the loans contracted by neighbouring Federations, such as the Federation of French Equatorial Africa or French West Africa, which amount to several milliards. In the Cameroons, the sum involved is only a few millions.

I am at the disposal of the members of the Commission and shall be glad to reply to any questions they may desire to put to me.

The CHAIRMAN thanked M. Repiquet, who had just given the Commission another reason to be glad to have had the opportunity of hearing the head of the local administration of this mandated territory. His statement had merely confirmed what M. Besson had said on previous occasions regarding the general situation in the Cameroons, but M. Besson was not able to give the Commission the same picturesque and vivid description of the country as one who had lived there and had been responsible for its administration.

M. Repiquet, the Governor-General, had reviewed all the activities of the territory's administration ; he had spoken of the social development of the native population and of the economic and material conditions prevailing in the Cameroons. All those questions were already dealt with in the report and the Chairman proposed that the members of the Commission should ask the accredited representatives for any supplementary explanations they might consider necessary during the examination of the various chapters of the annual report.

#### FORM OF ANNUAL REPORT.

The CHAIRMAN called attention to the fact that the mandatory Power had added to its annual report (page 159) a chapter entitled "Reply to Observations of the Permanent Mandates Commission". That title might be misleading since the chapter contained answers to the questions put by certain members of the Commission individually.

The Chairman thought that the replies of the mandatory Power to the observations made by the Commission itself ought to be included under that heading.

The observations made by the Commission last year had, to a certain extent, been taken into account in the text of the report, but, apparently, no indication had been given as to what measures had been taken as a result of a number of those observations.

M. BESSON acknowledged that the heading in question was not in accordance with the tradition adopted in the drafting of the report in preceding years. That was a mistake due to the fact that the various parts of the report had been received a very short time before the meeting of the Mandates Commission and that the work of collation and printing had had to be done hastily.

The previous headings would be used again in the next report.

M. VAN ASBECK said that he had some difficulty in finding information in previous reports which was necessary for the understanding of certain passages in the current year's report. The report for 1932, for instance, contained a general chapter entitled "Ten Years of Mandate". In the 1932 report, also, there was a general chapter on judicial administration. The 1934 report had a chapter dealing with ten years of financial administration. He thought it would be very useful to have an index enabling reference to be made to previous reports. He pointed out, in this connection, that Annex II of the report on Ruanda-Urundi contained an index of that sort which greatly facilitated reference by new members and would increase the interest of the annual reports.

M. BESSON recalled that the observation just made by M. van Asbeck had already been made in the previous year.<sup>1</sup> The work of compiling an index as requested had already been begun. He hoped it might be finished by next year. It was rather a long job, as the study in question covered twenty years of administration.

#### CHANGES IN THE NOMENCLATURE OF THE ADMINISTRATIVE DISTRICTS.

M. PALACIOS wished information about the change made in the organisation of the territory where the administrative districts now bore the name of regions.

M. REPIQUET explained that the regions established by the Decree of November 8th, 1935, corresponded more closely to the geography of the territory. The districts were called after the chief towns. It was merely a question of administrative terms. From now on, the regions would take the name of the rivers or of the mountains from which they derived their character, but the boundaries of the districts and regions would remain the same.

Mlle. DANNEVIG asked whether there was any connection between administrative regions and racial regions.

M. REPIQUET explained that the native peoples, the Fangs for instance, were often spread over several regions. It would be impossible to group a whole race in one region, especially in view of the many varieties of each race. Moreover, the population of the Cameroons tended to be migratory; racial regions would therefore have to be extremely elastic.

In reply to a further question of Mlle. Dannevig, M. Repiquet added that the list of races according to districts shown in the table on page 108 of the report gave a picture of the subdivisions of tribes rather than of races. In his opinion, the use of the word "race" in the table was inappropriate. It referred to tribes. In the same way, it was wrong to call the native court a racial court.

In reply to a question by Count de Penha Garcia, M. Repiquet explained why the name of Sanaga-Inférieure had been changed to Sanaga-Maritime. It was merely a question of pleasing the inhabitants of that district, who did not like the term "*inférieure*".

#### HALF-CASTES.

M. PALACIOS recalled that the question of the position of half-breeds in the territory had been discussed at length the year before.<sup>2</sup> The accredited representative had then said that a request might be made that a study of the position in respect of each different race should be carried out and that the results of that study should be embodied in the report of the following year.

The present report gave detailed information (pages 104 *et seq.*) about their position regarding which M. Palacios had desired to have some particulars. The report stated that, at present, there was in the Cameroons no legal provision establishing the legal status of half-breeds who were children of an unknown father and a native mother. In order to obtain French nationality, they must conform with the provisions of the Decree of November 7th, 1930.

The report rejected the thesis according to which the Decree of February 7th, 1897, should apply to mandated territories and should enable French citizenship to be granted to half-breed children of unknown parents, born in the territory of African countries under French mandate. The report objected in particular (page 105) that the Decree of 1897 dealt with colonies and did not apply to mandated territories. Further, its application would entail a

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 55.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 96.



collective naturalisation, and such naturalisations were contrary to the spirit of the mandate as defined by the Convention of July 20th, 1922, although that Convention authorised individual naturalisation to a certain extent.

The tables on page 105 of the report showed the small number of half-breeds in proportion to the total number of natives in the territory (286 half-breeds to 2,338,495 natives and 2,324 Europeans).

The report also added a table of grants made for the purpose of assisting to maintain half-breed children without families, amounting to a total of eighteen children and a yearly subsidy of 3,600 francs. It also stated that the mandatory Power endeavoured to make good the absence of the father by putting orphans and children whose parents were without means in a "children's settlement". It likewise gave grants to guardians or establishments in charge of children or not possessing sufficient means.

M. REPIQUET replied that the question of half-breeds was an extremely difficult one. It had been thought that a service had been done to half-breeds by making them French citizens. Most of them were children who had been abandoned by Europeans. They had been placed in special schools (children's settlements, planters' schools, etc.) where they were given a European education and those who showed aptitude were trained as workers, teachers, etc. Those half-breeds were in no way neglected. Personally, he was inclined to think that it would be better to leave them to their mothers and their villages, because the natives in the Cameroons were very good to children and made no distinction between children of their own race and half-breeds. He was afraid that if they were turned into a second class of citizen they might merely become outcasts.

In reply to a question by Mlle. Dannevig, M. Repiquet explained that the physical characteristics of the half-breeds did not at all closely resemble those of Europeans, and that was why he thought it was a mistake to endeavour to turn them into Europeans at any cost.

Lord HAILEY, in reply to an observation from M. Repiquet, added that there was a great difference between half-breeds of the Bantu race which inhabited the Cameroons and half-breeds of the Moorish race, which were to be found in Senegal. The problem was thus different in the two territories. The half-breeds which he had come across in the Cameroons had seemed to him to be much more at home among the natives than those he had seen elsewhere. The half-breeds among populations strongly influenced by Islam felt more nearly akin to Europeans. Thus the problem was different in different countries. It was, moreover, one which was also found in colonies in the East.

#### COLONISATION : CONCESSIONS : MIGRATION.

The CHAIRMAN asked whether any of the colonists to whom M. Repiquet had referred had settled in the territory on their own account without any thought of returning to Europe.

M. REPIQUET replied that there were many colonists of that kind. They were generally responsible people, and it was to them that advances were made from the Mutual Agricultural Credit Fund. They were usually coffee and banana planters. Some had important undertakings. The Government had never had any difficulty with them. The labour inspectors visited their undertakings to see that the natives were well treated. They were required to pay regular wages and to provide medical attention. Labour inspections were made by an administrator accompanied by a doctor.

M. MANCERON asked how many colonists there had been before the mandatory regime, and whether their numbers had increased.

M. REPIQUET replied that, when the French arrived in the Cameroons, there were very few German colonists. They had started big undertakings which for the most part were unsuccessful. They did not receive much support from German public opinion. These colonists did not work on a small scale. At present, there were not many German colonists and they usually had little capital. There were a number of colonists of other foreign Powers. Everyone received the same welcome in the Cameroons. Among the undertakings run by Germans was a large and flourishing tobacco plantation.

M. RAPPARD noted that, in all, there were only a few hundred whites in the territory. If, from this figure, there were deducted the officials, traders, missionaries, etc., it would seem that there were very few colonists. He asked whether these first colonists might be considered as the beginning of a movement for European immigration into the territory, which would explain the importance attributed to them.

M. REPIQUET replied that there were about 200 colonists, a high figure, especially as most of them were genuine colonists. They worked about a hectare of land on an average, planted for the most part with coffee. The increase in the number of colonists could not be regarded as opening up a period of European immigration, as the area of land suitable for cultivation on European lines—coffee-growing, for instance—was becoming more and more restricted. The granting of concessions had even had to be slowed down.

In reply to a question by M. van Asbeck, M. Repiquet added that there were colonists in both the lower and higher parts of the territory.

In reply to a question by Lord Hailey, he thought he could say that the tables on page 77 of the report concerning provisional rural concessions of land per region gave an accurate survey of the movement of colonisation.

Lord HAILEY pointed out that, until 1929, a fairly large number of colonists had been granted somewhat big concessions of land for coffee-growing. After 1929, few rural concessions had been granted, and most of them were for small areas. Concessions of over 200 hectares did not seem to have been granted, whereas by applying for an authorisation in France as much as a thousand hectares could be obtained.

M. REPIQUET said that, in 1935, concessions for 5,917 hectares had been granted. Some were fairly large, seeing that land suitable for coffee-growing was becoming rare. The natives continued the family system of cultivating coffee on their holdings.

The CHAIRMAN pointed out that the mandatory Power had never been in favour of large concessions and had therefore not carried on the policy formerly adopted.

Lord HAILEY said he would like further information as to the method of granting concessions. Under the law, vacant land could be conceded after a thorough enquiry had been made into any property rights that might be advanced. He was under the impression that there was very little vacant land in the lower parts of the Cameroons. He asked whether the situation differed in the upper part of the territory and whether there had been any applications for concessions in those regions.

M. REPIQUET said that, on principle, no concessions were granted in the lower part of the Cameroons. There were very few applications for concessions in the upper parts, and some had been refused. The authorities were anxious that the natives should retain their land. In the north-west of the Cameroons, for instance, where land was very much sought after, he had himself set aside vast reserves for the natives. In the same way, reserves had been constituted in the eastern part of the territory in anticipation of a possible rush of applicants for concessions.

M. RAPPARD thought the movement of migration referred to by M. Repiquet must have ceased to a great extent.

M. REPIQUET agreed. At the same time, the population still showed a natural tendency to move about. The Manilikés, for instance, continued to move west. They went a long way for the purposes of cultivation, but they did not leave the land in their country of origin empty. Land belonging to them was cultivated by their children or their relatives. On the high plateaux, land inherited was divided as in a European country—France or Switzerland, for instance. The natives jealously guarded the boundaries of their holdings, and those who left the country always went with the idea of returning.

In reply to a question by Mlle. Dannevig, he stated that the land generally belonged, not to the villages, but to individuals. The natives of those areas were very individualistic, and it was not uncommon for their plots of ground to be marked out by little hibiscus hedges.

#### FRONTIER BETWEEN THE CAMEROONS UNDER BRITISH MANDATE AND THE CAMEROONS UNDER FRENCH MANDATE.

The CHAIRMAN recalled the fact that, in its report to the Council on the work of its twenty-eighth session,<sup>1</sup> the Commission had taken note of the declaration of the accredited representative, according to which the mandatory Power was ready to proceed to a delimitation of the western frontier of the territory. It had referred to the fact that provision for such delimitation was made in Article 1 of the mandate and in Article 2 of the Franco-British declaration annexed to it.

Could the accredited representative say whether there had been any change in the position since the last session?

M. BESSON answered that, in 1932, the French Government had made all arrangements for beginning the work of delimiting the frontier between the Cameroons under French mandate and the Cameroons under British mandate. A mission had been appointed, and the necessary material bought. The mission had set out under the guidance of an administrator, and accompanied by three officers. The Government of Nigeria, however, had stated that it was not for the moment able to undertake the task in question. The work therefore had been countermanded and had since remained in suspense.

The Foreign Office had stated, in August last, however, that it was ready to collaborate in the work of delimitation after November 1st, 1936. There had not been time to reconstitute the mission. The Minister for Foreign Affairs had been informed of the fact. In a letter which

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 200.

M. Besson read out, he urged however that the work of delimitation should be started on November 1st if possible. It seemed difficult, however, to begin the work on that date. Owing to the rainy season, it was possible to work on the delimitation of the frontier only from November to February. M. Besson pointed out that, on September 20th, the Minister for the Colonies had asked the Commissioner of the Republic to include a large credit in the budget for 1937 and to provide for a supplementary credit in the budget for 1936. A very considerable outlay would be necessary, for the expenses might be estimated at several hundreds of thousands of francs.

The CHAIRMAN was inclined to think that, if the work of delimitation had not been undertaken, it was because the local Administrations had felt no pressing need for it. As the work had to be done, however, it should be done as quickly as possible.

## ECONOMIC EQUALITY.

### *Aerial Navigation.*

The CHAIRMAN reminded the Commission that it had learnt at its twenty-eighth session<sup>1</sup> that the mandatory Power had repealed the Law of May 16th, 1930, concerning restrictions which might be imposed on air traffic in so far as it applied to Togoland and the portion of the Cameroons under French mandate. That fact had been specially noted as a new proof of the excellent collaboration between the mandatory Power and the Commission.

The decree in question, however, did not figure among the legal documents annexed to the present annual report. Could the accredited representative say whether it had merely been forgotten?

M. BESSON answered that it had been forgotten, but that he would hand to the Chairman the text of the decree in question, dated August 4th, 1935.<sup>2</sup>

### *Case of States ceasing to be Members of the League of Nations.*

The CHAIRMAN further reminded the Commission that the accredited representative had, at its twenty-eighth session<sup>1</sup> declared that the mandatory Power was proceeding to a study of the question whether States which were no longer members of the League of Nations should continue to enjoy the benefit of economic equality for their imports into the mandated territory. Could the accredited representative tell the Commission whether that study had already been completed and what were its results? Further, what was the system at present applied to products coming from such countries?

It was interesting to note that, with regard to one of the countries in question, the following passage appeared in the report (page 93) :

“ Japan, owing to the low price of its goods, makes more noticeable progress every year. In 1935, it sold in the territory 1,085 tons of different articles, worth 12,055,000 francs. Hitherto it has provided mainly cotton cloths, cotton blankets, hosiery and rubber shoes. It is progressively extending its activity to other products, such as food preserves, china and earthenware, glass and cut glass, bicycles and tyres.”

M. BESSON replied that the problem was very important, both from a legal and an economic point of view. It had been studied both at the Colonial Ministry and at the Ministry for Foreign Affairs. As a consequence of that study, the French Government had reached the conclusion that economic equality was due to Members of the League of Nations only. Ex-member States of the League could not be placed on the same footing as the United States of America, which had obtained equality by a special treaty signed with France on February 13th, 1923. The French Government was therefore of the opinion that Powers which were ex-members of the League could not claim the right to benefit by a system of economic equality. It had not yet taken any steps in this connection, for it would prefer first of all to have a decision from the Mandates Commission or the Council, or, at any rate, to know the views of both those bodies on the problem.

The CHAIRMAN did not think that the problem had been put before the Council. In his opinion, it was the business of the mandatory Power to interpret its rights and duties.

He asked whether that conclusion applied also to the portion of the Cameroons included in the trade equality zone defined by Article 7 of the Treaty of Berlin, revived by the Treaty of St. Germain.

M. BESSON thought that the Cameroons was outside that zone, but he could not be sure.<sup>3</sup>

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 95.

<sup>2</sup> Kept in the archives of the Secretariat.

<sup>3</sup> See page 39.

Lord HAILEY pointed out that France had already concluded a treaty with the United States dealing with this question. He wondered whether she was considering a treaty with Japan.

M. BESSON replied that there was no treaty with Japan, for under the previous system there had been no reason for a special treaty with a Member of the League. Perhaps a treaty was now possible, but the question was not within his competence.

#### SELECTION AND TRAINING OF STAFF.

The CHAIRMAN, referring to the allusion made by M. Repiquet to the preference shown for service in the Cameroons by the best pupils of the Ecole coloniale, asked whether that was due to the fact that Government service in a mandated territory seemed to them to afford greater possibilities of initiative, and consequently to be more interesting, or was it perhaps due to the fact that the principles on which the mandates system was based attracted young people?

M. REPIQUET replied that, in his opinion, the chief reason was that the Cameroons was a new country which was developing rapidly. The independence of the administrators was about the same as that in all french colonies; he had, however, been struck by the cordial relations existing between officials of all ranks of the Cameroons service. It must also be remembered that the native population was very likeable, easy to deal with and anxious to develop itself, and that it faithfully carried out the advice given to it. Such a willing population obviously had a certain attraction for young administrators. The nature of the mandate might also possibly have something to do with the attraction the territory had for them.

Lord HAILEY said that he had been struck by the excellent spirit shown by the different officials. He asked what steps were taken to ensure continuity in the officials' service. Was there not a tendency to shift officials from one colony to another?

M. REPIQUET explained that the same officials returned to the Cameroons after the leave to which they were entitled every two years. They were a very reliable staff. There was, for instance, a senior official in the Cameroons who had never served anywhere else. The principle whereby officials took turns in serving in different colonies of the Federation, which was applied in West Africa under the Carde Government, was not applied in the Cameroons, where it was thought preferable to keep specialised administrators in one region.

In reply to Mlle. Dannevig, he explained that allowances granted for a knowledge of native languages were given especially in the north. It was, as she had pointed out, obviously desirable to keep in a district officers who spoke the language of that district. In particular, those who spoke "Peulh" always returned to the same districts.

Count DE PENHA GARCIA enquired whether the observations made by M. Repiquet concerning the best students of the Ecole coloniale meant that the highly qualified staff to which he had referred was selected only from among those best students.

M. REPIQUET said that, although the students who passed out highest from the Ecole coloniale expressed a desire to serve in the Cameroons, the fact remained that, as the standard of that school was very high, and as students only entered it because they had a vocation, they might all, whatever their grade, be regarded as administrators well trained for colonial duties.

#### NATIVE ADMINISTRATION : SUPERVISION OF THE CHIEFS.

The CHAIRMAN noted from the report (page 45) that the most complete calm had reigned throughout the territory during the year. The Administration had endeavoured to establish closer contact between the European officials and the native peoples; in the southern region, according to the report, the district chiefs had endeavoured to base their organisation on the traditional nucleus of the family as a unit in the tribe. Chieftainships of more than three grades were gradually tending to disappear by extinction. In the northern regions, efforts had been made to see that in the Moslem areas the power of the Lamido, who received advice and support, should not lead to extortion. The report added, however, that it had been thought necessary to consider reorganising the sultanates of Ref Bouba and Goulfeï, whose chiefs seemed to have a tendency to act as absolute despots, and that, in regard to Boubandjidda, measures were under consideration and would be notified in the next report.

Did the accredited representative yet know the results of the enquiry and was any indication available as to the measures to be taken?

M. REPIQUET replied that the reorganisation of the sultanates of Ref Bouba and Goulfeï had been necessitated by the tendency of their chiefs to assume an excessive degree of independence. The death of the Sultan of Goulfeï had made matters easier. He had been,

in point of fact, a highly unsatisfactory chief, among the crimes laid to his charge being highway robbery. The Ref Bouba region was a very remote one, whose chief obviously needed supervision. What had actually taken place was not a reorganisation of those sultanates, but the establishment of supervision over their chiefs, to ensure the welfare of the natives.

#### CONTRIBUTION OF THE TERRITORY TO THE EXPENSES OF THE MINISTRY FOR THE COLONIES.

The CHAIRMAN referred to a decree published in the *Official Journal* of the French Republic of October 31st, 1935, instituting a contribution from the colonies, protectorates and mandated territories under the Ministry for the Colonies, to the civil expenses of the central administration, and determining the services and establishment of the civil staff of the central administration of the Ministry.

Could the accredited representative state the proportion in which the mandated territory would be asked to contribute to the expenses of the Ministry for the Colonies ?

M. BESSON replied that the contributions of colonies, protectorates and mandated territories to the expenses of the central administration were proportionate to their budgets. Those contributions were earmarked for the salaries of colonial officials seconded to the Ministry for the Colonies. The decree introducing those contributions had, he believed, been repealed in consequence of a protest from the Ministry of Finance. Officials seconded to the Ministry of the Colonies had now to be paid direct by the colony or territory to which they belonged.

Replying to M. Rappard, he explained that some branches of the Ministry of the Colonies included officials seconded from the mandated territory, though there were very few, except at the Economic Agency of the territories under mandate, which was natural.

#### COLONIAL CREDIT FUND : AGRICULTURAL CREDIT FUND.

The CHAIRMAN observed that, at its twenty-eighth session,<sup>1</sup> the Commission had asked the accredited representative for information as to the "Colonial Credit Fund" instituted by a decree published in the *Official Journal* for September 2nd and 3rd, 1935, for the purpose of providing colonial undertakings with the medium-and long-term credits they might require. In his statement, however, M. Repiquet had referred to the Agricultural Credit Fund. What was the difference between the two institutions ?

M. BESSON replied that the Colonial Credit Fund was a new institution, whereas the Agricultural Credit Fund had been in existence since 1931. The Colonial Credit Fund was for the use of colonists who drew all their financial resources from the home country. Up to January 1st, 1936, no applications for credits had been made to that Fund.

The CHAIRMAN thought this seemed surprising, seeing that loans were granted on favourable terms. Why did not the colonists approach the Colonial Credit Fund for short-and medium-term loans ?

M. REPIQUET wished to make it clear that the Colonial Credit Fund did not grant loans except on the surety of the Administration of the colony. The surety of the colony or territory was not given without the Governor's retaining a right of inspection, and consequently some applications were refused. He himself had had occasion to refuse an application from an undertaking which was obviously not going to prosper.

The CHAIRMAN called attention to the difference between the origins of the resources of the Agricultural Credit Fund. Those coming from the territory, in the form of advances, amounted to 2,619,455 francs at the end of 1935, whereas the capital in the form of the subscriptions of its members amounted only to the modest sum of 80,000 francs on December 31st, 1935. Was it to be concluded that those concerned did not expect to stay long enough in the country to benefit by the advantages afforded by that Fund ?

M. REPIQUET said that there was a fundamental defect in the constitution of the Agricultural Credit Fund. The directors were appointed by the colonists, and consequently tended to be too lenient in granting credits. The Fund had asked the territory for advances, to be repaid when the plantations for which they were intended were on a firm footing. Consequently, the Administration exercised a certain control over such loans, and would like to introduce a governmental element into the board of directors, so as to be able to keep a closer eye on the advances granted. He himself had recently had to demand that bad payers should be distrained upon.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 99.

The CHAIRMAN said it appeared that the Funds under discussion made loans to European planters only, and asked whether they could not be extended to natives.

M. REPIQUET answered that the natives could obtain advances from the Agricultural Co-operative Society. The Agricultural Credit Fund was for Europeans only.

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### THIRD MEETING.

*Held on Wednesday, October 28th, 1936, at 10.30 a.m.*

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#### **Cameroons under French Mandate : Examination of the Annual Report for 1935 (continuation).**

M. Repiquet and M. Besson came to the table of the Commission.

#### **NATIVE ADMINISTRATION : DUTIES AND SUPERVISION OF THE CHIEFS (*Continuation*).**

M. MANCERON noted, from page 11 of the report, that, while nearly all the administrative services had remained stationary, the native staff had increased by 33 units, but that savings had nevertheless been effected.

M. REPIQUET explained that there had been a period of extreme retrenchment, and that savings had been chiefly effected on the European staff. A large number of administrators had been put on the retired list and had not been replaced. On the other hand, at the request of the administrative chiefs themselves, it had been found necessary to recruit a large number of natives, who performed valuable services in subordinate posts.

M. VAN ASBECK, comparing what was said in the third and fifth paragraphs of page 45 of the report, asked whether it might be concluded that the Administration's policy was to establish closer contact between the European officials and the native population over the heads of the native chiefs.

M. REPIQUET said that the policy was different in the south and the north of the country. In the north, a policy had been adopted half-way between that followed by the British, for example, in the area west of the Chad, and the ordinary French policy of direct administration, and discreet supervision was exercised over the lamidos in order to prevent abuses. In the south, on the other hand, an endeavour had been made to establish closer contact with the natives, who could always rely on European advice if they needed it.

M. VAN ASBECK asked whether, in the south, the position of the native chiefs was still what it should be according to the views set forth in the fine circular of the Governor of West Africa contained in the collection which M. Besson had given M. van Asbeck. In this region, did the native chief remain the leader of his people and the adviser of the Europeans, or was there a growing tendency to follow the policy of direct administration ?

M. REPIQUET replied that account must be taken of the very important fact that large numbers of natives had been converted to Christianity. What was true in West Africa was not necessarily the case on the other side of the frontier. The Administration was anxious to safeguard native customs, and this was a very delicate problem which was fully realised by the chiefs themselves. Without in any way wishing to impose Western civilisation on the natives, the Administration was endeavouring, by exercising the necessary supervision, to raise their standards as the terms of the mandate required. It desired to defend native customs without placing obstacles in the way of the progress of Christianity. There lay the difficulty.

The CHAIRMAN thought that the importance of this reply needed no emphasis. There were circumstances outside the control of the colonial administrations which led to direct administration and a policy of assimilation. It was evident that, when these populations became Christian, they no longer followed the customs.

M. VAN ASBECK said that here was the crucial point of colonial policy—namely, the contact of civilisations, races and customs, a contact which sometimes accelerated the evolution of the native civilisation. He would be glad to have further details on the direct relations between these wholesale conversions to which M. Repiquet had referred and the adoption of new methods and conceptions regarding the position of the native chiefs. According to the

experience of the Netherlands administration in the Far East, even in districts where wholesale conversions occurred and in which another stage of civilisation was reached, the position of the native chiefs remained intact and had sometimes even been strengthened. Educated chiefs, as well as Christian chiefs, had been a help to the European Government and no one would dare weaken their position.

M. REPIQUET said that, in the mandated territory, the position of the chiefs had not only not been weakened but had been further strengthened. All the circulars and instructions tended in this direction. In the third paragraph on page 45 of the report, the words employed, " closer contact between the European officials and the native population ", did not mean that the native chiefs were shouldered out. The latter knew perfectly well that the European administration was there to support them. The native population knew where it was going, and was going there without compulsion.

M. VAN ASBECK said he was glad of these explanations regarding the passages in question in the report, which had given him the impression that they were unfavourable to the native chiefs.

M. REPIQUET repeated that the expression " native population " also included the native chiefs, who enjoyed the Administration's fullest support. As regarded the population itself, M. Repiquet had constantly instructed the administrators and their assistants to visit all the villages accompanied by the native chiefs.

It was also necessary to bear in mind the great difference between the south and the north of the territory. In the south, the chiefs needed constant support, which the Administration gave them, taking into account the provisional situation resulting from the present state of affairs, which was a very important historical fact.

M. VAN ASBECK asked whether, in the south, the French administration was satisfied with the chiefs and whether depositions were numerous.

M. REPIQUET replied that an endeavour was made as much as possible to leave the chiefs in office even if they were not very good ones. Changes were rare.

M. VAN ASBECK wished to know what was meant by the expression " Les chefferies supérieures à trois degrés " (page 45 of the report). Why were these " chefferies " tending gradually to become extinct ?

M. REPIQUET said that this passage in the report did not correspond to his personal view. In the south, the " over-chiefs " were under the orders of the group chiefs, and had in their turn the village chiefs under them. In the north, where the Administration had fully respected the Islamic organisation, the over-chief was a much more important person. As regards the remark that " the over-chieftainships are gradually tending to disappear ", M. Repiquet did not think that it was actually the case.

M. BESSON thought that there was a slight misconception in the views held by M. van Asbeck and M. Repiquet on the native chief. In the French colonies, he did not play the same parts as in the British colonies, for example ; the French Administration maintained him but without wishing to make him too important. Such at least was the doctrine of the Colonial Department. He thought that the best thing would be to endeavour to define more fully in the next report the legal and practical scope of the rôle of the chiefs. He would give the necessary indications to the new Governor who was to succeed M. Repiquet in the mandated territory and who was about to take up his duties.

In reply to another question by M. van Asbeck, M. REPIQUET explained that the lamido was a petty hereditary sultan. Referring to the previous observations, he said that, in his opinion, the chiefs must be maintained and supported if it was desired to have a solid native administration.

Mlle. DANNEVIG asked whether the native chiefs were to be regarded as more or less officials of the French Administration and not persons holding their powers from native customs. It would be useful for the Mandates Commission to be informed in future reports what exactly were the three grades of chieftainship, what were the functions of the chiefs of the different grades, how they discharged those functions and what the French Government expected of them.

M. REPIQUET explained that no chief was appointed without some kind of election at a meeting of notables. The Administration only ratified what the natives had decided. If they chose a bad candidate he was rejected, but as a rule the Administration accepted what the natives proposed. In most cases, the chiefs thus appointed were recruited in the same family of notables, and, in this sense, they were hereditary. The Administration of course endeavoured to prevent exactions and abuses. It exercised its powers of general supervision following the scheme of native custom.



The CHAIRMAN noted M. Besson's promise that the next report would explain the native chief's rôle according to the administrative conception prevailing in the territory.

Lord HAILEY wondered whether the passage under discussion in the report could not be explained as follows : In the north of the Cameroons the position of the lamidos, hereditary chiefs, was very similar to that of the chiefs of Northern Nigeria, who generally acted as intermediaries between the Administration and the population. In the south, where the population was more advanced and more amenable to the influence of Christianity, the French Administration had first endeavoured to recruit chiefs by selection, which corresponded to the system of warrant chiefs in the British territories. But the idea in recent years was to have real chiefs recognised by the population but not imposed on them. In that part of the territory, an endeavour had been made to create higher chiefs over whom the Administration could exercise control, but they had been found to be of very little use, and a return had now been made to the system of village and group chiefs, so that the system of over-chiefs was tending to disappear.

M. REPIQUET insisted that, in his opinion, over-chiefs should be maintained. He was therefore surprised to see in the report the statement that these chiefs were tending to disappear. The chief of the Yaundé, for example, whose authority extended over a population of 40,000 inhabitants, had already been in office under the German regime, and M. Repiquet had thought his work so useful that he had recommended him for the Legion of Honour. As far as he was concerned, he had found these chiefs already installed and had considered them excellent, and he thought it would be difficult to replace them. If it were desired to maintain order in the Cameroons in present conditions, the existing organisation should be left as it was.

Lord HAILEY asked whether the chief of the Yaundé was not an exceptional case. He thought he had been exiled for a certain time and had then come back. This chief had been found very useful, but was it not true that, in the north-west, there were no over-chiefs but only group chiefs ?

M. REPIQUET replied that there were over-chiefs in the north-west also. He had only quoted the Yaundé chief because he was near the capital. The other chiefs were perhaps less important, but there were everywhere over-chiefs who were known by various names : in certain parts of the territory, they were called " regional chiefs ", in others " over-chiefs ", but they all had the same duties.

Mlle. DANNEVIG wished to know whether the migration of the Kirdies from the high land to the low-lying villages had given good results.

M. REPIQUET replied in the affirmative. He added that the Kirdies were remarkably individualistic. Personally, he had found with regret that those who had come down into the plain were administered by Peuhl chiefs and he had resisted this system. He hoped that gradually the Kirdies would come to agree to one of their number having some sort of supremacy over the others.

M. RAPPARD did not wish to intervene in the discussion on the position of the native chiefs, but he felt some anxiety from the point of view of the Mandates Commission's technical conditions of work. Its work was chiefly based on the data contained in the annual report and on the supplementary explanations given by the accredited representative. The Commission now found as regards an important point, a very clear contradiction between the view put forward in the report and that upheld by the Governor-General. The fact that M. Besson had promised a complete explanation for next year really did not affect the point. As far as the members of the Commission were concerned, the annual report should not be a statement of theory, but the relation of a situation of fact.

M. Rappard would like to know whether the particulars given on page 45 of the report represented the actual situation, or whether they were only what the Administration wished. How could the Commission form an opinion when it heard the Governor-General contradict what was stated in the report, and say that not only were the over-chiefs not tending to disappear, but that they ought to be maintained ? The synthetic view which M. Besson promised for next year could not enlighten the Commission on such a divergence. Whom were they to believe, the report or the Governor-General ?

The CHAIRMAN asked M. Rappard whether he wished this point to be cleared up immediately. The exchange of views which had just taken place had shown what the Mandates Commission desired—namely, to know, not only what was the Colonial Department's theory, but what was the actual situation in the territory, how this situation had evolved, and how it would develop in future ; in other words, after a theoretical outline, to have an exact picture of the present state of evolution, if there had been any evolution. The Commission could be sure that, next year, the question could be taken up again on a more solid basis.



M. BESSON assured the Commission that, in next year's report, he would submit to the Commission, not a statement of conflicting views, but an account of the facts. In this particular case, there was a theoretical question and a practical question. The French doctrine as regarded colonies was well known. It could be criticised or approved, but it existed, and the French Government attached importance to it. It was a policy of close co-operation between the Administration and the native with as few chiefs as possible. In practice, the Governor-General, who was now present and who had had much more practical experience than M. Besson, had just shown that possibly this theory was not a good one. The reality was probably half-way between the two.

M. RAPPARD could not understand that, on this subject, there could be any difference between theory and practice. Like all his colleagues, he was convinced that the statement which M. Besson would make next year would only contain data corresponding to the real facts.

Count DE PENHA GARCIA did not find it difficult to understand the position taken up by M. Repiquet and that of the French Administration. There was one undoubted fact—namely, the evolution of a certain part of the population, that in the south, towards Christianity. The Governor-General had shown how this fact had influenced the social and moral situation of that population. It was not surprising that the Governor-General considered that, in view of such a situation, the over-chiefs should be retained, while the central administration considered that those chiefs were destined to disappear owing to the fact that a new social situation was arising which called for a quite different form of native organisation. Nevertheless, it was better not to prolong the discussion, and to await the supplementary information which had been promised.

M. VAN ASBECK asked what was to be understood by the expression "continue the policy of liberation pursued with regard to the Kirdies" (pages 45-46 of the report).

M. REPIQUET explained that the Kirdies had been kept in their mountains by fear of the Foulbes, and that this policy of "liberation" had simply aimed at allowing them to settle in the plain. This was the only possible meaning of the passage in question, for the Kirdies were quite free.

#### PUBLIC FINANCE : TAXATION.

M. RAPPARD had heard with great interest and pleasure the lively account given on the previous day by M. Repiquet. It was rare to hear such optimistic views in the present difficult times. According to the Governor-General, the territory was in a most prosperous state, as all the symptoms indicated; the standard of living of the natives was rising, the sanitary equipment was improving, etc. But, in examining the chapter on public finance, M. Rappard had been surprised to find that the picture of the financial situation did not depict quite clearly such an upward trend. The French had, however, a reputation for lucidity, and M. Rappard would have liked to find in the report a passage confirming M. Repiquet's statements and clearly bringing out the exact financial situation, stating in what respects it was good and what were the difficulties encountered. But the report at once went into details of direct and indirect taxes without giving a general view which could help the members of the Commission to form a real opinion on the subject.

M. BESSON noted once again that M. Rappard was always asking for increasing perfection in the mandatory Power's reports. By dint of constant efforts, the Administration had improved this chapter of the report; this year, it had been pruned of many particulars which had seemed superfluous. It appeared that, despite this pruning, the situation was not yet sufficiently clear. M. Besson understood that what M. Rappard wished was that the chapter on public finance should begin with a general statement analysing the situation from the financial point of view. He would endeavour to meet that wish in the next report.

The CHAIRMAN suggested that, to save time, M. Rappard should give the accredited representative, after the meeting, particulars as to what the Commission would like to find in future reports.

M. RAPPARD gladly acknowledged the efforts which had been made to secure greater conciseness in the present report. He was sure his and his colleagues' desire for clarity fully corresponded with M. Besson's own wishes.

M. BESSON added that, in the report on Togoland, he had presented the financial situation in a different manner. The Commission would say which mode of presentation it preferred, and its preference would be taken into account in subsequent reports.

M. RAPPARD, referring to the figures given in the report, noted that on the whole the position was improving. The prices of the territory's products had risen, thus yielding a normal increase in revenue without any increase in taxation. It was stated on page 13 that the

Administration had endeavoured, on account of the depression, to reduce expenditure and to lower taxation. On that same page, reference was made to the effect of the new censuses and the revision of the tax registers. He realised that such operations might result in increased revenue, but how could an improvement of the registers lead to a falling-off in the yield ?

M. REPIQUET explained that, in certain districts when products were not selling well, the Administration reduced the rate of the tax and increased it elsewhere when sales improved. That was done every year. He admitted, however, that the passage in question in the report was obscure.

M. RAPPARD, while thanking the accredited representative for inserting in the report the table on page 14, which clearly showed the general evolution of the yield from taxation, pointed out that he had been unable to find in the report any explanation of the extraordinary fluctuations in the " native personal tax per category " : 423,000 francs in 1931, 363,000 in 1932, 2,296,000 in 1933, 269,000 in 1934.

Lord HAILEY thought there might be a printer's error in the figures given for 1933.

M. RAPPARD, referring to the table of receipts on page 20 of the report, Chapter IV, " Sums collected in respect of receipts due", was surprised at the increase of 6 millions from 1933 to 1934, which was considerable in the case of a budget of 63 millions. On page 21, it was stated that the surplus in Chapter IV " represents the balance of the funds allocated under the Law of August 6th, 1933, to safeguarding the oleaginous production of the colony and paid into the budget." Were those refunds made by the home country ?

M. BESSON said that the question of refunds by the home country to producers in the Cameroons had been discussed at length last year.<sup>1</sup> In 1934, there had been an important refund movement, which explained the figures mentioned. He wished to add that, according to the information available regarding colonial and mandated territories on the African coast, it was this system of refunds which had to a large extent enabled the depression to be overcome.

M. RAPPARD, with reference to the table of expenditure on page 20 of the report, asked what was meant by the term "*dettes exigibles*". Were those fixed debts or did this term merely refer to the debt service ?

M. REPIQUET replied that it referred to the debt service.

M. RAPPARD, with regard to subsidies (page 32 of the report) said that he wished to express to M. Besson his appreciation of the generosity and general goodwill shown by the Administration to Dr. Debarge.

Moreover, certain items in the financial chapter confirmed the statements made by the Governor-General, which were much more precise than the report, to the effect that the country was once again becoming prosperous. Not only had the reserve fund ceased to be drawn on, but it had been built up again.

M. REPIQUET confirmed the statement in the report (pages 21 and 34) that the loan had been drawn upon for the improvement of the public health equipment of the territory and the reserve fund for roadworks. The satisfactory situation of the reserve fund had made it unnecessary for the Governor-General to accept his Minister's offer to place at his disposal a further instalment of the loan authorised by the Law of 1933.

M. RAPPARD said that, not only had the Administration not drawn upon the loan, but the reserve fund had been increased at the end of the financial year. He would have liked to be able to congratulate the Administration on those results after perusing the report, without being obliged to wait for the Governor-General's statement.

M. MANCERON noted (page 13 of the report) that the amount of the capitation tax was falling off each year. On comparing the yield with the estimates, he saw that each year the former figure was 3 or 4 millions less than the latter. He would like to know why the Administration continued to insert estimates so greatly in excess of the yield ? It did not much matter during prosperous years, but might give rise to difficulties during a period of retrenchment.

M. BESSON thought that this was explained by the necessity for reducing the tax during the depression, which had led to a falling-off in receipts. The depression was now less acute and receipts had risen.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 105.

M. MANCERON pointed out that that was not the point, but that, while reducing the capitation tax, the Administration continued to estimate the yield at a much higher figure than the tax could be expected to produce.

A further point : The special budget relating to the loan fund for 1934 (page 26 of the report) had been built up from the appropriations from the authorised loans. Had the whole amount shown in the budget been obtained in a lump sum ? He noted that the expenditure was much lower than the figure given for receipts. If the Administration of the territory cashed only one instalment of the loan during a given year, and that instalment amounted to a large sum, unnecessary interest would have to be paid if the whole sum was not used.

M. REPIQUET replied that it was precisely for that reason that the Administration of the territory was acting cautiously and had recently refused the Minister's offer of an instalment of the loan.

M. MANCERON noted from the table showing this special budget (page 28 of the report) that a sum of 2 millions had been repaid to the reserve fund.

M. REPIQUET explained that this item related to the repayment of an advance of the above amount from the reserve fund.

M. VAN ASBECK referred to the passage on page 21 of the report to the effect that the surplus receipts were partly due to deductions from salaries. He had not found any indication of the amount of those deductions elsewhere in the report. Should this information not have been given in the table on page 22 under the section " Extraordinary Receipts " ?

M. REPIQUET replied that those deductions had in fact been made and, in the case of certain officials, the percentage was fairly high. They had been begun provisionally in 1934, but had been made final and general in 1935, so that the chief benefit had been felt in that year.

M. VAN ASBECK asked what was the percentage of the reduction on salaries.

M. BESSON replied that the general rate was 10%, but reductions at the same rate were being made on the various allowances, so that the total average reduction amounted to 17% or 18%. Those reductions had been made in the salaries both of Europeans and of natives.

M. RAPPARD asked of what the " unforeseen receipts " referred to in Chapter IV of the table on page 22 of the report consisted.

M. BESSON replied that those receipts were the result of the operation of the law on bananas.

M. RAPPARD was surprised that they should be described as " unforeseen receipts ". If the exact amount could be foreseen for each year, the source should be indicated in accordance with sound budgetary methods.

M. BESSON replied that those receipts were refunded to the planters. They were not credited to the budget but only passed through it and that was why they had been shown separately.

M. VAN ASBECK asked what was the amount of the territory's debt (see table on page 20 of the report).

M. REPIQUET replied that it amounted to 57 millions. In the table of receipts on page 26, there were shown to be two loans, one of 32 millions and the other of 25 millions.

M. RAPPARD pointed out that this did not explain why the debt service had been doubled between 1932 and 1933.

M. REPIQUET could only vouch for the accuracy of the figures given. In order to reply to all points of detail, he would have to consult his Secretary-General, who had dealt with the financial part of the report. The best thing would be to make it possible for the members of the Commission to consult the actual budget of which only a summary was given in the report.

M. VAN ASBECK suggested that supplementary explanations should be given in next year's report.

M. BESSON, referring to the document containing the territory's budget for 1936, gave particulars of the instalments of the two loans in question already received and the amount of the debt service on those various instalments.

M. RAPPARD concluded that, while continuing to borrow, the Administration had again built up the reserve fund.

M. BESSON thought that the financial situation was excellent, since it had not been necessary last year to utilise the loan.

M. RAPPARD would like to have explanations regarding the policy followed in this matter by the mandatory Power. On the one hand, it was accumulating loan funds and, on the other, the reserve fund, far from being reduced, was being built up. As the debt service had increased, this appeared at first sight to represent an increase in the territory's charges.

M. REPIQUET replied that as the loan had been contracted the interest had to be paid. Moreover, there were unforeseen receipts and the surpluses were paid into the reserve fund, but the amount of those surpluses could not be foreseen.

M. RAPPARD understood that the territory did not pay interest on the whole amount of the loan, but only on the instalments actually paid.

M. REPIQUET replied that the Administration only drew on the loan to meet its actual requirements and when it had no other alternative. The reserve fund was maintained out of the excess of receipts over expenditure at the close of the financial year. The maximum amount of the reserve fund was fixed by decree for each colony or mandated territory. Sums in excess of that amount were used for the works of general interest already mentioned.

M. RAPPARD noted that, during the last financial year, this maximum had been exceeded by about five millions and that the debt had nevertheless been increased by a certain sum.

M. REPIQUET explained that, on the one hand, sums for the works of general interest in question had been taken from the reserve fund and that, on the other, the balance of the loan instalment had been used for the public health equipment of the territory. In a region which formerly had had very few hospitals, remarkable results had been achieved, which compared favourably with the work done in other colonies or territories.

Lord HAILEY, raising a question of principle, noted that the Administration financed a large proportion of the works carried out in the territory out of the loan funds. On referring to the table on page 27 of the report, he found that those funds were utilised for public health and similar works. Was it sound policy for the Administration to do this, at the same time accumulating considerable reserves? The normal method employed elsewhere was to devote loan expenditure to permanent or remunerative works. In the Cameroons, that loan expenditure was allocated to useful purposes such as expenditure on sanitary personnel, but not to permanent or remunerative works.

M. REPIQUET said that it was easy for him to reply to that question: the Administration had been anxious to provide the country with proper health equipment and the necessary expenditure could only be met by means of loans, as the country was passing through a period of depression. If the loan had not been contracted, those works would have had to wait. The reserves had been built up later during the present period of prosperity. If the ordinary receipts had sufficed, recourse would not have been had to a loan, which had been regarded as a necessary evil. Moreover, the Mandates Commission itself had expressed the hope that public health works would be carried out.

Lord HAILEY pointed out that the figures on page 27 of the report related to a period when the territory possessed a large reserve fund. He would like to know whether the mandatory Power intended to continue that policy—that was to say, to maintain a large reserve fund and, at the same time, to increase its debt in respect of the works in question, or whether it proposed to take the necessary sums from the ordinary receipts.

M. REPIQUET observed that he had already replied to that question by stating that he had refused his Minister's offer to place at his disposal a further instalment of the loan authorised by law.

Lord HAILEY noted (page 13 of the report) that the capitation tax had been greatly reduced. He would like to see the indications contained in this part of the report confirmed by the other figures. The figures given in the table on page 14 for the capitation tax did not, however, correspond to the statistics on page 13.

M. VAN ASBECK observed that, in the previous report, it was stated that the existence of two taxes—the capitation tax and the native medical assistance tax—was no longer justified. They had been combined.

Lord HAILEY said that, nevertheless, from 1925 to 1934, the capitation tax had been more than doubled.

M. REPIQUET replied that, as a result of the combination of the two taxes, there appeared to be an increase but that, actually, the capitation tax had been reduced.

Lord HAILEY asked whether the Administration was satisfied with the method of allocating and collecting the capitation tax. He understood that it was allocated by the native chiefs and was general and not nominal.

M. REPIQUET replied that the Administration was endeavouring to draw up nominal registers. That involved an enormous amount of work. Very satisfactory results had been obtained in Adamawa, and those registers would be established for the whole territory.

Lord HAILEY understood that, in a certain district, the Administration of the mandated territory had found that there was a great difference between the results of an actual census and the estimates made by the chiefs. It was worth while making serious efforts to establish a normal system by means of a nominal census. He hoped to find in a future report details of the present methods of census-taking as compared with the system adopted in other regions.

M. BESSON replied that the necessary action would be taken.

Mlle. DANNEVIG wished to know whether the capitation tax on women would be reduced. This was the only territory in which they were called upon to pay it.

M. REPIQUET took note of the request.

The CHAIRMAN, summarising the discussion, noted that it was the general view that the chapter on public finance might be made clearer. This chapter was essential to enable the Commission to find out what was the position in the territory. The accredited representative would, he felt sure, take account of the observations submitted and would clear up the obscure points to which attention had been drawn.

#### CO-OPERATIVE SOCIETIES.

Lord HAILEY noted (page 28 of the report) that a sum of three millions had been allotted to advances in respect of agricultural credit. Was any financial assistance given to the native co-operatives?

M. REPIQUET replied that the whole of the expenditure had been allocated to the native co-operatives. Apart from the mutual agricultural credit appropriations, nothing had been done for French agricultural interests or those of Europeans in general.

Lord HAILEY, referring to the chapter on page 69 of the report dealing with native agricultural co-operatives, understood that those co-operatives were financed, not by the Government, but largely by an addition to the tax. The loans which were described on page 70 seemed to refer to European colonists.

M. REPIQUET replied that the resources of the co-operatives were of two kinds. They consisted: (1) of receipts obtained, not by means of an addition to the tax, but from voluntary payments made by the natives, amounting to one franc, which was a very small sum; (2) of Government support in the form of refunds for the equipment of native co-operatives. The figures were given in the 1936 budget. Large payments amounting to three or four millions had been made.

Lord HAILEY requested that the information given in the chapter in question should be supplemented in the next report, so as to enable the Commission to understand the financial basis of those important co-operatives and to find out whether they were more or less similar to the provident societies existing elsewhere.

M. BESSON said that this request would be met.

M. REPIQUET added that the co-operatives were being improved, not transformed. They would be given legal status and it would be understood that the district chief would be, not only the trustee, but also the chairman of the co-operative society in his district.

M. Repiquet further said that none of the co-operative societies had a deficit. They all paid their way.

## ECONOMIC SITUATION AND MOVEMENT OF TRADE : IMPORTS AND EXPORTS.

M. MANCERON said that there was obviously a connection between the financial situation and the economic situation. If the latter improved, the former would also improve. It was satisfactory to note the appreciable increase in 1934 in the movement of exports and imports, which had also been apparent for the last three or four years. This was partly due to the variety of crops produced in the Cameroons : when there was a falling-off as regards one product, this could be offset by the profits on the others. The curve of the movement of trade in weight (page 85 of the report) showed a very appreciable improvement as compared with 1926. On the other hand, the curve of imports and exports in value (page 84) was less favourable, and the prices of products were still rather low.

With regard to the destination of the products (page 92) France came first and took more than 50%, being followed by Germany, the Netherlands, Belgium, etc. On the other hand, England was the largest supplier, followed by the United States of America, Germany, France and the Netherlands.

The activity of ports and shipping (page 96) had also increased : 614 ships in 1935, as against 560 in 1934 ; tonnage : 1,557,000, against 1,411,000 ; value : 92,000,000, against 59,000,000 ; sailings : 617 vessels, as against 557 ; value : 105,000,000, compared with 78,000,000.

According to the statement made by the accredited representative, M. Manceron understood that the improvement which had taken place during the last few years was being maintained in 1936, and that the same steady progress could be confidently anticipated in future.

The same observation applied to the railways. Notwithstanding the falling-off in the timber traffic, receipts were increasing (page 55 of the report) : 14,000,000 in 1935, as against 13,000,000 in 1934 ; while expenditure was more or less stationary.

M. REPIQUET added that it was curious to note that this improvement in receipts had been brought about owing to a reduction in tariffs which enabled the natives to gratify their taste for travel.

This reduction in the rates had also influenced the goods traffic : trains, which were formerly empty on their up journey, now had loads in both directions.

M. MANCERON took note of the reply given in the report (page 96) to a question put last year regarding Customs stations at the frontier of Spanish Guinea.<sup>1</sup>

## ARMS AND AMMUNITION.

M. VAN ASBECK wished for an explanation of the order which had appeared in the *Official Journal* of the territory for January 15th, 1936, promulgating the Decree of November 1935 on the Regulation of Military Requisitions in the territory.

M. BESSON explained that the decree was in no way contrary to the mandate : its sole object was to enable the Governor-General, if necessary, to enforce the right of requisition. This was an elementary police measure which would be very useful in the event of internal disturbances.

M. VAN ASBECK pointed out that the present report did not contain the information asked for last year<sup>2</sup> regarding the number of permits issued.

M. BESSON replied that the desired information was included in the table on page 44 of the report. Particulars of the effectives of the territory had not yet been obtained, and a general table for the three years would be included in next year's report.

M. VAN ASBECK asked why there had been an increase in the number of permits issued —276 in 1934 and 366 in 1935.

M. REPIQUET replied that this was a normal figure. Permits were issued very sparingly, and, if all the applications were granted, the number would amount to 2,000.

## ECONOMIC EQUALITY (continuation).

### *Case of States ceasing to be Members of the League of Nations (continuation).*

The CHAIRMAN, referring to a question he had asked at the previous meeting,<sup>3</sup> handed to the accredited representatives a map showing the boundaries of the free-trade zone to which the Convention of St. Germain of 1919 applied. It would be seen that quite a quarter of the territory was included in that zone.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 103.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 107.

<sup>3</sup> See page 28.

As everyone knew, while, in economic matters, the basic principle was practically the same in the Convention of St. Germain and in the mandates, those benefiting from commercial equality did not benefit in the same way under the two instruments.

From the practical point of view, it would be interesting to ascertain which of the two instruments applied in the case of a territory, or part of a territory, under mandate included in the zone to which the Convention of St. Germain applied.

M. BESSON said that he would discuss the matter with his Government, with special reference to the question of the extension of the conventional basin to the Cameroons. He would reply in writing to the question raised by the Chairman.

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#### FOURTH MEETING.

*Held on Wednesday, October 28th, 1936, at 4 p.m.*

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#### **Cameroons under French Mandate : Examination of the Annual Report for 1935 (continuation).**

M. Repiquet and M. Besson came to the table of the Commission.

#### CODIFICATION OF NATIVE CUSTOMARY LAW.

M. VAN ASBECK asked for further particulars on the codification of the customs of the territory, as provided in a recent circular. In its present use, the word "codification" should not, in his opinion, be interpreted too narrowly, since customs were essentially of a changing nature. They must not be made unchangeable, or they would no longer correspond with the evolution of native society.

M. BESSON replied that the work of recording customs had been undertaken for the whole of West Africa. The study would, he thought, be completed by the following year. Administrators must, of course, be careful not to introduce any unsuitable innovations. Instructions had been given to refrain from any rigid codification and to confine the work in general to a description of customs. Codification of custom in the matter of penal law was still under consideration, no decision having yet been taken in the matter.

M. REPIQUET agreed that, as the customs varied very much, the work of codification must not be too rigid. The recording of customs, on which Professor Labouret was now engaged, had also been undertaken by the Society for Cameroons Studies, which had been founded with the object of stabilising existing customs.

#### JUDICIAL ORGANISATION.

M. VAN ASBECK pointed out that, under the Decree of June 30th, 1935, concerning the organisation of French justice in French Equatorial Africa, the mandated territory of the Cameroons had been attached to the Brazzaville Court of Appeal. He enquired as to the effects of that measure.

M. REPIQUET replied that no definite statement could yet be made as to results, since the measure had been in operation for barely a year. He might say, however, that appeal cases suffered by the new arrangement, as Brazzaville was so far away.

M. VAN ASBECK observed that, in the previous year,<sup>1</sup> he had offered just the same criticism as M. Repiquet. He was glad that his opinion should be confirmed by the Governor, who had had an opportunity of judging of the effects of the reform on the spot. He hoped that the necessary attention would be directed to this rather unsatisfactory situation and reference made to it in the next report.

M. van Asbeck noted (page 38 of the report) that the total number of offences tried by the native courts had risen from 1,596 in 1934 to 1,801 in 1935. Civil cases had risen from 1,410 to 1,454. Moreover, minor offences and police cases tried by the courts of the first degree had risen from 1,143 in 1934 to 1,390 in 1935 (page 39 of the report). From those figures must be deducted 65 and 57 acquittals, respectively. He enquired as to the cause of the increases.

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 105.



M. REPIQUET replied that there was no special reason for the slight increase in the number of offences.

M. VAN ASBECK observed that the report contained no reply to various questions raised by Lord Lugard the previous year.<sup>1</sup> He hoped that replies would be forthcoming in the next report.

Lord HAILEY asked, in connection with the tables on page 39 of the report, whether the maximum of the disciplinary penalty which could now be imposed by administrators had been reduced to five days, as in some other areas, or was still fifteen days.

M. BESSON replied that the maximum was still fifteen days.

#### WITCHCRAFT.

M. VAN ASBECK observed that, at the twenty-eighth session,<sup>2</sup> the accredited representative had stated that the Administration had begun a study on witchcraft in relation to customs. The report gave (pages 159-160) detailed replies to questions raised by Lord Lugard at the twenty-sixth session of the Commission.<sup>3</sup> It concurred in the view (page 160) that it was very desirable, for classification purposes, to place ritual murders in a list distinct from ordinary murders, and stated that that suggestion would be adopted when compiling the next statistics.

The report added that a general study on witchcraft had been carried out in consequence of Lord Lugard's request, and that a typewritten copy of the report would be handed to the Commission.

In reply to the first question put—"What distinction is made as to the degree of culpability of the 'witch doctor', and the men who, believing in his powers, kill the person indicated as a witch?"—the report stated (page 159) that, in every case, the native courts had endeavoured to adapt the punishment to the circumstances and individuals concerned.

M. van Asbeck expressed—and he believed he was speaking for his colleagues also—his great appreciation of the very full and very interesting information supplied in the report. He enquired what penalties were generally inflicted in the case of "ritual murders", or, at all events, the range of such penalties.

M. BESSON replied that, on the conclusion of the enquiry undertaken, a very important report on witchcraft had now been compiled. It had already been addressed, or would be addressed, to the League of Nations. The enquiry had covered the whole territory, and the report contained information of the greatest interest.

M. REPIQUET pointed out the difficulty of collecting such data, and thought that the fact that it had been found possible to draw up so complete a report was evidence of the confidence felt by the natives in the Administration.

#### CINEMATOGRAPH : GRAMOPHONE RECORDS.

Count DE PENHA GARCIA noted (page 167 of the report) that regulations had been adopted for the censorship of cinema films and gramophone records. He enquired the reason for adopting such strict regulations. Article 4 of the Decree of May 13th, 1935, proclaimed that the Film Censorship Board would take into consideration all the *national* or local interests involved, more particularly in connection with the preservation of *national* and local customs and traditions. What was meant by the word "national" in that connection?

M. BESSON explained that the measures had been taken in consequence of incidents in the South Sea Islands, which had at one time been the favourite hunting-ground of film manufacturers. Those films, it had been found, frequently made unscrupulous use of anti-colonial and anti-European propaganda. The European was always depicted as a bloodthirsty oppressor. The Administration was anxious that films should not be used to disseminate false ideas. In the case of gramophone records, the same idea was at the bottom of the censorship. On a pretext of collecting popular songs, records had been made of songs of a most licentious character or serving frankly anti-colonial purposes. The sale of such records or the showing of such films in the country in itself produced most deplorable effects.

The legislation was the same for all colonies and mandated territories; it created difficulties as regards cameramen, especially Americans, who refused to show their films for censorship

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 106.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 99.

<sup>3</sup> See Minutes of the Twenty-sixth Session of the Commission, page 79.



before leaving the country. Legislation in the matter required bringing up to date. The expression "preservation of national and local customs and traditions" was quite general.

Count DE PENHA GARCIA thought that this was a praiseworthy desire on the part of the mandatory Power. The practice was followed in different forms by the majority of States, but, in the case of mandated territories, might it not be used to favour certain film companies at the expense of others, contrary to the principle of economic equality?

M. BESSON pointed out that supervision was exercised over films and not over the company which produced them.

The CHAIRMAN observed that, in certain cases, supervision answered to a scientific requirement. Some film producers did not hesitate, in order to make certain episodes more interesting to the general public, to distort the facts completely by travesty native customs.

#### LAND TENURE.

Lord HAILEY would like certain information regarding the process of "constatation" of native rights in property. The question was of some importance, in view of the tendency in the Cameroons to make property individual.

M. REPIQUET said that, when the native's rights had been recognised, it rested with him to have his property registered, if he so desired. M. Repiquet agreed with Lord Hailey that the native was somewhat reluctant to have his property registered, especially rural property, but registration would render service later in respect both of rural and urban property.

Lord HAILEY pointed out, in view of the information given on page 74 of the report, that slow progress was being made in getting the natives' rights recorded under the "constatation" Decree of 1932. Would it not be possible to organise a system for the "recognition" of native rights which would be both simpler and less costly, in view of the importance of that question from the point of view of the population as a whole?

M. REPIQUET pointed out that the native displayed strong individualistic tendencies. The Administration of the territory would, he thought, welcome any method of attaching him to the soil.

M. BESSON explained that the system of registering native rights was common to all colonial territories. The Decree of 1932 represented the last stage of the question, and it might be said that, so far, it had produced satisfactory results.

M. REPIQUET added that not only were efforts being made to recognise the acquired rights of natives, but concessions were also granted them when they produced the necessary guarantees. The number of native concession-holders was still fairly small. The land was ceded with full rights of ownership.

Lord HAILEY noted from the table on page 76 of the report that only about four hundred rural concessions had been granted provisionally. Progress in regard to "recognition" seemed to him very slow, in view of the importance of the question for the population in all parts of the territory. He would be glad if the mandatory Power would furnish in the next report more detailed information as to the economic effects of this method of making property individual.

M. BESSON observed that a good deal of information on this subject had already been given in previous reports.

The CHAIRMAN requested the Secretariat to summarise that information for Lord Hailey.

M. VAN ASBECK, referring to the report for 1934 and the discussion at the twenty-eighth session,<sup>1</sup> said that there was a fundamental difference between the simple "constatation" of native rights and the registration of their property. As a result of registration, the property in question became subject to French civil law: instead of being governed by native law, it

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 114.

was governed by European law. That was, he thought, a very far-reaching reform, and he wondered whether it would not be possible to find some means of strengthening and confirming native property rights without bringing them under French law.

M. Besson had referred to the situation in respect of registration of native rights which existed in other colonies. In that connection, M. van Asbeck would point out that, seventy years ago in the Netherlands, the question of the desirability of bringing native property in the colonies under European law had arisen. That question had given rise to protracted discussions and had even led to the fall of the Netherlands Ministry. After thirty years of discussion, the victory had been won by the party in favour of keeping property under native law.

It was stated on page 73 of the report that the object of registration "was not to modify the tenure of the land, but . . . to safeguard the rights of the holders of the property previously registered". Yet, a little lower down it was said: "The Decree of July 21st, 1932, which establishes a method of ascertaining native property rights, stipulates that, 'in the case of the rights of a collective body, the property may only be divided up as the result of a new procedure of partial recognition or of registration applied at the request of an individual'. Hence the right to have the property registered in the Land Register depends on the intention of an individual to acquire private possession of the property, if necessary with the consent of the collective body." Surely that was an alteration, a fundamental change even, in land tenure, and it might well be asked whether the transfer from native law to European law would not have a prejudicial effect on the cohesion of the tribe, especially when the decree in future would produce its effects on rural property. In that connection, he would also point out that in the report the mandatory Power had expressed its desire to check a too pronounced individualist tendency. The procedure followed in regard to the registration of property would appear to lead to a contrary result—that was to say, to that individualism which was felt to be unsound.

There was one question which had been raised last year<sup>1</sup> in the observations to the Council and which was not mentioned in the present report: once the landed property had been registered, it was governed by the French Civil Code. And, as was brought out in the 1934 report, the owner would then have an absolute right to dispose of his property, to transfer it, to take out a mortgage. In that case, what supervision was exercised by the mandatory authority as required under Article 5 of the mandate, which provided that native property could not be transferred without the approval of the mandatory Power? A native who had his property registered, thus bringing it under the French Civil Code, should thereby logically acquire full freedom to cede that property, and supervision could no longer be exercised by the mandatory Power. The registration system thus raised two distinct problems of great importance: first, it seemed likely to weaken tribal cohesion and, secondly, it might lead to the native proprietor being dispossessed.<sup>2</sup>

Lord HAILEY thought that the question was of some importance, both for mandated territories and for colonies. He understood that certain difficulties in Algeria had arisen in consequence of land registration, which had broken the religious cohesion of the tribe and had resulted in a movement of armed resistance.

M. BESSON explained that the disturbances of 1866 and 1871 in Algeria had arisen, not on account of land registration, but of land appropriation.

M. REPIQUET added that registration did not create the right, but merely ascertained it. Personally speaking, he did not see how the act of registering property placed that property under the regime of French law. All that had been done had been to place at the disposal of natives and Europeans a simple system of registration which made it possible to exchange property and mobilise land; but native land could not be transferred to a European without the consent of the Administration, which, if it approved of the transaction, issued a transfer visa.

M. BESSON mentioned the example of Tunisia, where the land-registration system had been highly developed within the framework of the Koranic law.

Lord HAILEY thought that the procedure of registration which tended to grant possession of the land to individuals also tended to eliminate the common property law of the tribe and the family.

M. VAN ASBECK pointed out that the assertion that land registration merely constituted the recognition of existing rights was not in accordance with the passage on page 91 of the previous year's report, reading as follows: "Another advantage consisted in the possibility, by means of registration, of freeing native property from the customary rules and bringing it under the French legal system".

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 115 and 200.

<sup>2</sup> See also on this subject, *infra*, page 82.

M. REPIQUET explained that registration made land tenure individual : if the native had his property registered, he could transfer his rights ; if he ceded the property to a non-native, he could only do so with the Administration's permission, as provided in the mandate.

The CHAIRMAN summarised the position of the question as follows : The native displayed a tendency to substitute individual property for tribal property ; as soon as he had cultivated his property, he asked for it to be registered. Once that had been done, the property could be transferred, provided the transaction took place between natives ; the right to make over the property to a non-native was subject to authorisation. This was what had prompted Baron van Asbeck to ask whether it would not be advisable for the necessity for authorisation—failing which the transaction would be null and void—to be embodied in a legislative text.

M. BESSON recalled that, in Article 16 of the Decree of July 21st, 1932, on the registration system, the principle that transfers required authorisation had been provided for and regulated in conformity, moreover, with the provisions of the mandate.

M. VAN ASBECK asked what was the effect of the transfer to a non-native of native property which had not been registered.

M. REPIQUET replied that the transfer was regarded as null and void and the European purchaser ran the risk of eviction.

The CHAIRMAN thought he might put the question more clearly as follows : If, for example, native custom required a method of devolution of property which was not one of the methods required by French law, when a succession was opened, would the devolution of the estate take place according to French law or according to native custom ?

M. REPIQUET replied that it would be according to the rules of customary law relating to civil status, marriage, bequests, order of inheritance.

M. VAN ASBECK asked the mandatory Power to be good enough to give a general survey of the question in the next report.

#### SITUATION OF WOMEN.

Mlle. DANNEVIG called attention to the legislation enacted to establish the status of women (page 213 of the report).

She mentioned that the dowry question had been touched upon in the previous year.<sup>1</sup> She asked if the dowry was proportional to the wages, or if the natives would have to work seven years for Rachel, as in the Bible.

M. REPIQUET stated that, after consultation with tribal chiefs, missionaries, etc., an order had been issued fixing the maximum dowry at 500 francs, whereas previously it had sometimes amounted to several thousand francs. The order had been received with general satisfaction.

#### LABOUR.

Mlle. DANNEVIG called attention to the legislation enacted to regulate the work of women and children on plantations (page 215 of the report).

She observed that, although the employment of children under 12 years of age was illegal, after the age of 12 they could lawfully be employed eight hours a day. That seemed to her to be very long.

M. REPIQUET replied that children were employed only on light work, such as harvesting the coffee crop. There was no tendency to exploit children in the Cameroons, and he himself had not received any complaint on the subject.

Mr. WEAVER thanked the mandatory Power for the full and interesting information given in the chapter of the report dealing with labour.

The figures on page 115 of the report showed a considerable increase in the number of natives employed in private concerns. He did not think that that increase in itself called for any comment, since the report mentioned that the total number of natives employed in public administrations and private concerns (53,604) was only 8% of the adult male population (616,143). However, the report seemed to show that a problem of labour supply was developing with the steadily increasing demand for native labour and the increase in the native peasantry.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 107.

The problem that seemed to arise was how to reconcile the labour requirements of the native communities and the native peasantry with those of the European concerns. True, it was not, as yet, a very important question ; but what was the policy of the Administration towards it ? In other words, how did the Administration think it possible to reconcile the labour requirements of the native communities, the new native peasantry, and the European concerns ?

Mr. Weaver hoped that the accredited representative would be good enough to explain the purpose of the " Circular concerning Native Labour and Movements of Natives " of May 1st, 1936, under which administrators did not allow natives to leave their home administrative areas if they had signed a labour contract with a European employer or were seeking employment on native plantations.

M. REPIQUET answered that the question of the supply of native labour had not yet become acute. Before leaving the territory, however, he had set up labour exchanges for the purpose of correlating supply and demand in every area in which natives were employed by Europeans—that was to say, chiefly in the south-west of the territory. Application to the exchanges was not compulsory, but purely optional.

Mr. WEAVER asked whether there was any intention of co-ordinating the work of the different labour exchanges, so that labour could be transferred from one part of the territory to another if required.

M. REPIQUET replied that the work of the labour exchanges would certainly be co-ordinated, but that it was undesirable to shift labour about the territory.

Mr. WEAVER observed that, on page 118 of the report, it was stated that, under the Decree of July 9th, 1925, the conclusion of a contract was compulsory when any labourer was engaged for employment outside his home administrative unit, but that it was not compulsory for labourers hiring themselves out in their home areas. According to the table on page 121 of the report, the number of natives employed on contract was 1,159, whereas 42,102 were employed without contract. He would like to know whether that meant that only 1,159 natives were employed outside their home areas.

M. REPIQUET wished to make it clear that labour contracts were not compulsory, except in the case of labourers engaged for employment outside their home administrative units. Some 1,300 natives were in that position. Native labourers preferred not to enter into undertakings as specific as those laid down in written labour contracts. The administrative unit referred to in the decree was the region.

In reply to Mr. Weaver's question concerning the restrictions imposed on the movement of natives by the Circular of May 1st, 1936, he explained that there was a medical reason for those provisions. The movement of the natives was supervised because some areas were still free from sleeping-sickness, and the authorities were anxious to prevent natives from the infected areas from carrying it there. For that reason, a medical pass was issued to natives who moved from place to place. Apart from that, there were no restrictions on their movements. It was also desired to regulate native labour working outside the district of origin—about a thousand natives.

Mr. WEAVER said that pages 116 and 117 of the report contained interesting information about the supervision of labour conditions by the labour inspectors. Those inspections, however, appeared to be made by the administrative staff. Was the administrative staff given special training for carrying out labour inspection duties ?

M. REPIQUET replied that, up to the present, labour inspection tours had been made by an administrator who was usually accompanied by a doctor. They carried out the instructions given to them.

Mr. WEAVER pointed out that, in some territories, it had been found desirable to employ specially trained inspectors.

M. BESSON said that the question was under consideration. Administrators with special knowledge of labour conditions were now being trained.

Mr. WEAVER drew attention to the statement on pages 120 and 121 of the report that " the Administration continued in 1935 to prohibit the opening of stores or canteens on plantations ". He welcomed this statement, but asked why the measure had been taken and whether the natives had other facilities to make their purchases.

M. REPIQUET explained that stores were formally prohibited because there was considerable danger that wages would be paid in goods. Trading centres were to be found all over the territory, where the natives could make their purchases.

Mr. WEAVER noted, from page 121 of the report, that there had been a number of labour accidents during 1935. It had been promised in a previous report that regulations concerning compensation for labour accidents would be promulgated in 1935. There was, however, no reference to such regulations in the report for that year. In a letter to the President of the Duala Chamber of Commerce which appeared in the *Presse Coloniale* on March 20th, 1935, M. Repiquet had admitted that some responsibilities were difficult to fix and that it would be desirable to set up a labour relief fund. Mr. Weaver would be glad to know what had been done in that direction.

M. BESSON replied that the question of extending French social legislation to the colonies and protectorates was under consideration. The present Government had decided to settle the matter as quickly as possible, and the Colonial Ministry had asked for a study on the various social questions, with special reference to labour accidents. The local authorities were making that enquiry, and the results were beginning to reach the Colonial Ministry. It would be followed by comprehensive legislation on labour accidents, which would be uniform as far as possible.

Mr. WEAVER said he had seen it stated that there was a tendency on the part of some native chiefs in the Cameroons to draw too heavily on the labour of their subjects. They used forced labour for building their huts, for the upkeep of their coffee plantations, and so on, and for all kinds of works that were not works of public utility. He asked whether the accredited representative would comment on that question.

M. REPIQUET replied that the work done for the chiefs was not excessive. There was a tradition in that respect : the chief had a right to requisition labour for building his hut, etc. M. Repiquet had not heard, during his visits to the territory, that there had been any abuses.

In reply to various questions by M. van Asbeck, he said that, in speaking of concerns, it was meant European business interests. The labour contract existed at present only for natives employed in those European businesses. A native who went to another district to work on native farms did not need a labour contract, but when he left his own district he required a medical pass. The labour contracts were of a duration of at most one year. If the labour contract were not carried out, the European employer was brought before the court of conciliation, or the fault lay with the worker, the latter was brought before the arbitration council in the district ; the council inflicted penalties, which were fairly light. Labour inspection extended to native firms of a certain size.

#### SPREAD OF CHRISTIANITY AND ITS INFLUENCE ON TRIBAL LIFE.

The CHAIRMAN observed, from M. Repiquet's replies, that progress had been made by Christianity in the territory under mandate. He asked on what evidence that statement was based. In such cases, two phenomena could usually be observed : sometimes the masses were converted to Christianity in order to escape from the authority of the chief, thanks to the protection of the missionaries, while sometimes the chief was converted first in the hope of strengthening his authority with the help of the moral authority of the missionaries.

M. REPIQUET said his statement that Christianity was making progress in the territory was based on a personal impression. That opinion was, however, corroborated by the fact that there were 400,000 Christians out of a population of 2½ million inhabitants.

The two phenomena mentioned by the Chairman could, indeed, be observed in the territory, but he was convinced that many conversions were due to conviction.

M. RAPPARD asked whether, in the opinion of the accredited representative, Christianity was or was not wholly compatible with the maintenance of the tribal system. That question was not unimportant from the point of view of the general problem of indirect administration.

M. REPIQUET replied that the tribe was indeed tending gradually to disintegrate. There was no doubt that the conversion of the natives exercised a certain influence in that direction. A somewhat dangerous turn had at present been reached in the matter.

#### EDUCATION.

Mlle. DANNEVIG noted that the report for 1935, on pages 125 *et seq.*, contained valuable and clear information regarding the general organisation of public education in the territory.

That information showed that, since 1923, 339 pupils had received diplomas on leaving the higher school at Yaoundé. The table on page 126 showed that about a third of those pupils—that was to say, 105 out of 339—had become monitors. Another third—namely, 103—had found employment as scribes, and almost a third were employed by the postal service, the health service, etc. She asked what became of the other pupils of the school who did not receive a diploma.

M. REPIQUET replied that the pupils who did not find employment of the kind mentioned returned to their villages and became planters. In order to facilitate return to the land, a school of planters had been opened and gave practical instruction. Those planters' schools rendered great services, since on their return to the village the young men spread information on the improved methods which they had learned.

Mlle. DANNEVIG observed (page 126 of the report) that there were district middle schools, in which the number of pupils had been reduced on account of the fewer number of posts available in the administrations. She would like to know the reasons for the reduction in numbers, and what work could be done by the pupils who did not find employment on leaving school.

M. REPIQUET replied that those pupils generally found employment in trade, and, if not, returned to the land.

Mlle. DANNEVIG observed that the number of pupils per class, up to 58, was high, and thought that must make instruction difficult, as it was given entirely in French. She also pointed out that the number of pupils in these schools was small (2,646) compared with the total population of about 2,400,000 (page 126 of the report).

M. REPIQUET replied that the territory under mandate had comparatively few teachers at its disposal and its possibilities were therefore somewhat limited.

Mlle. DANNEVIG observed the statement on page 127 that all the immediate efforts would be directed towards the village elementary schools, which were intended to give the first rudiments of elementary education, hygiene and practical agricultural knowledge. She noted that the teaching was given in French also in those schools. The report stated that only four new classes had been opened, and that it was proposed to open nine others at the beginning of the year 1936/37. The number of pupils—namely, 5,904—was not very large compared to the total population. She observed that the average number of pupils per class might be as high as 70; that number appeared to her to be very large if the instruction were to be really profitable. If that were really possible, the ability of the teachers and the intelligence of the children must be superior.

M. REPIQUET replied that it could hardly be expected that the same school results would be obtained in the Cameroons as in France. The Department of Public Education was, however, doing its best, but it should be remembered that it had to deal with a different population. The French which was taught naturally tended to replace the pidgin-English spoken throughout the entire African coast. The natives had, moreover, a keen desire to speak French, and even those who did not go to school tried to learn it.

Mlle. DANNEVIG recalled that she had had an exchange of views with M. Besson on this subject in the previous year.<sup>1</sup> It would seem that some French authorities recognised that the teaching would be better if it were not given in French for the first few years.

She observed (page 128 of the report) that 252 sons of chiefs, after having attended the official schools in the southern section of the territory, where they received at the beginning the same instruction as the other pupils, would, after reaching a suitable level, take special courses where they would be trained for their future duties as chiefs, in accordance with the Ordinance of December 27th, 1933. There would, therefore, seem to be a certain difference between the north and south as to the manner in which the sons of chiefs were educated. She understood that, in the north, the sons of chiefs were placed in a boarding-school.

M. REPIQUET replied that the sons of chiefs were grouped together but not placed in a boarding-school. Each of them was accompanied by a servant who provided him with food and watched over his behaviour. The school was a day-school, but there was, in addition, a boarding-school which was to some extent personal to each of them. M. Repiquet was referring to the sons of Moslem chiefs. In the south and east, where the social hierarchy was much less well defined, there was less objection to the sons of chiefs mixing with the other pupils. Indeed, the number of sons of chiefs thus enjoying special education was not 252, as the report said, but 25 or 30.

Mlle. DANNEVIG, speaking of domestic instruction, observed that the schools of domestic economy seemed to be appreciated by the natives. She asked whether they were boarding-schools or day-schools, and whether the instruction given was such as to fit the pupils to be the wives of educated natives.

M. REPIQUET replied that the schools of domestic economy were day-schools at which the pupils took their midday meals. The purpose of the instruction was to train good housewives.

Mlle. DANNEVIG observed that there was a school at Duala at which training was given for the certificate, and asked what was the difference between that school and the schools of domestic economy.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 112.

M. REPIQUET said that training for the certificate was different from household training. In reply to another question by Mlle. Dannevig, he said that it had not yet been possible to train monitresses, and that, so far, there were only European schoolmistresses in the territory.

Mlle. DANNEVIG, referring to page 132 of the report, noted that certain mission schools, with 6,610 pupils, where teaching was given in French, were subsidised by the Administration. She also observed that nearly half of those schools—36 out of 78—belonged to the American Protestant Mission. She asked whether the Administration was satisfied with the instruction given in those schools.

M. REPIQUET replied that they were religious schools and that the teaching was quite satisfactory.

Mlle. DANNEVIG observed that a certain number of other mission schools, mentioned on page 132 of the report, received little or no subsidy; some of them were vocational schools, midwifery schools, etc. Was the absence of subsidy due to the fact that they were confessional schools? What would happen if the missions withdrew that valuable assistance which they gave without any economic support?

M. REPIQUET replied that, as the schools in question were not public, they necessarily fulfilled to a less extent the conditions requisite for receiving subsidies. The lay principle applied by the mandatory Power prevented any other policy. It should, however, be noted that, in the mandated territory, that principle was not applied as it was in France, and that a certain number of religious schools, nevertheless, received a subsidy. He agreed with Mlle. Dannevig that if the mandated territory were to be deprived of those mission schools, it would suffer a great loss. He added that the most valuable school to the territory was that of the American Mission, which asked for no subsidy and did the most admirable work, being a vocational school where the teaching was of a very high standard.

#### ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA observed that the report stated (page 155) that the number of licences of the first category (alcoholic beverages) issued in 1935 was thirty-nine. There was therefore an increase of three as compared with the total of the previous year, which in its turn showed an increase of three licences as compared with 1933.

Moreover, the accredited representative had promised last year<sup>1</sup> that particulars of cases of drunkenness brought before the courts, and of the type of penalty inflicted in cases of illicit distillation, would be given in the next report.

According to the report (page 155), breaches of the prohibition to manufacture fermented beverages, particularly palm wine and millet beer, were punished, in the case of natives, by penalties of between five and fifteen days' imprisonment. Nothing was said, however, regarding the penalties applicable to breaches of the prohibition to distil alcohol in the territories in question, and to sell alcoholic beverages to the natives. As regarded cases of drunkenness brought before the courts, nothing was said on this subject in the statistical tables regarding the work of the courts given in the chapter on justice (pages 35 *et seq.* of the report).

M. REPIQUET replied that there were no distilleries in the territory. Possibly, clandestine distilleries existed, but they were certainly very few. The alcoholic beverage consumed by the natives was palm wine. They also manufactured a kind of beer from millet, but with a very low alcohol content. Cases of drunkenness were very rare. The Cameroons could be regarded as one of the countries of the world which was the least affected by alcoholism.

In reply to a question by M. Rappard, M. Repiquet said that, although the territory's prosperity was leading to an increase in imports of alcoholic beverages, those beverages, which were expensive, were for the use of the Europeans.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA considered that the Administration of the mandated territory deserved praise for all that it had done to raise the standard of health as shown in the report. He found, however, on page 140, that the mortality in the native hospitals amounted to about 10%. That was a large proportion, particularly as the average stay of natives in hospital was forty days; it gave the impression that mortality was rather high in the territory. Furthermore, although, according to the report, a great deal was done for the protection of women and children, there was only one native midwife in the health service, and only two pharmacies.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 112.



M. REPIQUET said that it was true that mortality was somewhat high in the territory, although it was rapidly declining. There were not many native midwives, but there were many native nurses to help obstetric physicians. The two pharmacies mentioned by Count de Penha Garcia were supply pharmacies which distributed drugs to a value of three million francs per annum. They sent the drugs to all the stations. Personally, he had found wherever he went that the stations were well supplied with prepared drugs.

Count DE PENHA GARCIA also referred to the considerable ravages of leprosy (page 148 of the report).

M. REPIQUET replied that leprosy had, in fact, caused serious ravages, the more so because many of the lepers could not be traced.

Count DE PENHA GARCIA asked what results had been obtained by the Permanent Health Committee which had been set up to study and to propose a programme of health organisation and to prepare a plan of action for each region.

M. REPIQUET replied that the results had been excellent. The Committee had not introduced any innovation; it had confined itself to noting the very serious medical efforts made throughout the territory.

Count DE PENHA GARCIA was sure that the Administrator of the territory had not neglected anything to ensure an excellent health service; the budgetary credit (13,800,000 francs out of a sum of 60 millions) proved this. He would be glad if the statistics could give less figures and more indications of the results obtained.

Mlle. DANNEVIG observed, on page 155 of the report, that the medical inspection for schools included a complete physiological examination and study of each child, which was entered on a special medical chart. She asked whether this provision was effectively observed, and what was done with each pupil's special medical chart. Did the pupils get any medical assistance if their charts were not satisfactory?

M. REPIQUET replied that the rule was certainly applied and that the pupils' charts were kept at the school. He was bound to add that, while the state of health was satisfactory, the children were not very robust.

#### DEMOGRAPHIC STATISTICS.

M. RAPPARD had been struck by the extreme precision of certain figures, and by the fact that the data given in certain tables—particularly those on pages 105 and 109 of the report—did not exactly correspond. He also observed that the number of half-castes indicated was very low.

M. BESSON pointed out that the table on pages 108 and 109 was an ethnical inventory showing the numerical position of the races, but was not a census proper. The reason why the tables on pages 105 and 109 did not coincide was because the "full stops" were in the wrong place.

M. REPIQUET added that the number of half-castes was very small, though it was possible that some of them had escaped the census. They were only to be found in the neighbourhood of the large towns. An endeavour had been made to place them in the children's settlements when their mothers did not want them. One of the reasons for which the number of half-castes was small was that the Europeans had only occupied the country for a comparatively short time.

M. Repiquet explained that the last census made in the Cameroons dated from the beginning of June 1936. The figures given in the report referred therefore to five years ago. His impression was that the population had since increased, owing to the decline in mortality. Many children had been born. In spite of the difficulties involved, a census had been made which would also permit of a nominal roll of the population being drawn up for purposes of taxation.

#### STATISTICAL INFORMATION REGARDING THE TERRITORIES UNDER MANDATE.

The CHAIRMAN said that the Secretariat published in 1933 a document containing statistical tables relating to public finance, trade and demographic movements in the territories under mandate. In order to facilitate the bringing up to date of this document by the Secretariat, the Commission would be grateful if the mandatory Power would be good enough to insert in the report each year a table similar to that concerning the territory contained in the document mentioned.

PETITION, DATED NOVEMBER 3RD, 1935, FROM M. ALBERT GANNE, VAUX (CREUSE, FRANCE).

M. RAPPARD, speaking of M. Ganne's petition, said that he had the impression that this petition did not concern the Mandates Commission. The mandatory Power had expressed the same opinion. The person in question was a former agent of the French Government in the Cameroons.



M. BESSON said that the petitioner in question had long ago left the territory and had not brought a complaint into any court.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representatives for the readiness with which they had answered the Commission's questions, thus facilitating the examination of the mandatory Power's report. On the present occasion, the examination had perhaps been more detailed than usual, owing to the presence of the former Commissioner of the Republic in the Cameroons. The Chairman hoped that the accredited representatives would regard the persistence it had shown in asking for information as a proof of the interest which the Commission took in the mandated territory.

M. REPIQUET had had occasion to say, on the previous day, that the Mandates Commission's solicitude was well known, and he had just had fresh proof of that. He could assure the Commission that, in the territory, the development of which was steady and rapid, the mandatory Power had made a colonial experiment which could be regarded as a success. He had no doubt that, under the direction of a young and active Administrator like his successor, M. Boisson, the Cameroons would continue to make rapid progress.

FIFTH MEETING.

*Held on Thursday, October 29th, 1936, at 10.30 a.m.*

**Cameroons under British Mandate : Examination of the Annual Report for 1935.**

Mr. Owen Watts Firth, Senior Resident in Charge of the Cameroons Province, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Mr. Firth on behalf of the Commission. As Mr. Firth had recently arrived in Europe, he would be in a position to give the latest information regarding the situation in the territory.

The Chairman wished to thank the mandatory Power for sending an album of photographs taken in the territory. It had been placed at the disposal of the members of the Commission.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

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

The report on the Cameroons under British mandate for the year 1935 deals fully with all the questions raised at the twenty-eighth session of this Commission, and I have little to add in amplification of it.

There is, however, one point to which I would like to refer, and that is the form of presentation of the accounts of the territory. It is realised that the financial statement would be of greater value if it were submitted in respect of the period to which the printed report refers—namely, the calendar year from January 1st to December 31st. To do this presents some accounting difficulties, as the mandated territory is administered as part of Nigeria, where the financial year runs from April 1st in one calendar year to March 31st in the next. In order to meet the wishes of the Commission, however, steps are being taken to submit the accounts in a form similar to that adopted in the case of Togoland under British mandate, where the financial statement refers only to the calendar year under review.

In the report for 1935, the accounts refer to the period from April 1st, 1934, to March 31st, 1935. It was not possible to include any further information in the report; but a supplementary financial statement has been issued which gives the figures for the period April 1st, 1935, to March 31st, 1936. It is proposed to include this statement as a schedule in the report for 1936, and to add a second schedule giving a statement of accounts for the nine months from April 1st to December 31st, 1936. In the report for 1937 and in all subsequent reports, the financial statement will be in respect of the calendar year from January 1st to December 31st.

The financial position is slowly but steadily improving, and the annual deficit fell from £29,000 in the year 1933/34 to £27,000 in 1934/35 and again to £21,000 in 1935/36. There has been a gratifying improvement in trade with consequent increased spending power, and there is every reason to believe that the improvement will be maintained. The recent increase in the price of cocoa is of special benefit to the native producers in the Cameroons Province and there are indications that, with the improved market, more land will be brought under cocoa cultivation by local farmers.

The question of witchcraft and ju-ju is always one of interest, and Chapter XIII of the report deals very fully with the subject and the attitude of the natives towards it.

Finally, there is the question of the delimitation of the frontier between the territory under British and French mandate respectively. His Majesty's Government is now in a position to carry out this work and has been in communication with the French Government on the subject. The latter has agreed to co-operate, and arrangements are being made to commence the demarcation in the near future, though the exact date has not yet been fixed. Owing to the nature of the country and the difficulty of carrying out such work during the rains, it is unlikely that the delimitation can be completed in less than six years.

The Chairman mentioned the question of photographs. I have with me some of my own taking, which are at the disposal of the members of the Commission should they wish to see them.

The CHAIRMAN thanked the accredited representative for his statement. He suggested that any question arising out of the statement should be dealt with under the appropriate heading in the examination of the annual report.

#### MAP OF THE TERRITORY.

The CHAIRMAN expressed his appreciation of the map given at the end of the report and which had been improved and brought up to date in accordance with a request made in the previous year.<sup>1</sup>

#### FRONTIER BETWEEN THE CAMEROONS UNDER BRITISH MANDATE AND THE CAMEROONS UNDER FRENCH MANDATE.

The CHAIRMAN had been surprised to hear that the work of delimiting the frontier between the Cameroons under French and British mandate might take six years.

Mr. FIRTH said this was merely a rough calculation, which took into account the fact that the work of delimitation could not be carried on from May to October on account of the rains.

M. RAPPARD observed that the accredited representative of the Cameroons under French mandate had said that work could not be continued after February in each year.<sup>2</sup> This would no doubt still further prolong the work. The French accredited representative had referred to the cost involved, and had mentioned a figure of several hundreds of thousands of francs on each side; but he did not appear to expect that the work would cover such a long period.

M. Rappard asked whether it was merely proposed to make a geographical survey or to demarcate the frontier with boundary stones.

Mr. FIRTH replied that he believed it was proposed to undertake the definite demarcation of the frontier. The British staff would probably consist of one political officer, two European technical officers and five Africans. The expenditure would therefore be fairly high.

Lord HAILEY observed that the rainfall in the Cameroons was in some places extremely high—as much as 400 inches.

Mr. FIRTH replied that it only attained that figure in one place, and that the average was from 100 to 150 inches.

#### ECONOMIC EQUALITY : CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE OF NATIONS.

The CHAIRMAN observed that the Commission, in its observations to the Council in the previous year, had expressed a desire to ascertain whether the mandatory Power contemplated allowing the two States which had ceased to belong to the League of Nations during the year 1935 to benefit from the principle of economic equality.<sup>3</sup> The annual report (paragraph 7 on page 6) stated that the mandatory Power had never found any reason hitherto for introducing tariff legislation in the territory permitting of discrimination between those States which were, and those which were not, Members of the League, and added that no change of policy was contemplated in that respect as a consequence of the departure of Japan and Germany from the League.

He asked whether it was to be concluded (as the word "hitherto" would seem to indicate) that the mandatory Power (a) did not consider itself bound to apply the principle of economic equality to States which were not members of the League, but (b) did not feel that the

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 175.

<sup>2</sup> See page 28.

<sup>3</sup> See Minutes of the Twenty-eighth Session of the Commission, page 198.

obligations under the mandate and the interests of the territory required discrimination to be made between those States and the Member States.

Secondly, the Chairman asked what was the treatment at present applied to trade between the mandated territory and the States in question.

Thirdly, he enquired whether, under the treaties in force, the mandated territory enjoyed reciprocity in respect of its exports to those States.

Mr. FIRTH replied that no discrimination was made, to the best of his knowledge, and that no change was contemplated in the position.

The CHAIRMAN explained that this was a general question and did not arise only in connection with the Cameroons under British mandate. For its information, the Commission was anxious to know how the States conceived their duties in this respect. The cautious wording of the report gave the impression that the United Kingdom considered it had a right to discriminate between Member and non-member States but had not done so.

Mr. FIRTH could not say whether the United Kingdom Government considered that it had this right ; he could only reply that no discrimination had been exercised.

As regarded the question of reciprocity, he hoped to be able to reply at the following meeting.

M. RAPPARD wished to put forward some considerations in order to show the implications of the question. The mandate called for equality between States Members of the League, but did not refer to non-member States. That would seem to imply that the mandatory Power was free in that connection. The interests of the territory obviously demanded that the natives should be able to buy in the cheapest market, which would seem to imply the extension of equality to all States. On the other hand, the existence of that equality when considered as an obligation, as it was in the case of States Members of the League, might involve a disadvantage, since, however badly the territory might be treated by any particular country, it was nevertheless obliged to keep its frontiers open to that country.

Lord HAILEY considered that the question referred exclusively to the export policy of the territory. The Commission was aware, from the accredited representative's reply, that there was no discrimination as regards imports.

M. RAPPARD did not quite agree with that view : exports and imports were too closely connected. If the mandatory Power thought it had no right to discriminate as regards its import policy, this would affect its power of negotiating commercial treaties.

The CHAIRMAN pointed out that the question was of special importance for the Cameroons, since 80% of the exports went to a country which was not a member of the League.

#### STRENGTH OF EUROPEAN AND NATIVE ADMINISTRATIVE STAFF : NECESSITY OF DEVELOPING COMMUNICATIONS IN THE TERRITORY.

The CHAIRMAN pointed out that two years previously the Commission, in its observations to the Council,<sup>1</sup> drew attention to the reduction of the European staff and administrative service of the Southern Area (Cameroons Province) and expressed regret that the number of officials had been reduced from fourteen in 1932 to eleven in 1933. According to the 1934 report, the average number of these officials had been raised to twelve. It appeared from the report for 1935 (paragraph 15 on page 8) that the average number of European officials was now about thirteen, so that the figure was reverting to the normal. It should also be noted that the African staff in the service of the Government had increased from 146 to 163 (paragraph 17, page 8 of the report).

The Commission was interested in this question, not because it thought the happiness of the population depended on the number of officials, but because an excessive decrease in the number might lead to a lessening of administrative control. He imagined the accredited representative would reply that the recent increase in the number of officials was due to the more satisfactory budgetary position and to the higher degree of training obtained by the natives.

It would appear, however, that the need for more effective administration had made itself urgently felt in certain parts of the territory. That was particularly the case in the district of Kentu, which was administered as a part of the Province of Benue (Nigeria) and was inhabited by a population of 6,000 to 7,000 persons. It was stated on page 16 of the report (paragraph 41) that administrative officers had spent fifty-eight days in this district. Yet,

<sup>1</sup> See Minutes of the Twenty-sixth Session of the Commission, page 204.

according to paragraph 172 on page 63, a literate personnel of natives was urgently required for subordinate medical posts, as scribes of the courts and for the staffing of village schools.

One of the principal difficulties of the administrative control of this district, and of the administration in general, no doubt lay in the absence, or primitive state, of communications. For instance, it was stated on page 16 of the report (paragraph 41) that the centre of Kentu was four days' journey from the nearest motor road and that there was an urgent need for better communications. Some progress had been made in road-building in other parts of the territory; in particular, with the road from Mamfe to Bamenda, etc. But the general impression gained from the report and from the annexed map was that the development of communications was not satisfactory and constituted one of the problems of the territory.

Was there a general scheme for the development of communications in the territory?

Mr. FIRTH said that, so far as he knew, there was no definite scheme of road-building in the north of the territory, but there was a scheme in the Cameroons Province. It comprised three trunk-roads—namely, from Kumba to Mbonge, from Kumba to Mamfe, and from Mamfe to Bamenda. The two former were of importance for the transport of cocoa-beans. The second had been examined by the Director of Public Works and the cost was estimated at about £20,000. Construction was not proceeding at present on account of the lack of funds. Work on the road from Kumba to Mbonge was being carried on.

In reply to the Chairman's question, he could not hold out any hopes of an increase in the European administrative staff. Provision was made for twelve duty-posts. He agreed with the Chairman that the best way to economise staff was to improve communications.

Lord HAILEY said he had been informed, in Nigeria, that arrangements had been made for a larger proportion of duty-posts in the Cameroons than in Nigeria. Could the accredited representative confirm this?

Mr. FIRTH replied that the proportion of administrative officers was probably higher in the Cameroons than in Nigeria in relation to the population, but not to the area.

M. VAN ASBECK found it difficult to obtain from the annual report a complete idea of the native staff in Government service, as also of the staff of the native authorities. For instance, on page 8, figures were given with regard to the native staff of the Cameroons Province, while further figures relating to native administration officials in part of the northern areas were given on page 16. He would be glad if future reports could contain a table giving the numbers of native administrative officials for the whole territory together with the branches of administration (*e.g.*, forests, education, etc.) in which they were employed. This would make it easier to ascertain how the territory was progressing.

Mr. FIRTH replied that there would be no difficulty in giving figures for the northern and southern areas together.

#### NATIVE ADMINISTRATION.

The CHAIRMAN referred to the very interesting information contained in the report, on page 9 and subsequent pages, on the organisation of native administration on the basis of the system of indirect rule. This system, which was based on native institutions and customs and on the local conditions of each administrative unit, varied considerably in different districts. The only essential consideration which was everywhere applicable was, according to the report, the principle that the native authority, whether represented by a single chief or a more or less numerous council of natives, should be able to command and receive the obedience of the community. It was stated on page 9 that the system was popular and was working satisfactorily. He would like to know whether the selected natives received the necessary training to enable them to carry out the work.

Mr. FIRTH replied that the native authorities did not undergo any special training, but were carefully supervised and received advice from the European officials. The results had been eminently satisfactory.

M. VAN ASBECK asked whether the chiefs had been *appointed* before or after the beginning of the mandate or were the natural rulers of the districts, *recognised* by the mandatory authority.

Mr. FIRTH replied that very few were the nominees of the Government. Most of the chiefs were the natural rulers. When a chief had been appointed in the past, he remained in his post, if the people wished him to do so. Otherwise the district reverted to the former system.

M. VAN ASBECK referred to the accredited representative's statement that constant supervision was—and had to be—exercised over the native authorities. Yet it was stated on page 16, paragraph 41, of the report that only fifty-eight days had been spent in the Kentu area by the administrative officers—an area which seemed to be rather primitive and in arrear. Was this adequate for real supervision?

Mr. FIRTH replied that, in his opinion, fifty-eight days would be sufficient to supervise the three native authorities in the Kentu area, but would naturally not allow the administrative officers much time to visit the villages. Any abuse arising in the absence of the administrative officer would be reported to one of the three native authorities and dealt with by the administrative officer on his next visit.

Lord HAILEY thought the village assemblies were not very effective executive authorities, and asked whether there were any signs that those assemblies were tending to become grouped into clan councils, as in South-Eastern Nigeria.

Mr. FIRTH replied that that was the case, and that the number of representatives sent by the villages to the native authorities was consequently tending to decrease.

Lord HAILEY observed that the Fulani continued to hold authority in some places. Steps were apparently being taken to reduce their authority; but he wondered whether the action taken had gone far enough.

Mr. FIRTH replied that the Fulani authorities could only be removed when the proper native authorities had been found to take their place.

In reply to a further question by Lord Hailey, he said he was under the impression that the Moslem chiefs, after being displaced, returned to their homes.

Lord HAILEY thought that, in Nigeria, the area controlled by Moslem authorities originally embraced a large number of pagans, but the British tendency was now to create pagan administrations while restricting the Moslems to rule over their own people.

The CHAIRMAN asked whether these two elements of the population were not mixed in the Cameroons.

Mr. FIRTH replied in the negative.

Mlle. DANNEVIG observed that up to 50% of the sum received in taxation was paid to the native chiefs. She asked whether this amount was spent to the best advantage of the population. Was it, for instance, as well spent as the funds administered by the mandatory Power?

Mr. FIRTH replied that the funds of the native authorities were carefully administered. The estimates were prepared, as a rule, by the District Officer after consulting the native authorities. They were then submitted to the Resident and subsequently to the Chief Commissioner.

Mlle. DANNEVIG observed that this system was evidently in accordance with the spirit of the mandate. She asked how many of the chiefs were literate, and whether their sons were receiving education so that they might become capable of exercising their future functions.

Mr. FIRTH said that in the coastal area a number of chiefs were highly educated. Farther north that was not the case, and the District Officer was obliged to prepare the estimates after consulting the chiefs. The sons of the chiefs were, however, being educated.

Mlle. DANNEVIG asked whether, prior to the mandate, the missionaries had not been kept out of the northern part of the territory as well as out of Nigeria, and whether this was not one of the causes of the backward state of the inhabitants and the small number of schools.

Mr. FIRTH said that the missionaries had not been kept out of the northern area; but he did not think the natives had much desire either for Christianity or for Islam.

M. RAPPARD noted the statement on page 9 of the report, paragraph 20, that, with few exceptions, the ideas of the native authorities in matters of finance were rudimentary, and that they were apt to regard the native treasury as a bottomless pocket from which funds could always be obtained to finance any scheme which took their fancy. That situation was scarcely compatible with the statement on pages 20 and 21 to the effect that the financial position was

sound in various native treasuries mentioned by name. The only conclusion he could draw from the two statements was that the native authority was more or less of a fiction, and that the administration was, in practice, in the hands of the District Officers.

Mr. FIRTH said that the native authorities were largely dependent on the District Officers, except in the district of Victoria, where the chief was a man of exceptional ability. It was, however, considered possible that other chiefs might work up to his standard.

In reply to a question by M. van Asbeck, he said that the native councils were always consulted in respect of the estimates.

Lord HAILEY asked whether the reports could not show, in future, what proportion of the taxation was paid to the chiefs themselves. The salaries fixed were apparently paid out of the 50% of taxation placed at the disposal of the native authorities.

Mr. FIRTH replied that this information would be included in future reports. In many cases, the chiefs were not paid salaries. In some cases, the native councils received 10% of the taxes in lieu of such salary payments.

M. RAPPARD observed that, in some districts, the central expenditure was entered as nil, as in the case of Victoria, Kumba, etc., while in others, such as Dikwa, the amount under this heading was very high (pages 127 *et seq.* of the report). He asked whether the amount paid to the chief appeared in the accounts or was simply retained at the source.

Mr. FIRTH replied that this expenditure was entered under the item "District Heads" or "Village Heads" in the Cameroons Province.

M. RAPPARD observed that the amount under these headings varied greatly in different districts.

Mr. FIRTH replied that the amount depended to some extent on the importance of the chief, and also on the amount of work. In Victoria, the chief was paid £200 a year and did a great deal of work. In Bamenda, some of the chiefs were important persons, and their salaries were relatively high in order to maintain their prestige, though they were not sufficiently educated to perform the work done by the chief at Victoria. In Mamfe, the payment was low, as there was no important person in the district. He added that the chiefs did not live entirely on their salaries.

M. VAN ASBECK asked whether the chiefs were, in addition, entitled to services from the natives.

Mr. FIRTH replied that such services were forbidden by ordinance.

M. MANCERON asked whether the 10% received by the chiefs was paid by the Administration or retained by the chief when collecting the taxes.

Mr. FIRTH replied that the chief paid in the total amount of the taxes and subsequently received the 10%.

Mlle. DANNEVIG supposed that the duties of the chiefs varied in different parts of the territory. Would it be possible to give more details of their functions in the next report?

Mr. FIRTH gave two extreme examples of the duties of chiefs. In the Victoria Division, where the chief was highly intelligent, he performed many duties usually carried out by the District Officer. He supervised the collection of taxes and the entire native administration and was an extremely valuable official. In Mamfe, on the other hand, the chief had no power outside his own village.

#### STATISTICAL INFORMATION REGARDING THE TERRITORIES UNDER MANDATE.

The CHAIRMAN said that, in conformity with the proposal made by the Mandates Commission at its twenty-third session<sup>1</sup> and approved by the Council on September 28th, 1933,<sup>2</sup> the Secretariat published in 1933 a document containing statistical tables relating

<sup>1</sup> See Minutes of the Twenty-third Session of the Commission, page 188.

<sup>2</sup> See *Official Journal*, November 1933, page 1320.

to public finance, trade and demographic movements in the territories under mandate (document C.565.M.272.1933.VI, Ser. L.o.N. P. 1933.VI.A.2). In order to facilitate the bringing up to date of this document by the Secretariat, the Commission would be grateful if the mandatory Power would be good enough to insert in the report each year a table similar to that concerning the Cameroons under British mandate contained in the above document. This practice, the advantages of which were apparent, had already been adopted spontaneously by the authors of the annual report on Ruanda-Urundi and to a certain extent was followed also in the reports on Western Samoa and Togoland under British mandate. He asked whether the accredited representative could take the necessary steps in this respect.

Mr. FIRTH noted this suggestion.

#### PUBLIC FINANCE : TAXATION.

The CHAIRMAN recalled that a member of the Commission had, in the previous year,<sup>1</sup> expressed a desire that the mandatory Power should furnish more recent information on public finance. The last statistics contained in the annual reports related to a period ending March 31st of the year to which the report referred. In the report for 1935 (paragraph 51, page 18), the mandatory Power stated that it had not proved possible to obtain figures for the year ending March 31st, 1936, in time for inclusion in the report. The mandatory Power had, however, complied with the desire expressed in the previous year and had communicated to the Commission before the present session an additional financial statement showing the receipts and expenditure of the mandated territory during the financial year ending March 31st, 1936.

M. RAPPARD wished to thank the mandatory Power for its spirit of co-operation in the presentation of the accounts.

He doubted whether the efforts to provide figures for the calendar year were worth while, as such a system would tend to make the figures even more artificial than they were at present. In using this expression, he did not wish to imply any criticism of the mandatory Power. He thought that, if the Commission obtained figures up to the end of March in the year in which the session took place, it could not reasonably ask for more.

Mr. FIRTH said there was no difficulty in supplying the supplementary statement giving the figures to the end of March ; this statement could not, however, be included in the report, which was prepared before the end of the financial year.

M. MANCERON appreciated the difficulty of supplying figures for the calendar year in addition to those for the financial year, and thought the Commission should not ask for such figures.

M. RAPPARD asked whether it paid to retain the Eastern Preventive Service, since the revenue collected was very slight.

Mr. FIRTH replied that this Service was necessary in order to prevent loss of revenue.

M. RAPPARD referred to the statement in paragraph 68 on page 22 of the report to the effect that a District Officer visited each village periodically and enquired in detail into the wealth of the people. He enquired who distributed the taxation among the population of the villages.

Mr. FIRTH replied that this was done by the village head, and the tax was paid at a flat rate for each adult male. That was a fair arrangement, since the wealth was equally divided.

M. RAPPARD observed the statement in paragraph 74 on page 24 of the report that, in the Dikwa division, the improvement in economic conditions made it possible to restore part of the reductions in taxation which had been rendered necessary by the low prices obtainable for local produce. He presumed this meant that the taxes had been raised to the former level on account of the increasing prosperity.

Mr. FIRTH replied in the affirmative.

M. RAPPARD referred to the table on page 121 of the report and asked why the revenue from the West African Currency Board had been reduced.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 168.

Mr. FIRTH replied that this revenue fluctuated greatly from year to year.

M. RAPPARD asked how Government craft (under head 6, Marine, on page 122 of the report) could be a source of profit.

Mr. FIRTH thought this profit was possibly a paper transaction arising out of the hire of Government craft to officers.

M. RAPPARD asked why the expenditure was almost all proportional, while the revenue was actual. He would have thought the opposite would have been the case.

Mr. FIRTH said the only proportional item of revenue was the West African Currency Board. The expenditure was proportional because it was calculated according to the population. The total expenditure for Nigeria and the Cameroons was taken, and a part was apportioned to the territory under mandate, relative to the size of its population.

M. RAPPARD said the Commission would be glad if actual figures could be given as far as possible, since they would indicate more clearly the progress made by the territory.

In spite of the improvement in the position, he observed that the Government finances continued to show a deficit which amounted in 1934/35 to £27,000. He supposed these deficits were always held to be non-recoverable grants.

Mr. FIRTH replied in the affirmative.

Lord HAILEY observed that direct taxation constituted a considerable difficulty in all African countries. He understood that the Nigerian system had been extended to the mandated territory, and he would like to know how the system worked. For instance, could the Commission see an assessment report as an illustration of the way assessment was done ?

Mr. FIRTH said he would supply such a report.

Lord HAILEY considered that the deficit was largely artificial, since a certain proportion of the Nigerian expenditure was charged to the mandated territory. Moreover, some heavy balances were retained, such as £30,000 on the native administration account. He asked why such large balances should be constantly piled up. Would it not be a better course to lower the taxation ?

Mr. FIRTH said there was no intention of piling up these balances, but it was proposed to use them for the benefit of the natives ; in particular, by the construction of roads. The taxes were not too high.

Lord HAILEY asked whether it was possible to compare the taxes paid in the Cameroons under French mandate with those in the territory under British mandate. The Commission had been informed that, in the territory under French mandate, the tax was 17 francs per head. In the territory under British mandate, it was in some cases as much as 10s., though lower figures such as 1s. to 4s. were more usual.

Mr. FIRTH thought there was little difference in the personal wealth of the natives in the two territories ; but he was not acquainted with the French system. There was a great difference in the amounts paid in different parts of the Cameroons under British mandate. For instance, in Victoria the tax was as high as 10s., and in some of the poorer districts as low as 1s.

In reply to a further question on tax evasion, he said that natives from the north sometimes tried to pay the low taxes in their own districts and then went to work in the south where the tax rates were higher.

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## SIXTH MEETING.

*Held on Friday, October 30th, 1936, at 10.30 a.m.*

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### **Cameroons under British Mandate : Examination of the Annual Report for 1935 (continuation).**

Mr. Firth came to the table of the Commission.

#### RELATIONS BETWEEN THE ADMINISTRATIONS IN THE CAMEROONS UNDER BRITISH MANDATE AND IN THE CAMEROONS UNDER FRENCH MANDATE.

M. MANCERON thought the Commission would certainly be very glad to note the references throughout the report to the satisfactory relations existing between the French and British Administrations in the two neighbouring territories.



IMPORTS AND EXPORTS : PARTICIPATION OF THE NATIVES IN THE PROSPERITY  
OF THE TERRITORY : ECONOMIC EQUALITY (*continuation*) : CUSTOMS UNION WITH NIGERIA.

M. MANCERON noted that the Cameroons under French and British mandate had progressed on similar lines.

It would be seen from page 28 of the report on the Cameroons under British mandate that the trade of the territory had developed considerably during 1935, the value of exports having risen from £194,012 in 1934 to £317,646 in 1935. There was a particularly large increase in exports of fresh bananas—from 22,781 tons in 1934 to 37,752 tons in 1935 (page 33 of the report).

Imports had increased on a similar scale—from £110,069 in 1934 to £181,340 in 1935 (page 28 of the report).

As the figure for exports was far higher than that for imports, there was a large surplus in the trade balance (about £136,000). The European planters and exporters would naturally benefit most, but to what extent could the natives be said to profit either directly or indirectly? Did the favourable trade balance lead to any improvement in their condition?

Mr. FIRTH said that the banana trade was, for the most part, in the hands of European firms and 95% of the profit would go to them. The natives would benefit indirectly through increased employment.

Cocoa was grown for export by the natives, and they would have derived greater benefit but for an outbreak of black-pod disease. There was reason to believe that the position was now improving and that the 1936 figures would show a considerable improvement. The natives were also directly interested in palm-oil exports, and their spending power was further increased by increased exports of various other commodities.

Lord HAILEY said that steps were being taken on the coast in Nigeria, the Gold Coast and the Cameroons under French mandate to organise the banana trade with a view to improving the condition of the natives. Were similar steps being taken in the Cameroons under British mandate, or was this trade left entirely in the hands of German firms?

Mr. FIRTH said the banana trade was left in the hands of mercantile firms.

M. RAPPARD pointed out that M. Manceron had raised a question of economic theory. There was a continuous excess of exports over imports. How did the natives benefit? They could only benefit by the distribution of gold: but there was none. The excess of exports represented the dividends of European firms on their investments in the territory. The real test of prosperity was increased imports, not increased exports.

Lord HAILEY observed that the usual test of improved trade conditions in African territories was the gradual approach of imports to exports. There was usually a lag, however. The return of prosperity in the Cameroons had been rather sudden, but presumably it was expected that the natives would be able to import more in the next few years.

Mr. FIRTH said that, in his experience, the lag was from two to three years. Merchants were chary of increasing their orders until they were sure prosperity was lasting.

Count DE PENHA GARCIA agreed with M. Rappard up to a point, but thought he had overlooked the fact that increased dividends to European employers meant increased cultivation and general developments leading to better conditions for the natives. Increased production might mean more and better food for them, or even reduced taxation.

M. VAN ASBECK presumed that, in a rather primitive country like the Cameroons, which possessed no indigenous capital and was not industrialised, there would always be a fairly large excess of exports over imports to pay the interest on the foreign capital invested and the cost of government administration as far as incurred outside the territory, etc. The problem then arose whether the surplus exports did not perhaps include a producers' rent which it would be only fair to tax to the advantage of the country. The same problem had arisen in the previous year in connection with the islands under Japanese mandate.<sup>1</sup>

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 130.

Lord HAILEY thought there could be very few capitalists in the territory, apart from a few big export firms engaged in the banana trade. Very little capital was invested in cocoa or coffee.

Mr. FIRTH said the only capital was that invested in the purchase and equipment of plantations.

M. RAPPARD repeated that the excess of exports represented the savings of European planters. It was not a surplus by means of which the welfare of the natives could be increased. The real test was whether imports rose.

The CHAIRMAN drew the conclusion from this exchange of views that the prosperity of new territories like the Cameroons under British mandate could not be judged by the same criterion as that of European countries.

M. MANCERON said that nevertheless the movement of imports could not be completely separated from that of exports. If exports dropped, imports would follow the same trend fairly soon.

According to the report (pages 27-29), there had been a considerable increase in the traffic passing through the two ports of the territory—Victoria and Tiko. There were very few examples of so rapid a development as that of the port of Tiko.

Mr. FIRTH said the development of Tiko was entirely due to the banana trade, 95 % of which passed through it. Banana ships had their own special wharf there.

M. MANCERON, referring to the statement that two crops of corn were obtained during the year (paragraph 101, page 37 of the report), asked whether the dry-season crop could be relied upon.

Mr. FIRTH thought it was fairly regular in normal years.

M. MANCERON noticed (page 33 of the report) that there had been a considerable fall in exports of wood and timber in 1935 as also in 1934. He presumed the same reasons held good.

Mr. FIRTH said there was not sufficient market for wood and timber. One firm had entirely ceased to purchase ebony.

The CHAIRMAN noted that the list of countries of origin of imports on page 35 of the report included Dalmatia.

Mr. FIRTH had no explanation to offer.

M. MANCERON said the countries which had derived most benefit from improved trade conditions seemed to be the countries which had left the League—namely, Germany (80 % of the export trade (page 36 of the report) and 50 % of the import trade (page 35)) and Japan.

Imports of piece-goods from Japan had almost doubled (page 30); but it was explained in the report that the greater part of these goods was landed at Victoria, because the importers' quota for the year for Nigeria had been exhausted (page 27).

Mr. FIRTH said goods were landed temporarily in the Cameroons towards the end of the year, when the quota of Nigerian firms was exhausted, until such time as they could be included in the next year's quota.

M. RAPPARD pointed out that the Cameroons had a Customs union with Nigeria.

Mr. FIRTH said that was the case; but the Quotas Act for Japanese goods did not apply to the mandated territory.

Count DE PENHA GARCIA presumed that Germany and Japan had done most trade with the Cameroons before the mandates system was introduced.

The CHAIRMAN thought that was true of Germany but not of Japan, which was just beginning to develop its trade with the territory.

Mr. FIRTH confirmed that observation.

M. MANCERON said he had drawn attention to the matter, because it was connected with the principle of economic equality.

Mr. FIRTH said that, as nearly all the banana trade was in German hands, it was natural that most of the imports should come from Germany.

M. RAPPARD understood that the plantations were mainly in German hands, but was sorry the report did not contain fuller information. The Germans naturally tended to import goods for their own use. The Japanese exported cotton to the territory, where they undercut other importers.

He was not clear, however, about the quota system. Nigeria and the Cameroons formed one Customs union, and there were no Customs officers in control of trade inside the block thus constituted. Unless the goods in excess of the quota, which were imported temporarily into the Cameroons, were kept in bonded warehouses, how could they be prevented from reaching Nigeria ?

Mr. FIRTH was unable to say whether the goods were kept in bonded warehouses. He agreed that, if they were not, there was some risk of their finding their way across the frontier ; but he had no information to show that they did.

The CHAIRMAN thought it somewhat surprising that one of two countries in a Customs union should have a quota system and not the other.

Mr. FIRTH, expressing his personal opinion, though with every reservation, said he believed Japan had still been a Member of the League when the quota system had been introduced in Nigeria. To have extended it to the Cameroons would have been contrary to the principle of economic equality.

Further information, however, would be given in the next report.

Lord HAILEY said that, in the meantime, Mr. Firth's declaration might be regarded as an expression of his personal views.

M. RAPPARD presumed Nigeria was covered by the Ottawa Agreements and that British exporters consequently received preferential treatment. On the other hand, there was economic equality in the mandated territory and at the same time Nigeria and the territory formed one Customs union. These three facts struck him as incompatible, and he would be glad to know how they were reconciled. A Customs union was specifically allowed under the mandate provided the other provisions of the mandate were observed.

He failed to understand how there could be economic inequality in Nigeria, economic equality in the mandated territory and a Customs union between the two.

Mr. FIRTH said information would be given in the next report.

#### JUDICIAL ORGANISATION.

M. VAN ASBECK, referring to paragraphs 102 and 103 on page 38 of the report, asked whether the High Court and the Protectorate Court were one and the same.

Mr. FIRTH replied in the affirmative, adding that the correct name of the court was the High Court of the Protectorate of Nigeria.

M. VAN ASBECK pointed out that D, B and C grade courts were referred to in paragraph 109 of the report (page 41), but nothing was said of A grade courts. It was stated in paragraph 158 on page 58, however, that no native court, except possibly an A grade court with full powers, had been permitted to try cases concerned with the actual practice of witchcraft and ju-ju. How could witchcraft or ju-ju be tried before an A grade court if such a court did not exist ?

Mr. FIRTH said the passages referred to merely described the jurisdiction of the courts. There were no A grade courts at present, apart from two at Dikwa ; but such courts might be established in the future.

In reply to a further question by M. van Asbeck, Mr. Firth said the possibility of establishing A grade courts was not under consideration for the moment. These courts, which had wide powers, were only established in very advanced communities.

M. VAN ASBECK asked where the Moslem judges in native courts in pagan areas (paragraph 115, page 46 of the report) received their training.

Mr. FIRTH had no first-hand information, but understood these judges were properly trained.

Lord HAILEY understood that two professional Alkalai had been brought from Khartoum to instruct the judges in the Moslem courts of North Nigeria.

M. VAN ASBECK asked whether Moslem or native customary law was applied in pagan areas.

Mr. FIRTH thought native customary law was applied.

M. VAN ASBECK asked whether the statement that the Alkalai were probably more impartial than a court of clan or tribal elders (paragraph 115, page 46 of the report) was a reflection on the latter.

Mr. FIRTH said that a court presided over by a trained Moslem judge would require less supervision from the authorities. He would not say that a court of clan or tribal elders lacked impartiality so much as experience. The statement in question related to the northern areas.

M. VAN ASBECK noted that there were 1,202 convictions in the Protectorate Court in the southern areas (Cameroons Province) as compared with 948 in 1934 (paragraph 103, page 38 of the report). The difference was accounted for by an increase of 270 in the number of convictions in respect of offences against the Customs ordinance, which might be attributed to increased activity of the police and the increase in the smuggling of tobacco referred to in the chapter on indirect taxation (paragraph 79 on page 25 of the report). It was apparent from the returns in the table on page 39, as compared with the corresponding tables in the previous report (pages 35-38), that there had also been a considerable increase in such offences as affray, unlawful assembly (157 cases, as compared with 102), and so on. The increase in the volume of work performed by the native courts in the Cameroons Province (paragraph 111, page 43 of the report) was said to be due to the increase in the number of courts.

Could the accredited representative explain this, for an outsider, somewhat alarming figure for unlawful assembly?

Mr. FIRTH said affray and unlawful assembly were nearly always connected with land disputes. In some years there were none; in others, fifty or sixty persons were arrested in connection with the same case.

M. RAPPARD asked what was the difference between assault and assault occasioning harm (paragraph 105, page 39 of the report).

Mr. FIRTH said they were legal expressions. Shaking a fist at someone would be assault, and attacking him with a knife would be assault occasioning harm.

M. VAN ASBECK asked that the section on judicial organisation should be revised and brought up to date in the next report.

Mr. FIRTH took note of this request.

#### DEFENCE OF THE TERRITORY.

M. RAPPARD pointed out that, under Article 3 of the mandate, the mandatory Power was prohibited from organising any native military force, except for local police purposes and for the defence of the territory. There had been nothing in previous reports to lead to the belief that any recruiting contrary to the mandate had taken place. In 1935, however, some doubt had been raised in the Commission<sup>1</sup> as to whether the taxation of the territory for the organisation of military forces outside was an infringement of the mandate. It was stated on page 54 of the report that no military forces had been stationed, or had operated, in the territory during the year. Was it to be concluded that the territory was charged for a military force outside the territory? Were any natives recruited in the territory for that force, and was it stationed near the territory?

Mr. FIRTH said there was a company of the West African Frontier Force at Calabar. There was no recruiting for the force in the mandated territory, but it was available for the defence of the territory if necessary.

In reply to a further question by M. Rappard, Mr. Firth said that Calabar was about twelve hours from the frontier by sea.

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 198.

### WITCHCRAFT AND JU-JU.

M. VAN ASBECK had been very interested in the section on witchcraft and ju-ju, for which he thanked the mandatory Power (pages 57 *et seq.* of the report). He noticed from paragraph 166 (page 61) that the Mfam ju-ju was treated as a criminal offence, but, at the same time, it was used to swear in witnesses. Was not that inconsistent?

Mlle. DANNEVIG had also been interested in this section of the report, and thought it must be difficult to distinguish between good and bad ju-ju.

Mr. FIRTH said that the ju-ju was not harmful in itself, but in the use to which it was put. It might be used for good or evil. A ju-ju might be used for a perfectly good purpose, but the same ju-ju could be used with a view to causing someone's death. The power of the ju-ju was so strong in the native mind that it was the most satisfactory thing on which to swear a witness. His fear of it was so great that he was not likely to lie.

M. VAN ASBECK asked whether the accredited representative could give an example of the lawful and unlawful use of ju-ju.

Mr. FIRTH said that, in using the Mfam ju-ju, a man might put a double horn filled with yellow powder on his own farm at the beginning of the farming season in the belief that it would give him a good crop. But he might also put it on the door of an enemy in the hope of bringing about his death. Everything depended upon the intentions of the user.

### STATUS OF WOMEN.

Mlle. DANNEVIG said that the position of women was reported to be satisfactory on the whole; some passages in the report, however, seemed to indicate that they tended to have too much work and to encounter various other difficulties.

Steps had been taken in the Cameroons under French mandate to enact legislation for their benefit—to raise the age of marriage, for instance, and to provide that the dowry should not be payable before a certain age, in order that the woman might give or refuse her consent to the marriage. Attention had also been devoted to the position of widows with a view to enabling them to return to their own families if they wished to do so.

Was the mandatory Power contemplating any such legislation?

Mr. FIRTH said no such legislation was contemplated as far as he was aware. It was not thought desirable to interfere with the position of women by legislation. The native naturally resented any interference in family and social life on the part of the authorities.

Mlle. DANNEVIG asked whether no steps had been taken to reduce the so-called bride price. It was said to be difficult for young men to marry, because the elder men were richer. Had not the missions approached the Government?

Mr. FIRTH said they had simply passed the following resolution at the meeting referred to in paragraph 152, page 56 of the report:

“The scale of dowries should be reduced gradually, but their abolition should be left to the effects of Christianity, education and time.”

The word “gradually” did not mean by legislation.

Mlle. DANNEVIG referred the accredited representative to the statement in paragraph 169 (page 62 of the report) that wife-stealing by the younger generation was a growing cause of grievance to the elders.

Mr. FIRTH could give no first-hand evidence as to the northern areas. There was no evidence of wife-stealing in the south. He did not think any women were unable to marry because the prospective husbands could not afford the bride price.

Lord HAILEY said pressure was sometimes being put on the Government to legislate in the matter of dowries. What was the opinion of the accredited representative as an administrator? Did it not coincide with that of most administrators in British territories, at any rate in Africa, that legislation would be most harmful? The maximum price fixed would tend to become the minimum, and many people would be unable to marry because they could not come up to the

standard. As the only legal form of marriage in Africa, whether for Christians or others, was by means of the so-called bride price, the fixing of too high a standard would prevent many people from being married legally at all.

Mr. FIRTH considered it would be a great mistake to regulate the bride price by legislation. Native custom was very fluid. When trade was bad, as in 1930, for instance, the bride price automatically fell, rising again when times were better.

#### LAND TENURE.

Lord HAILEY asked whether the accredited representative could refer him to details in any previous report of the extent of land alienated. Had any ordinances been issued regarding the alienation of land, and what area was at present in the hands of persons other than natives?

Mr. FIRTH said he would obtain the figures for the next report. For the moment, he could only say that, with the exception of land that was formerly freehold, no land was permanently alienated, though some might be leased.

Lord HAILEY thought that, for the purposes of the Commission, land leased for ninety-nine years should be regarded as alienated. The amount was probably small.

Mr. FIRTH believed that very little land was leased for as long as ninety-nine years.

M. VAN ASBECK considered the information on land tenure very meagre (page 107 of the report). He asked for a survey of the position in the next report, including particulars of the development of native custom and European land tenure.

A good deal had been heard of late about the individualisation of land tenure, and he was anxious to know how far the process had gone under the mandatory Government. It was a very pressing problem in native development.

M. RAPPARD said he would be grateful for a survey, not only of land tenure, but also of agricultural production, showing the relative importance of European and native plantations and produce. There were a good many trade statistics, but less attention was devoted to production and to its social aspects.

Mr. FIRTH took note of these remarks.

#### CINEMATOGRAPH.

M. VAN ASBECK presumed the absence of information about the influence of the cinema indicated that there were no cinemas in the territory.

Mr. FIRTH said that was so. All the territory had had was a travelling conjurer.

#### LABOUR.

Mr. WEAVER asked whether the regulations made during the year under the Forced Labour Ordinance, 1933, providing that, if the Governor decided it was necessary, able-bodied men might be called upon to assist in carrying out the necessary clearing operations for preventing the spread of sleeping-sickness (paragraph 8, page 6 of the report) had been applied.

Mr. FIRTH said the regulations only concerned the northern areas of the mandated territory. As far as he was aware, they had not been applied.

Mr. WEAVER thanked the mandatory Power for the answers given in paragraph 196 on page 69 of the report to Lord Lugard's question in 1935 about the proportion of medical officers to labourers.<sup>1</sup> He pointed out that the question had originated in the fact that the proportion of one medical officer for every 5,000 labourers provided for under Regulation 37 of the Labour Regulations, 1929, had not always been maintained in the past.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 172.

Paragraph 149 on page 55 of the report referred to the increased spending power of the people generally and the marked improvement in trade which was a feature of the year under review. Employed labour, however, did not seem to have participated in this increased spending power. According to the inspection reports (Appendix III of the report), wage rates had not been increased during the year. Did the Administration devote any attention to this matter of wage rates on the plantations? Were they adequate as compared with the needs of the natives, and in view of the desirability of extending their purchasing power? Did they bear a proper relation to the prices paid for plantation products?

Mr. FIRTH said the rates of wages paid in the plantations were not regulated by the Government, but he thought they were adequate. The labourers had additional resources, such as their farms.

Mr. WEAVER pointed out that most of them were migrant labourers.

Mr. FIRTH said they usually went home every year.

Mr. WEAVER did not think the existence of other sources of revenue should be taken into consideration in fixing wages or salaries.

Mr. FIRTH agreed. The rates paid for plantation labour were a matter of supply and demand. The supply appeared to be adequate at the rate offered. The pay of Government labourers was based entirely on the cost of living, and consequently varied.

Mr. WEAVER said that, as attention was quite properly being paid to the importance of expanding the purchasing power of the natives, he wished to call attention to the connection between this question and the rates of wages paid by the European employers—a matter worthy of the Administration's attention.

When the report on the Cameroons under French mandate was being examined,<sup>1</sup> it was noted that the French Administration prohibited any form of company stores on plantations. Mr. Weaver believed they existed in the Cameroons under British mandate and would be grateful for some information in the next report, particularly as to whether their operations were subject to any supervision or regulation. Company stores were known to have led in many cases to very grave abuses.

Mr. FIRTH said that most of the plantations had company stores; but to supervise them would require legislation.

The CHAIRMAN asked whether a system of sales on credit existed, so that a worker might become the debtor of the store, or, in other words, of the undertaking employing him.

Mr. FIRTH said that might happen on occasion. The information required would be given in the next report.

Mr. WEAVER noted from paragraph 357 (page 114 of the report) that a company had received permission to mine gold in one district and was beginning work. He would be glad to learn, from the next report, what labour was employed and whether any measures had been taken to safeguard the position of the workers. When new gold-mining had been begun in some other territories, no provision had been made by the Administration, and the results had been rather unfortunate.

Mlle. DANNEVIG asked whether any women and children worked on the plantations, and if so, how many and for what wages?

Mr. FIRTH said no women and children worked on the plantations, as far as he was aware.

The CHAIRMAN observed, nevertheless, that a good deal of plantation work—in coffee plantations, for instance—could only be done on an economic basis by women and children.

Mr. FIRTH pointed out that bananas and cocoa were cultivated in most of the plantations. There were very few coffee plantations.

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<sup>1</sup> See page 45.

#### CO-OPERATIVE SOCIETIES.

Mr. WEAVER hoped the Administration would continue to encourage the development of co-operative societies, and noted the progress achieved (paragraph 155 on page 57 of the report).

Mr. FIRTH said everything was done to encourage co-operation. Preparations for extending it to another division were being made when he left the territory.

#### MISSIONS.

M. PALACIOS noted, from the information given in Chapter XV of the report, that considerable progress had been made by the missions in the southern part of the territory (Cameroons Province). The number of adherents of all the missions had increased and their medical and educational work had been extended. It was a matter for satisfaction that new schools for girls had been opened (paragraphs 204 and 205 on page 73 of the report).

Both the Catholic mission and the Baptist mission had their headquarters at Soppo near Buea, in the Victoria district. Was it not undesirable that the headquarters of these two missions of different denominations should be in such close proximity ?

Mr. FIRTH said there were two Soppo, Great and Little Soppo. They were about five miles apart. There was no friction between the two missions.

M. PALACIOS noted that little progress had been made in the northern areas (paragraph 201, page 72 of the report). It was interesting, however, that experimental tours had been carried out by representatives of the Church of the Brethren and the German Baptist Mission in certain districts (paragraph 209, page 74 of the report), that the missionaries were well received, and that a certain amount of medical work had been carried out. Were these missions expected to settle permanently there ?

Mr. FIRTH thought it likely that they would settle permanently.

M. PALACIOS thought such tours were all to the good. They removed the impression that no one bothered about the northern areas.

Presumably, the absence of any reference to friction between the different missions or between the missions and the natives indicated that there was none.

Mr. FIRTH confirmed this statement.

M. VAN ASBECK asked whether there had been any mass conversions as in the Cameroons under French mandate, and whether many chiefs had been converted.

Mr. FIRTH said there had been no conversions of that kind. A good many chiefs had been converted.

M. PALACIOS thought a description of the religion of the natives and their action and reaction to the work of the missions and of the Administration would be of interest. In other parts of the report—Chapter XIII in particular—religious questions were referred to from this standpoint in connection with magic and witchcraft (paragraphs 156 *et seq.*).<sup>1</sup> Mr. J. H. Driberg's book "At Home with the Savage" was specially mentioned. M. Palacios would like to consult that book, which the Secretariat would perhaps give him the opportunity to see. Nearly all the statements made in this part of the report concerned religious questions, and, in Mr. Driberg's opinion, while it was recognised that "black" magic was anti-social, white magic, on the other hand, was social and constructive. Furthermore, there were interesting types of magic, such as ju-ju : towards the end of 1934, it had been pointed out that ju-ju and witchcraft were not in fact the same (page 58 of the report). It would be interesting to know the part played by these conceptions in the life of the natives as a whole, and whether they did not sometimes influence social and even political movements, causing the people to flock to some religious teacher, or leading to the opening of new native churches, and so on.

#### EDUCATION.

Mlle. DANNEVIG thanked the mandatory Power for the very interesting historical information on the development of education in the report (pages 74 *et seq.*).

In the northern areas, satisfactory progress had been made in the Dikwa elementary school. The information given in paragraphs 222 *et seq.* showed the interest taken by the native authorities in education. It was gratifying to see that new elementary schools would be opened

<sup>1</sup> See also *supra*, page 62.



in other places in the division (paragraph 232, page 80 of the report). It was still necessary, however, to go to the neighbouring colony for more advanced education.

Mention was made in paragraph 212 (page 75 of the report) of the experiment made in Nigeria of inviting the teachers of Koran schools to attend courses in secular subjects, with the idea of introducing these subjects into their schools. Would an attempt be made in this direction in the mandated areas ?

Mr. FIRTH had no information on this subject. Particulars would be given in the next report.

Mlle. DANNEVIG saw from paragraph 219 (page 76 of the report) that there were three different centres for training teachers. One was in the Cameroons Province. Were the others in the mandated territory or in Nigeria ?

Mr. FIRTH believed the two centres in the northern provinces were in Nigeria.

Mlle. DANNEVIG said that, in the Adamawa district, education seemed to be available only for the Moslems. No progress was recorded with regard to elementary education amongst the pagans who formed 75% of the population (paragraph 242, page 82 of the report). Apparently there were no schools in the Kentu area (paragraph 243), though the necessity for schools was being kept in view. There appeared to be a great demand for more education in that district, especially of a literary character. According to paragraph 172 (page 63 of the report), there was an urgent need for natives for such posts as subordinate medical staff, scribes of the courts and so on. Was there any prospect that schools would be opened to meet the need ?

Mr. FIRTH had no definite information on the subject. If there was a real need for schools, the native administration would take up the matter with a view to opening native administration schools.

Mlle. DANNEVIG asked how many natives spoke the various languages referred to in paragraph 220 of the report (page 77).

Mr. FIRTH said they were spoken by a large number of natives.

Mlle. DANNEVIG asked what kind of Hausa literature was likely to be developed (paragraph 220).

Mr. FIRTH said Hausa was one of the few written languages. The books in question were text-books.

Lord HAILEY said there were excellent text-books in Hausa.

Mlle. DANNEVIG thought one of the most interesting and welcome features of the year was the opening of a practising school designed to provide a three-year course for thirty-six students (paragraph 253, page 84 of the report). There seemed, however, to have been difficulties in financing the school. Was it necessary that such a useful piece of work should be hampered for want of £346 ?

Mr. FIRTH did not think it could be said that the school was hampered for want of funds. It had all it needed. The difficulty had arisen with regard to subsistence for the pupils when they were on leave. The money had been found, the employers, both mission and native administration, contributing £1 a year for each pupil. The total amount for the year was £31.

Mlle. DANNEVIG asked whether other native women teachers were employed in the territory in addition to the certificated woman teacher referred to in paragraph 255 (page 85 of the report), and, if so, where they obtained their training.

Mr. FIRTH said there were several native women teachers. Most of them were educated outside the mandated territory, at Calabar, in particular.

Lord HAILEY added that training was also given at Queen's College, Lagos.

Mlle. DANNEVIG asked whether the decrease in enrolment and average attendance in some of the Government schools (paragraph 260 of the report) was due to the unwillingness of the parents to pay fees. Enrolment had also fallen off in some of the native administration schools.

Mr. FIRTH thought the situation was only temporary. Fees had always been paid at the Government schools : but some of the native administration schools began by charging none, and it was felt that they should be brought into line. The attendance had at first fallen off, but the pupils were now returning.

Mlle. DANNEVIG asked whether the total expenditure of the native administrations on education could be included in the next report.

Mr. FIRTH said these figures could be supplied.

Mlle. DANNEVIG said that the expenditure on education in the southern provinces given in the 1934 report was said to be the actual figures. Why was the proportional expenditure given for 1935 ? The Commission would prefer to know the actual expenditure.

Mr. FIRTH had no explanation to offer on this point.

Mlle. DANNEVIG noted that the total expenditure on education had decreased by £400 (page 122 of the report). What was the reason for the decrease ?

Mr. FIRTH was unable to explain this decrease. It might be due to the fact that proportional instead of actual figures were given.

Mlle. DANNEVIG asked for further information on this point in the next report.

#### ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA thanked the mandatory Power for the answers to the questions he had put in 1935 (page 93 of the report).<sup>1</sup>

He asked the reason for the division of the territory into two zones, in one of which the sale to and possession of spirits by natives were prohibited. Were the natives considered to be more highly developed and better able to take spirits in the other zone (paragraph 278, page 93 of the report) ?

Mr. FIRTH thought this was a question of administration. Spirits had always been prohibited in the northern provinces of Nigeria ; and, as the northern areas of the mandated territory were administered from Nigeria, the same rule applied to them.

Count DE PENHA GARCIA thought it must be difficult to prevent spirits passing from Kumba to Mamfe. Moreover, he did not see how liquor could be prevented from passing from one side to the other of the two divisions of Kumba and Mamfe.

Mr. FIRTH said there was no difficulty in enforcing the law at Mamfe, as far as he was aware. No doubt liquor did occasionally cross the frontier.

Count DE PENHA GARCIA asked whether there was much illicit distillation.

Mr. FIRTH said his personal impression was that, inside the mandated territory, there was hardly any ; but a certain amount of illicitly distilled liquor crossed the frontier from Nigeria and was undoubtedly sold in the mandated territory. There was very little distillation in the territory, except possibly by strangers, mostly from Calabar.

Count DE PENHA GARCIA asked whether loss of life in stick-fights as the outcome of over-indulgence in the local beer (paragraph 169, page 62 of the report) was common in the northern areas. He drew attention to the desirability for an enquiry into the matter.

Mr. FIRTH had no personal experience of the northern areas. He believed there was occasional loss of life. The trouble usually occurred at celebrations.

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 173.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA thanked the mandatory Power for its replies to the questions he had put in 1935<sup>1</sup> (pages 100 *et seq.* of the report).

The campaign against yaws had been very satisfactory as far as it went, but the disease still seemed to be widespread (paragraph 313, page 101 of the report).

He asked for further information in the next report on the progress of the campaign against syphilis and venereal disease in general.

The missions had done very valuable medical work, and the results of the new "wayside clinics" were very encouraging (paragraph 306, page 99 of the report). He was glad to note that the chiefs were taking an interest in and facilitating the work. He would like further information on this subject in the next report.

#### FORESTRY.

M. VAN ASBECK thanked the mandatory Power for the additional information on forestry (pages 107 *et seq.* of the report).

#### DEMOGRAPHIC STATISTICS.

M. RAPPARD noted that the native population seemed to be increasing at a satisfactory rate (from 778,352 in 1934 to 817,616 in 1935) (page 115 of the report). In previous years,<sup>2</sup> attention had been drawn to the very striking disproportion between adult males and adult females in the Victoria division. The difference has been explained by the presence of a large number of workers on the plantations. Was that the correct explanation?

Mr. FIRTH thought it was.

M. RAPPARD asked whether the accredited representative thought the population in the division was increasing, was stationary, or varied?

Mr. FIRTH thought it was increasing slightly, at a normal rate.

#### ECONOMIC EQUALITY: CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE OF NATIONS (*continuation*).

The CHAIRMAN asked the accredited representative whether he was in a position to reply to the three questions asked at the previous meeting<sup>3</sup> with regard to economic equality.

The first of those questions was: "May it be understood (the word 'hitherto' seems to imply this) that the mandatory Power does not regard itself as obliged to apply the principle of economic equality to States not members of the League, but, on the other hand, has not thought that the obligations of the mandate and the interests of the territory require that there should be discrimination between such States and Member States?"

Mr. FIRTH said he was not in a position to answer the question without instructions, but would refer the matter to His Majesty's Government.

The CHAIRMAN, continuing, said that the second question was as follows: "What is the regime at present applied to trade between the mandated territory and such States?"

Mr. FIRTH replied that there was no discrimination between Member and non-member States under the regime at present applied.

The CHAIRMAN then put the third question: "Under the Treaties in force, does the mandated territory enjoy reciprocity in treatment so far as concerns its exports to such States?"

Mr. FIRTH said he regretted he was unable to reply. It seemed to depend on the terms of the Treaties in force. A reply would be given in the next report.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 174 and 175.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 175.

<sup>3</sup> See pages 51-52.

FORM OF ANNUAL REPORT.

The CHAIRMAN said the annual report referred, without repeating them, to a number of subjects on which information was given in previous reports. The examination of the annual reports would be facilitated if footnotes could be inserted referring to the relevant pages in previous reports.

Would it be possible for the annual report on the Cameroons under British mandate to be supplemented in that way?

Mr. FIRTH noted the suggestion.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for his friendly collaboration. He had done much to facilitate the Commission's work.

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SEVENTH MEETING.

*Held on Saturday, October 31st, 1936, at 10 a.m.*

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**Togoland under French Mandate : Examination of the Annual Report for 1935.**

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

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. BESSON made the following statement :

I propose to be very brief so as not to waste the Commission's time, but at the same time very frank.

As regards the financial situation, I have just received a few figures which are therefore not included in the report and which I must communicate to you. These figures refer to the financial situation considered as a whole, and give an idea of the progress which has been made since last year. This progress is, however, very slow. Be that as it may, the final figures for the 1935 budget are 26,730,000 francs for receipts and 25,748,000 francs for expenditure, which represents, for the first time for three years, a revenue surplus of 981,000 francs. This sum of nearly a million will be used, in the first place, to repay the French Treasury, which has advanced a sum of nearly 900,000 francs, and the remainder will be paid to the Reserve Fund which was exhausted.

From the financial point of view, we are therefore in a period of convalescence, but the patient is still very weak, and considerable further savings must be made. It is hoped that, in 1936, savings to the amount of 13 millions will be effected. This is the maximum which can be hoped for without endangering the general economic structure and administration of the territory.

From the economic point of view, undoubted progress has been made. A recovery is perceptible, as is shown by a very material increase in exports of palm oil and cocoa.

To sum up, I may say that, in 1935, the trade total was 65 millions and, according to the latest information in my possession, the year 1936 will be still more favourable from the point of view of economic recovery and the sale of materials produced by Togoland.

In fact, we are in a period of convalescence ; the patient is better, but too great a strain must not be placed upon him, and he must be allowed to recover his strength gradually.

FORM OF ANNUAL REPORT.

The CHAIRMAN requested the accredited representative to note a wish which had already been expressed in connection with the Cameroons report and which he now repeated. The chapter entitled " Replies to the Permanent Mandates Commission's Observations " might be misleading, because it only contained the replies to individual questions put by the members of the Commission, and not replies to the observations proper made by the Commission in its report to the Council.

In the same connection, the Chairman recalled that, at the twenty-eighth session,<sup>1</sup> of the Commission the hope had been expressed that future reports would contain references of the type of those found in certain reports—for example, an annex containing references to previous reports as regards the principal questions. The Commission hoped that it would be possible to supplement the future reports on the desired lines.

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 55.

ADMINISTRATIVE REORGANISATION OF THE TERRITORY.

M. PALACIOS recalled that the Commission had followed the progress of the reorganisation effected in the previous year.<sup>1</sup> The reform undertaken seemed to be proceeding in favourable conditions. The Commission knew that the mandatory Power was authorised to make administrative unions, but the individuality of the territory must not be overlooked. In the Decree of September 10th, 1936, Articles 1 and 4, in particular, were definitely aimed at safeguarding that individuality. The Commission would no doubt desire to make it clear that it had always attached importance to this point, and it did not doubt that the mandatory Power did so too.

Lord HAILEY asked whether it was since the publication of the report that the administration of the territory had been placed under the direct orders of the Governor-General at Dakar instead of under those of the Governor of Dahomey.

M. BESSON replied that the report had been drawn up before the Decree of September 1936, which, as M. Palacios had pointed out, in no way changed Togoland's position as a territory under mandate. The mandatory Power entirely respected that territory's political, administrative and financial autonomy.

For the information of the members of the Commission, the accredited representative added that the present reorganisation was due to the desire to avoid administrative friction between the territory and the neighbouring colony, and to give the territory, in case of need, the assistance of technical specialists who could most easily be found, not in the small colony of Dahomey, but in the vast French West Africa; furthermore, it was desired to give the territory the benefit of the great experience of the Governor-General of West Africa.

M. MANCERON asked whether there would be any disadvantage in the Commissioner of the Republic in Togoland simply having the rank of Administrator, although, of course, with all the responsibilities implied by the duties of Commissioner. The chief of the territory would thus remain entirely independent of any colony.

The CHAIRMAN said that, in practice, this would amount to a return to the previous state of affairs.

M. BESSON repeated the reasons he had already given as underlying the reform. The only solution was that which had been adopted. Moreover, the reform was only introduced for a transitional period in order to help to overcome the present depression. The mandatory Power did not intend to maintain the present system for years.

M. VAN ASBECK compared the present situation with what it had been before the reform of November 23rd, 1934. There had then been a Commissioner of the Republic with his own chiefs of service and his own secretariat, all paid by the territory. Under the present reform, the uninitiated had the impression that there had been no real change. There was one delegate of the Commissioner of the Republic in Togoland having nearly all the powers of the former Commissioner, and a small secretariat, and they were still all paid by the territory. There were also delegates of the chiefs of the amalgamated services placed, not under the Administrator's orders, but under his supervision. These delegates were also paid by Togoland, which further defrayed more than 25% of the salaries of the chiefs of the amalgamated services. In addition, according to the report, there was a small Togoland secretariat at Dakar, outside the territory.

M. BESSON said that the last mentioned was not a real secretariat.

M. VAN ASBECK, continuing, observed that, for the despatch of current business, the chiefs of the amalgamated services did not correspond directly with their delegates in the territory but through the Administrator, and that, similarly, their delegates did not correspond with them direct but through the same channel. This seemed to be a complication likely to hinder the despatch of business owing to duality of direction. Could the accredited representative give an assurance that the Administration's efficiency would not be diminished by this fact, and could he give the Commission information regarding the economies which these reforms would bring about, since the figures in the report were no longer accurate?

M. BESSON replied, in the first place, that there was no change in the situation from the administrative point of view. The chiefs of service performing their duties simultaneously in Togoland and Dahomey were still the same, and there had only been changes among the subordinates. Precisely in order to expedite and facilitate administrative work, it had been considered necessary for those minor officials to be in direct touch with the Commissioner of the Republic. Contrary to M. van Asbeck's fears, the reform tended to simplify matters,

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 48 *et seq.*

and it would make it possible to effect economies, which were those indicated on page 17 of the report. As regarded the budget, its total had been reduced from 42 millions in 1934 to 29 millions in 1935, and it would be seen next year, from the 1936 budget, that the figure would probably have fallen to 27 millions.

M. RAPPARD could not conceal the anxiety with which he viewed the repeated modifications which had occurred both in the administration and among the staff, and which could not fail to create among the population an impression of anarchy and to maintain a feeling of uneasiness in the territory.

Lord HAILEY said he would be grateful for information as to the strength of the territory's present administrative staff, after the reductions brought about more particularly through the reorganisation of the districts. The matter appeared to have some bearing upon the ease with which natives could gain access to administrative officials.

M. BESSON said that the next report would include information on this point.

The CHAIRMAN pointed out that the reforms in question had been introduced by a Decree of September 1936. He thought that the Commission would be better able to appreciate their merits next year ; when the new system had already been in operation.

According to page 12 of the report, among the services directed simultaneously by the same chiefs was, in particular, that of Customs. In that connection, the Chairman read the following passage from an article which had appeared in *La Quinzaine coloniale*, of Paris, dated August 10th, 1936 :

“ For reasons of economy, certain services common to Dahomey and Togoland have been amalgamated, including the Customs service ; and this was justified from the service point of view by the fact that Togoland, owing to the mandate, and Dahomey, owing to the Franco-British Convention of June 14th, 1898, both enjoyed the same regime of the open-door. This regime will, however, be abolished on November 1st next in Dahomey which, subject to modifications and adjustments, will thereafter be subject to the Customs regulations in force in the free zone of French West Africa. In these circumstances, the same high official will have to apply a protectionist regime in Dahomey and a free trade regime in Togoland, which appears to be a difficult matter. It would therefore seem that the appointment of a chief of the Customs service at Lomé will have to be considered as from November 1st next at latest.”

The Chairman, although not endorsing the suggestion contained in this article, drew the accredited representative's attention to the fact that this question would inevitably come up again next year.

M. BESSON said that he would draw his Government's attention to the matter. *Prima facie*, he did not see why French Customs officials should be considered incapable of doing work which was a little complicated.

M. RAPPARD had no doubt of the skill of the officials in question. What troubled him was the obligation under which those officials would be placed of having to follow a double policy in Customs matters, although there would be no Customs frontier between the colony and the mandated territory.

M. BESSON thanked the members of the Commission for their observations which would no doubt be very useful in organising the regime as between the two territories.

Count DE PENHA GARCIA pointed out that the mandated territory was under the regime of economic freedom. All the products sent to the territory would therefore benefit from that freedom. For his part, he thought the absence of a Customs frontier would involve disadvantages for the French administration of Dahomey but not for the mandated territory.

M. BESSON observed that a hasty judgment must be avoided and events awaited. For the moment, he did not know whether Count de Penha Garcia or M. Rappard was right. The course of events would have to be followed, and experience would show the steps to be taken.

M. RAPPARD did not wish to dispute the justification of Count de Penha Garcia's remarks. He agreed that, at first, the system would involve disadvantages for the administration of Dahomey, whose officials, in order to defend the colony, might be tempted as a result to extend the system of Customs protection to the mandated territory.

M. BESSON protested against that supposition. The mandatory Power had never had the slightest intention of infringing the territory's status.

M. VAN ASBECK, observing that the information contained in the 1935 report, on the administrative reform was already out of date, thanked the accredited representative for the additional explanations he had supplied. He thought that all his colleagues were agreed in hoping that the old state of affairs would be restored, since the accredited representative had stated that the present system was transitional.

ORGANISATION OF "COMMUNES MIXTES".

Lord HAILEY asked whether the members of the "Commune mixte" in Lomé were all appointed by the Administration or whether, as in other regions, consideration was being given to their election by the natives themselves. It was well known that the inhabitants of that part of the territory, like those of Porto Novo, were more advanced than elsewhere.

M. BESSON believed that, in native matters, elections should as far as possible be avoided. The chiefs in question were appointed by the Administration.

ECONOMIC EQUALITY : CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE OF NATIONS.

The CHAIRMAN recalled that, during the examination of the report on the Cameroons under French mandate at the present session,<sup>1</sup> the accredited representative had stated that the mandatory Power had reached the conclusion that it was not required to extend the benefit of the principle of economic equality to States which had ceased to be Members of the League, but had added that no action had as yet been taken on that conclusion. Had no measure of the same kind been taken in Togoland either ?

M. BESSON made the same reply as he had given in regard to the Cameroons. The French Government considered that the fact that a State had left the League involved the loss of its right to economic equality. The important question of the conventional basin of the Congo did not of course arise in the case of Togoland.

FRONTIER BETWEEN TOGOLAND UNDER FRENCH MANDATE AND TOGOLAND UNDER BRITISH MANDATE.

The CHAIRMAN observed that the frontier between the territories of Togoland under French mandate and under British mandate had been defined some years previously. In an article which had appeared in *West Africa*, of London, dated December 28th, 1935, the author of which claimed to have had thirteen years' experience in Togoland, reference was made to the alleged injury suffered by certain native groups as a result of the delimitation of the frontiers ; villages had been pitilessly separated with a view to respecting the so-called natural frontiers ; many planters were living in the territory under French mandate while their plantations were in the territory under British mandate. They thus had to contend with transport difficulties, Customs duties, etc. Many of them would no longer be able to pay the hut tax imposed by the French administration, and hence one or more members of their families would have to be "pawnd". Could the accredited representative say whether there was any truth in those allegations, from which it would appear that the Administration had followed the line of least resistance without troubling itself about the interests of the natives ?

M. BESSON had no knowledge of any incidents of that kind. Too much credence should not be given to these frontier stories. The delimitation of any frontier inevitably led to difficulties. He would duly ask for information on the matter, but in the meantime he protested against the charge that persons had been "pawnd".

Lord HAILEY asked whether it was true that some years ago the frontier delimitation had given rise to strong agitation, particularly on the Gold Coast side, but that that agitation had calmed down for the last three or four years and the population was now beginning to accept the present regime.

M. BESSON said that he had no special information on the matter.

FETISH PRACTICES : SECRET SOCIETIES.

The CHAIRMAN noted (page 39 of the report) that the political situation had continued to be satisfactory in 1935. In the southern section, however, certain individuals had been found to be engaged in criminal activities ; "under cover of fetishistic practices they held up to ransom the population of Tchekpo-Deve, a subdivision of Anecho, and kept the inhabitants in a state of terror by poisoning those who refused to meet their demands". Was this the work of secret societies ? In the whole of that part of Africa, there were known to be secret societies whose existence was only revealed by the criminal activities of their initiates and by outrages always bearing the mark of their origin. The precise aims of those

<sup>1</sup> See *supra*, pages 28-29 and 31-40.

societies and the rules which they obeyed were unknown; they were a closed chapter of native psychology which the European had been unable to decipher. Even when the most severe examples were made, it was rarely sufficient to stamp out these practices, which always broke out again when they had been thought to be at an end.

M. BESSON replied that, as stated in the report, this was the first time that such activities had come to light in Togoland. They were, no doubt, organised by a secret society of the existence of which the mandatory Power had hitherto been unaware: there were such societies in other parts of Africa, particularly in the Congo, and he knew how difficult it was to prevent them from spreading. In his view, the only means of checking the evil was to promote the spread of Christianity, which, to a certain extent, counteracted those practices.

The CHAIRMAN added that the peculiar feature about those secret societies was that they rarely attacked Europeans.

M. BESSON said that it was true that in Togoland no attacks on Europeans had ever been reported. The problem was difficult to deal with because no charges were ever brought.

#### MEASURES FOR IMPROVING THE CONDITIONS OF THE KONKOMBAS.

Count DE PENHA GARCIA noted (page 40 of the report) that, in the northern section "in order finally to bring the Konkombas to a more advanced stage of civilisation, it was proposed to make large distributions of ground-nut seeds in 1936; it was hoped by this means to provide this region with a regular source of income which would promote progress." Had the mere distribution of ground-nut seeds the marvellous power of civilising such a savage tribe? That distribution had doubtless been accompanied by other action on the part of the Administration. Agricultural training was, in fact, necessary to enable the natives to make use of the ground-nut seeds and obtain the anticipated profits from them.

M. BESSON replied that the Administration would certainly not have confined itself to distributing the seeds, but would have prepared the ground and established the necessary roads and means of communication.

The CHAIRMAN thought that an Administration which had recourse to measures of this kind to restore order should be congratulated.

#### RELATIONS BETWEEN THE LAWSON AND ADJIGOS CLANS.

The CHAIRMAN recalled that, at the twenty-eighth session,<sup>1</sup> M. Sakenobe had pointed out that, in the 1934 report (page 47), reconciliation between the Lawson clan and the Adjigos clan in the Anecho district was anticipated in the near future, but the position seemed, on the contrary, to be growing worse. At that time, the accredited representative was not in possession of any definite particulars. Could he now give the Commission any information on the matter?

M. BESSON replied that he had obtained information, and could state that the quarrels were dying down.

#### MEASURES FOR STRENGTHENING THE AUTHORITY AND PRESTIGE OF THE CHIEFS.

M. VAN ASBECK noted that the present report did not state what results had been obtained through the reform mentioned in the 1934 report (page 47), the object of which was to strengthen the authority and prestige of the chiefs. It was simply stated (page 39 of the 1935 report) that "the district commissioners and the administrative and technical personnel under their orders have, as previously, continued to keep in touch with the natives by making a number of tours in each district." In that connection, he would make the same observation as in the case of the Cameroons:<sup>2</sup> it was to be presumed that the term "to keep in touch with the natives" included the Administration's relations with the native chiefs.

M. BESSON replied that those relations had remained unchanged for the last year. The matter had not been especially mentioned in the report for 1935, because the latter had been cut down as much as possible so as to avoid the monotony of unnecessary repetitions.

#### ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA noted that there had been a not inconsiderable increase in the consumption of alcoholic beverages, in particular, an extra 5,000 litres of gin had been consumed (page 104 of the report). Was this consumed entirely by Europeans or by natives as well?

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 52.

<sup>2</sup> See page 31 *et seq.*



M. BESSON said that the increase was due to the improvement in the standard of living brought about by the slight economic recovery. The native consumed very little, apart from his traditional beverages.

Count DE PENHA GARCIA recalled that, last year,<sup>1</sup> Lord Lugard had suggested that natives might perhaps be dissuaded to some extent from consuming strong liquor, and especially from distilling it illicitly, if certain beverages such as beer, wine, etc., were supplied to them at fairly low prices. In 1935, there had been an appreciable increase in the imports of beer and wine. Were those imports also intended for the natives or only for the whites?

M. BESSON replied that beer was mainly consumed by Europeans, but that in the towns the natives considered it good form to drink beer, even if it were of rather poor quality.

Count DE PENHA GARCIA noted (page 77 of the report) that "the manufacture of native liquor by means of rudimentary apparatus was increasing, notwithstanding the supervision exercised by the local authorities and the punishment of guilty persons. The growth of this movement has led the Administration of the mandatory Power to study the possibility of encouraging the controlled import of mildly alcoholic beverages, so as to induce the native to give up manufacturing and consuming a product which might endanger his health". Could the accredited representative say whether those studies had already led to any practical conclusion?

M. BESSON replied that the promulgation of a more severe decree was under consideration but it was not yet ready. Too great a value should not, however, be attached to legislation in the matter.

Count DE PENHA GARCIA noted that, in the list of offences tried by the courts of summary jurisdiction and the police courts (page 34 of the report), no mention was made of proceedings in respect of offences against the laws relating to the consumption of or trade in liquor. He hoped that, in the subsequent reports on Togoland, a special column would be inserted, as was done in the case of other territories, for this class of proceedings so as to enable the Commission to see what action had been taken by the mandatory Power.

M. BESSON took note of the request.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA had very little to say on the subject of public health. Generally speaking, the figures given on page 95 and the following pages of the report revealed the fact that no great progress had been made in regard to public health in Togoland, especially in respect of the social diseases, such as leprosy and tuberculosis. The number of lepers interned in the agricultural colonies was very much smaller than the total number of cases reported in the territory. Steps should perhaps be taken to check the spread of this scourge, which was increasing considerably: there was an addition of 1,720 cases to the 3,444 cases previously detected, and that was a very disquieting total in such a small territory.

The CHAIRMAN pointed out that the curability of leprosy was a problem which had not yet been solved, and all that could be done was to restrict its spread.

M. BESSON explained that the increase was undoubtedly due to the fact that cases had been tracked down more thoroughly and more completely than in previous years. Moreover, it was well known that the natives were very loath to be interned in agricultural colonies, from which it was difficult to prevent them escaping. The Commission could rest assured that close attention was being paid to this question by the medical service.

Count DE PENHA GARCIA also noted a considerable increase in tuberculosis and sleeping-sickness (pages 98 and 99 of the report). It was very difficult to combat the latter disease in a territory such as Togoland, and the mandatory Power was undoubtedly doing its utmost to improve the position, but still greater efforts should perhaps be made to obtain more satisfactory results.

The CHAIRMAN pointed out that while, in tropical Africa, sleeping-sickness could now be successfully combated, that did not apply to the other two scourges which threatened to develop in that part of the world—namely, leprosy and tuberculosis.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 65.

Mlle. DANNEVIG referred to the section " Health Conditions of the Europeans " on page 97 of the report. Was the climate of Togo particularly severe ? There had been 686 outpatients' consultations in the case of the European population of 418 persons, and 1,211,181 outpatients' consultations in the case of the native population of 762,947 persons.

She further noted 265,886 cases of " traumatisms and wounds " in the table concerning health conditions of the natives ". What were those cases ?

Lord HAILEY said he believed that the expression was in current use to describe minor accidents, such as superficial abrasions.

M. BESSON said the climate of the country was certainly trying. But Europeans were compelled to visit the hospital when applying for leave or taking ship for France. The European death rate, however, was low : there were only three deaths in 1935 (page 97 of the report).

Count DE PENHA GARCIA observed in the section on physical education (page 94 of the report) that there were ten native football clubs. The Chairman had referred to the serious ravages of tuberculosis in tropical Africa, and he would like to know whether these young natives who belonged to the football clubs were subject to medical supervision, as in many civilised countries. If not, the mandatory Power ought to have regard to the hygienic conditions under which the football was played : if not properly directed, it might do more harm than good. The extent to which these native games clubs has increased justified action being taken.

M. BESSON replied that he would not fail to communicate Count de Penha Garcia's suggestions to his Government.

#### PUBLIC FINANCE.

M. RAPPARD said the report left two contradictory impressions on his mind. In the first place, he was particularly glad to note the efforts made by the Administration to meet the wishes of the Commission by the inclusion in the report of the tables for which the Commission had asked. The Commission had also been glad to note the omission of one of the annexed budgets, to the independent existence of which the Commission had taken exception. In deference to the Commission's wishes as regards budgetary unity, the separate budget for the railways, ports and wharf, which had been maintained, had even been relegated to another chapter of the report (pages 51 *et seq.*). For this improvement, the Commission was indebted to the personal initiative of M. Besson.

On the other hand, M. Rappard was still unable to obtain a clear conspectus of the financial situation of the territory, which was explained, no doubt, by the fact that the complexity of the information supplied by the administrative authorities rendered M. Besson's task very difficult.

He thought it a pity that the Commission was dealing with the financial chapter of the report before the economic chapter. The two were interdependent.

The CHAIRMAN agreed with this remark and said that, as far as possible, arrangements would be made to take the two sections in the reverse order.

M. RAPPARD observed that the financial history of the territory was odd. Until recent years, the territory had a balance of imports over exports. The maximum expenditure was in 1934, in which year precisely the depression was at its height. The exceptional increase of expenditure in that year explained how the mandatory Power was now able to show economies, on the 1934 figures, amounting to 13 million francs. It was clear that 1934 had been an exceptional year ; and the question arose whether the financial administration before 1934 had not been extravagant. The maximum expenditure synchronised with the minimum revenue figures ; and then, with the depression still continuing its course, there was a 30% saving on the total amount of the budget, which seemed strange. Was it not in itself the condemnation of the financial policy of the earlier period ?

M. BESSON thanked M. Rappard for his remarks. He personally was not in any way responsible for the improvement in the presentation of the budget. The changes made had been suggested by the Commission's observations. He would endeavour in the coming year to give an even clearer and more exact account of the financial position.

As regarded M. Rappard's other question, the point had occurred to himself, and he was somewhat at a loss how to reply. It might be that the administrative equipment of so small a territory during the years before 1934 had been excessive. A number of posts had been created on a scale out of proportion to the actual situation. It must, he thought, be admitted that a kind of financial euphoria had prevailed at the time, which now had to be paid for.

The territory was now passing through a period of convalescence which should lead to recovery, after the very severe—and perhaps excessive—cuts which had been made. It would not be possible to do much more on those lines. The budget directly reflected the economic situation of the territory in general. The latter was reviving and, once the inevitable improvement made itself felt, economic equilibrium would be restored, provided there was

no new financial catastrophe. One of the bases of the financial reforms of the previous year had been the 10% reduction on salaries and payments. The reduction had been suspended from July of the current year onward, so that it was very difficult to forecast the position; but he thought the mandatory Power should be trusted to do what was right.

M. RAPPARD recognised nothing else was possible.

The Reserve Fund was now exhausted. The whole of its resources had been used, with the exception of a small investment of 500,000 francs in the Banque de l'Afrique-Occidentale (page 28 of the report). Under the circumstances, the simplest thing to be done was no doubt to invest the money in that way.

Comparison of the interesting table on page 16 of the report ("Return from Direct and Indirect Taxes from 1925 to 1935"), which M. Besson had inserted at the Commission's request, with the figures on page 19 ("Comparative Table of Final Accounts since 1932"), showed that the total of direct and indirect taxation in the first table was very different from the total of ordinary revenue in the second. A large part of the difference was accounted for by the sums drawn from the Reserve Fund. Could the accredited representative supplement the instructive information given in the report on the Reserve Fund? How did he explain the fact that the sums withdrawn from the Reserve Fund were shown as ordinary revenue? In the normal course, one would expect sums taken from the Reserve Fund—that was to say, in connection with the preparation of the budget—to be earmarked to cover an anticipated deficit.

M. BESSON replied that it was not a question of an anticipated deficit but of an actual deficit of over 6 million francs. A sum of 5½ million francs had remained in the Reserve Fund, and this had been taken. It had been necessary to ask the mandatory Power for nearly a million francs. The Commission would remember that it had reproached the Administration for not appealing to the mandatory Power in such circumstances.

M. RAPPARD said that that did not alter the fact that the sums taken from the Reserve Fund were shown as ordinary revenue.

M. BESSON replied that they necessarily formed part of the ordinary revenue. He wished, moreover, to recall the final figures for 1936, which he had mentioned in his general statement.

Lord HAILEY referred to the "Statement of the Financial Situation from 1923 to 1934" (page 28 of the report). He observed that the Reserve Fund had fallen to 2,750,000 francs in 1931. In the following year, the budgetary deficit had been 3,880,000 francs—in spite of which the Reserve Fund had risen to 7,340,000 francs. How was that to be explained? No explanation had been furnished with the figures. It looked as though the Reserve Fund was actually exhausted in 1932 and not in 1934.

M. BESSON remarked that the Reserve Fund was not an inactive, but an active, institution. It received all unforeseen revenue, including in-payments by the Treasury.

M. RAPPARD thought that M. Besson's explanation merely shifted the difficulty. If there were considerable receipts of this kind, why had there been such a budget deficit? The receipts should have gone towards a reduction or amortisation of the deficit. Treasury payments were not sufficient to explain the large figures shown in the report. He recalled that the deficit had amounted to 3,880,000 francs in 1932, 6,995,000 francs in 1933 and 6,440,000 francs in 1934. Throughout that period, the Reserve Fund had continued to receive new funds, not all of which had been advanced by the home country.

The CHAIRMAN understood that the Reserve Fund was not a legal corporation and had no capital assets. He asked what resources it could have other than budget surpluses.

M. BESSON thought the best thing would be for him to give the Commission exact information on the subject in the next report.

M. RAPPARD said that the revenue from oil-seeds appeared to play the part of a *deus ex machina*: but ought not this revenue to go to the producers, and not to the budget?

M. BESSON explained that the sums in question merely passed through the budget. They were paid to the producers: the latter indeed could not have survived the crisis without them.

M. RAPPARD noted that there was no expenditure corresponding to the unforeseen revenue. He asked what was the tax on the floating population, which also showed marked fluctuations.

M. BESSON replied that the floating population had come into the territory during the prosperous period, largely in connection with the construction of the railways. Now that the construction of the railways was completed, these persons had left the territory.

M. RAPPARD said that for three years past there had been a land tax, which had yielded a revenue of about 46,000 francs in 1934 and about 39,000 francs in 1935 (page 16 of the report). Was it worth while keeping on such a complicated tax for so small a return ?

M. BESSON replied that it was not possible to abolish any source of revenue, however small. Moreover, the land tax did not involve the work of a special staff : it was administered by the same staff as that which handled the general and land taxes. The latter tax was not, he thought, collected outside the towns.

M. RAPPARD said the principal sources of taxation were import dues, turnover tax, personal tax and money payments in lieu of statute labour. The natives were still, therefore, the best taxpayers in this respect.

M. BESSON drew attention to the statement of the amounts paid by the natives and the Europeans respectively, which was included in the report (page 112) in the chapter containing replies to questions put by members of the Commission.

M. RAPPARD wondered why the postal revenue showed such a large falling-off owing to the depression (page 26 of the report). In the same passage of the report, there was a reference to the recovery of trade.

M. BESSON had no explanation to offer. Trade recovery was possible without increase in postal revenue. The natives did not write many letters.

The CHAIRMAN remarked that the recovery did not apply only to native production. There was some contradiction, at any rate at first sight, between these two passages which were next to one another in the report.

M. RAPPARD wished to make clear that the sole object of his comments had been to assist the accredited representative in the reforms on which he had been engaged for a number of years past. But M. Besson would be the first to admit that he was not altogether satisfied with the results thus far achieved. There were a number of other questions M. Rappard might raise ; but he proposed to make one point only—and that was in connection with the presentation of the report. The Commission had the closed accounts for 1934 before it, together with the figures for 1935, which were more or less in the nature of estimates, since they related to a budget in course of application. M. Besson had that day given the Commission more exact information with regard to 1935 : but the fact that the report contained references to three financial periods made it more obscure.

M. BESSON said he had himself meant to raise that point. He imagined the Commission would desire not to consider budgets until the final figures were available, which was not until October ; that did not leave time for printing the report.

There were two possibilities ; either the accredited representative would deal not with the current budget but merely with that of 1934, which was evidently too far back, or else the report would make no reference to budgets that were still incomplete, in which case the accredited representative would, after the end of October, prepare a reneographed annexed note on the budget as finally adopted for the current year. The territory's budget was sent to the home country and was subject to approval by the Minister. A special committee at the Ministry examined the budget and reported on it. Its report might perhaps be communicated to the Commission in so far as it contained information to which that body was entitled.

M. RAPPARD considered the note regarding the territory's draft local budget, which he had received from M. Besson, much better arranged than the corresponding chapter of the report. Could not the report be arranged as clearly ?

M. BESSON explained that his intention in communicating the note to M. Rappard had precisely been to show how he himself would like to see the chapter on public finance drawn up. In his view, it would be preferable that that chapter should be arranged on the same lines.

Lord HAILEY, referring to the territory's public debt, said that, though he had read one or two former reports, he had not found any reference to the territory's debt until the present occasion, when reference was made to a small advance from the French Treasury. But in the table " Final Accounts since 1932 " (page 19 of the report) the expenditure in respect of " Debts payable ", amounting to 2,708,000 francs in 1932, was shown to have increased to 6,060,000 francs in 1933 and to have declined again in 1934 to 5,378,000 francs. In view of these figures, the Commission was justified in asking for information showing, over a period

of years, what debt had accumulated and how the money had been spent. In the report on the Cameroons, the expression "Debts payable" referred to the debt service. If the 1934 figure of 5,378,000 francs similarly represented the service of the Togoland debt, the capital amount must be considerable.

M. RAPPARD agreed with Lord Hailey. It was just possible to understand the increase from 1932 to 1933, but a decrease in 1934 as against 1933 was inconceivable as the period had been one of deficits.

M. BESSON said that the next report would contain full information regarding the origin and evolution of the Togoland debt.

Lord HAILEY, referring to the figures of the 1934 budget (pages 21-24 of the report), expressed surprise at the extent to which certain estimates tallied with actual expenditure; sometimes they agreed to a centime—*e.g.*, in the items "Financial Services", "Posts, Telegraphs, Telephones", "Health Services", "Public Education", and "Meteorological Services". As a former Finance Minister, he found this somewhat artificial and would be grateful to the accredited representative for an explanation.

M. RAPPARD concurred. However great the foresight of those who prepared the budget, they could not forecast actual expenditure to a centime. There must be a technical explanation, but it had not been supplied. Was the Commission to understand that the whole of the sums estimated were spent and that any additional sums were shown as excess expenditure? This would explain the deficit.

M. MANCERON said that expenditure on staff could obviously be more accurately estimated, but not to a centime.

Lord HAILEY asked whether the explanation was not that the Administration closed the expenditure account when the estimate provision was exhausted. But expenditure still continued, and any additional amount was shown in the accounts as excess expenditure under "exercices clos."

M. RAPPARD believed this to be the right explanation; but it was no justification.

The CHAIRMAN concluded that the Commission maintained its request for further light on this subject.

#### IMPORTS AND EXPORTS.

M. MANCERON observed (page 57 of the report) that there was a considerable increase in exports of agricultural goods, due partly to the improvement in world prices and partly to the preferential treatment which the mandatory Power granted to imports from Togoland to France. Exports (pages 77 and 78 of the report) amounted to 34,700,000 francs in 1935 as against 28,000,000 francs in 1934. The territory's chief customers were (page 79 of the report), in order of importance, France, which took more than half its total exports, Germany, the United States of America, England, etc. It was interesting to note that Japan, which stood fourth among countries exporting to Togoland and whose name had only quite recently appeared on the list, was not one of its customers. The increase chiefly related to cocoa, copra, ginned cotton, etc.

On the other hand, there was a huge decrease in maize exports (approximately one-third of the 1934 figure). Last year,<sup>1</sup> M. Manceron had emphasised the relatively enormous development in maize production, which had more than trebled during the year. The contrary tendency was now to be observed and production had fallen below the 1929 level. The report stated (page 57) that the falling-off "was due to the poorness of the harvest, which had prevented producers from building up a large export surplus"; on page 78, however, the report gave another explanation—namely, that "less and less business was being done in maize because the natives refused to sell their stocks, which they hoped to dispose of later at a higher price and also because the 1935 harvest had been relatively poor". Had the harvest really decreased to that extent, or had large stocks been accumulated and not yet disposed of at the date of the report?

M. BESSON said that the harvest had certainly been very poor, and stocks were no longer very large.

M. MANCERON noted that there had also been an increase in imports: in 1935, 17,000,000 kilos and 31,000,000 francs, or an increase of 2,650,000 kilos and 4,660,000 francs as compared with 1934 (page 75 of the report). The chief countries of provenance of these imports were, in order of importance, England, which accounted for one-third of the total, France, the United States of America, Japan, Germany, etc.

<sup>1</sup> See Minutes of the twenty-eighth session of the Commission, page 55.

As regards the railways, the report stated (page 45) that to counteract the constant decrease in traffic due to the heavy competition of motor transport, rates had been very considerably reduced in the hope of bringing back passengers and goods to the railways, and that these reductions had at once produced very satisfactory results. Large numbers of passengers had indeed been attracted back to the railways. As was only natural, on the other hand, this had had little effect on goods traffic.

In the "Comparative Table of Revenue in 1934 and in 1935" (page 80 of the report), it would be seen that in 1935, revenue from export duties was 35,000 francs less than in 1934. As, during the same period, the volume and value of exports had risen considerably, the only possible explanation was a reduction in export duties.

#### PROVIDENT SOCIETIES.

M. MANCERON expressed his personal gratitude to the accredited representative for the explanations he had given in reply to the enquiries<sup>1</sup> regarding provident societies (page 71 of the report). Where they existed, membership of those societies was compulsory. The system of a special contribution had been preferred to that of additional centimes on the tax, as practised, for example, in North Africa.

M. BESSON explained that the intention had been to separate the provident societies from the Administration and that it had not been thought wise to adopt the North African system, a fact which, however, did not prevent the societies receiving grants from the budget.

#### DESTRUCTION OF LOCUSTS.

M. MANCERON, referring to the Order of August 4th, 1935, on the distribution of rewards for the destruction of locusts (page 179 of the report), expressed surprise that the reward should be so high—namely, 10 francs per sack of 35 kilos of locusts. Did not the natives of these parts eat locusts? In North Africa, they were considered a delicacy. There was no need for rewards, and in the early days of an invasion of locusts they could, in certain districts, for example on the Gabès market, command a higher price than meat.

M. BESSON said that information on this point would be given in the next report. He was not aware that the Togoland natives ate locusts.

#### JUDICIAL ORGANISATION : NATIVE CUSTOMARY LAW : CHILD WELFARE.

M. VAN ASBECK thanked the accredited representative for the reply on page 109 of the report regarding the investigation of native customs. He believed that the work was making steady progress and that the results would be available within a few years.

M. BESSON said that M. Thébault, the Public Attorney, had informed him that he was doing everything he could to speed up the work, but that it would not be completed before next year.

M. VAN ASBECK also thanked the accredited representative for the description given in the report (page III) of a conciliation meeting before a conciliation court.

M. MANCERON enquired as to the application of the Order of January 10th, 1936, enacting in Togoland the Child Welfare Decree of October 30th, 1935 (page 157 of the report). That Decree had, he believed, been enacted in all the colonies. He would like to know whether the juvenile court had been set up? Reference was also made to inspection of assisted children, but M. Manceron believed that such inspections were not provided for in Togoland. How therefore was the Decree applied?

M. BESSON replied that the authorities had been asked to provide for the adaptation of the Decree. The intention was to extend the principle to Togoland at once and, as far as possible, to take immediate conservatory measures.

#### SITUATION OF WOMEN.

Mlle. DANNEVIG thanked the accredited representative for the information supplied (pages 109-III of the report) in reply to her enquiry as to the position of women in the territory.<sup>2</sup> The idea underlying the native marriage customs was that the woman was of value both as a labourer and as a potential mother; her individuality, however, was not recognised by

<sup>1</sup> See Minutes of the twenty-eighth session of the Commission, page 56.

<sup>2</sup> See Minutes of the twenty-eighth session of the Commission, page 62.

custom. In the coastal regions, nevertheless, this view appeared to be changing though, to quote the opinion of an educated native as reproduced in the 1935 report on the Cameroons under British Mandate, paragraph 150, "the teaching of Christianity, with its literal emphasis on the duty of women to obey their husbands, did not tend to remove contemporary ideas of the inferiority of women's place in society".

Mlle. Dannevig quite understood the value of the dowry price as the legal recognition of the marriage; the women were, indeed, the first to demand it and were proud when it was high, but when it was paid by instalments and the marriage was arranged, for example, with an old man when the bride was still a child, it might lead to grave abuses. Mlle. Dannevig therefore asked:

(1) What happened if a girl, on reaching 15 or 16 years of age, refused to consent to the marriage?

(2) Had there been cases in which girls who had refused marriage sought refuge with the missions?

(3) A married woman seemed to have no legal rights; she was more or less considered as part of her husband's chattels and estate. Had the recent legislation for the protection of women been enacted in Togoland?

M. BESSON said that he would certainly pass on to the Administration at Dakar the suggestion that the Decree for the protection of women should be extended to Togoland. Personally, he did not believe that the dowry system had given rise to abuses.

Mlle. DANNEVIG observed that the position had already changed to a certain extent in the south though not in the north: women might sue and be sued in the courts, their husbands were not responsible for their debts nor they for the debts of their husbands, etc. Was there any reason to expect similar reforms in the north?

M. BESSON replied that the inhabitants of the northern area included a few Mohammedans and it was generally recognised that the Koranic law was well in advance of western law as regards the legal rights of women and their general independence which was infinitely greater than in European countries. Nor should it be forgotten that, under Mohammedan law, the woman was placed in a very favourable position in regard to her dowry.

Mlle. DANNEVIG remarked that a study of the Koran laws of inheritance in Syria, for example, did not leave a very favourable impression of women's rights.

#### LABOUR.

Mr. WEAVER thanked the accredited representative for his answers on the subject of penal labour (page 87 of the report). Had any penal labour been conceded to private employers during the year?

M. BESSON replied in the negative.

Mr. WEAVER was also grateful for the information which had been given on the subject of compensation for accidents (page 87 of the report).

There had been a fall in the wages of native workers and employees, but their purchasing power had remained approximately the same owing to a corresponding fall in the cost of living. Was that a case of cause and effect?

M. BESSON replied that what had happened had been the result of the policy followed by France up to last July.

Mr. WEAVER expressed the hope that the next report would show a rise in wages in accordance with the present policy in France.

M. BESSON replied that such a rise would probably be accompanied by a rise in the cost of living.

#### MISSIONS.

M. PALACIOS had asked last year<sup>1</sup> whether the report might not contain a memorandum on the activity of the missions, their success and their relations with the native population. The present report gave, on pages 83 and 84, information on this subject.

It appeared that there were two important missions in Togoland: the Catholic mission and the Evangelical Protestant mission, and that "the French Administration had always maintained excellent relations with the two missions and had looked on them as valuable allies in the civilising work which it had to carry out in the territory." At the end of 1935, the

<sup>1</sup> See Minutes of the twenty-eighth session of the Commission, page 63.



Catholic mission had 6,557 catechumens and 57,181 members of the faith, the Evangelical mission had 14,433 dependents and 4,025 church members. The report added that the financial assistance granted to missions in the budget of the territory would, in 1936, amount to 145,000 francs, of which 130,000 would be for general education and 15,000 for vocational training. Besides that, there were the grants for half-castes which were largely paid over to the mission orphanages and which amounted to approximately 20,000 francs.

According to the report, the attitude of the missions to the Administration had always been beyond reproach, and their efforts to combat certain ancestral practices such as polygamy, superstition, etc., were in complete accordance with the aims of the Government.

Did these efforts on the part of the missions, and their activities in general, meet with much opposition from the natives? Did the desire to effect rapid reforms in those matters sometimes give rise to difficulties? In fact, could it, in addition to stating that relations between the missions and the Government were excellent, be affirmed that relations between the missions and the natives were equally excellent?

M. BESSON said that the mutual relations between the Administration and the missions were perfect. The Government of the territory wished to give them all the help it could, taking into account the budgetary situation. With regard to the spreading of Christian ideas, which was the principal object of the missions, the work was being carried out systematically and without undue haste.

#### EDUCATION.

Mlle. DANNEVIG referred to the information given on page 89 of the report concerning the new educational arrangements, and to the official text annexed to the chapter on public education. Why had it appeared necessary to introduce yet another change in native education? Was the object to make that education more practical or merely more economical?

M. BESSON replied that the main object had been to develop it from a practical point of view, and an attempt had also been made to make it cover a wider field by the establishment of new rural schools, which was the chief innovation of the year.

Mlle. DANNEVIG observed that, according to the tables on page 92 of the report, the sums spent on education in 1935 amounted to 964,784 francs, as compared with 1,664,141 francs in 1934.

M. BESSON replied that it had been necessary to economise as far as possible. It had not yet been possible to appoint new teachers. That would have to wait for better times.

Mlle. DANNEVIG observed (page 89 of the report) that the number of pupils attending Government schools had increased still further: 3,683 in 1935, as against 3,611 in 1934. By Order No. 485 of the Commissioner of the Republic in Togoland the complementary course of Lomé had been transferred to the Victor-Ballot "Ecole primaire supérieure" at Porto-Novo, where twenty-five pupils from Togoland attended classes in the same conditions as the pupils from Dahomey. The report added that the young pupils from Togoland who had obtained the certificate of primary studies and who wished to go further might be sent to the Togoland division which had been set up at that school. Was it easy for those Togoland pupils to go to Porto-Novo to attend classes there for three years?

M. BESSON replied that the distance was no greater, whether they went to Lomé or to Porto-Novo. Moreover, the majority of those pupils had Government scholarships which enabled them to live equally well in either place.

Mlle. DANNEVIG asked how many girls had been admitted to the preparatory section for assistant teachers (Order of January 17th, 1936, Article 16, page 201 of the report), and how many had received a post when they had finished the course.

M. BESSON said he would give the required information in the next report.

Mlle. DANNEVIG had nothing to add to the remarks of M. Palacios on the subject of mission schools.

M. MANCERON thanked the accredited representative for the information given about the programme of primary education (Order of January 18th, 1935, page 193 *et seq* of the report). He was glad to see that the programme for the certificate of primary studies was not over-complicated and that the practical side was emphasised.

The report mentioned (page 89) that there were adult classes three times a week in the principal centres. How did those classes work? How many attended them? Were they only taken by people who had just left school, or did grown-up people who had never been to school attend them?



M. BESSON said that the information required would be given in the next report.

M. VAN ASBECK observed (page 58 of the report) that the agricultural school at Porto-Novo had opened a Togoland department for training native agricultural overseers. On page 72, the report said that "specialised native agents carry on the work of selecting livestock according to the method introduced in 1934". Did those agents attend a special course like the agricultural overseers or did they become acquainted with the work in the course of their service with Europeans?

M. BESSON replied that, in both cases, they were youths who had followed the courses of the Porto-Novo school, in agriculture or in livestock breeding, as the case might be.

M. VAN ASBECK said that it would be interesting to know how far such specialised overseers took part in the management of native affairs. He hoped that the next report might give some indication of the part played by such agents in the territory as a whole.

M. BESSON took special note of this request.

M. RAPPARD was surprised to see, in the table on page 90 of the report, that 784 boys were attending the domestic economy school at Lomé.

M. BESSON thought that there must be a misprint.

Mlle. DANNEVIG observed in the table on page 90 of the report that there were 3,753 children in Government schools. According to the table on page 93, 4,740 children took part in physical training in the various schools. Did the difference between the two figures mean that pupils from the missions were admitted to those courses?

M. BESSON thought that was the case.

#### LAND TENURE.

M. VAN ASBECK observed that, according to page 74 of the report, registration was often requested as a preliminary step to taking out a mortgage. That was a danger for the natives, for it was the first step towards dispossessing them. That had been the experience everywhere in colonial countries. Mortgages and money-lenders were two aspects of the same evil. Further, in cases of non-payment, the creditor generally foreclosed on his own account, without any intervention on the part of European Government officials. It was to be feared that such a system might inevitably lead to dispossession of the natives without giving any opportunity for European control to be exercised.

M. BESSON did not wish to re-open the discussion of the question of registration. He personally had always understood, and had learned from experience, that registration, on the contrary, constituted a safeguard. Amongst the native populations, it led to stability and not to dispossession.

M. VAN ASBECK remarked that the answer given appeared to contradict the passage on page 74 of the report, to which he had referred. The fundamental difference between the European and native structures of society should not be overlooked. In a European community, registration certainly represented an additional safeguard, but it was not the same in the case of natives. It meant a change in the law of property leading to the individualisation of land tenure and complete freedom for the natives in the disposal of their property, a liberty to which they were not accustomed and which might entail the dangers which had been mentioned, if it were not protected by European control. The intervention of the registrar did not count, for he merely registered but exercised no control.

M. BESSON thought that whether registration was a good thing or not depended on the native population's state of progress. He acknowledged that there might be cases which would prove M. van Asbeck right, but the experience of the French Colonial Government did not show that registration constituted a serious danger. He would, however, bring the observation made to the notice of his Government.

The CHAIRMAN said that the question might be summed up as follows : natives, even when emancipated, might need a certain amount of protection.

M. VAN ASBECK said that Article 5 of the Mandate would not appear to apply to cases of execution on behalf of a mortgage creditor. The Mandates Commission would greatly appreciate a general account of the process of individualisation in native land tenure in the next annual report.

Lord HAILEY thought it would be of value to know exactly how much land had been alienated, including that taken over from the Germans.

M. BESSON replied that information would be given in the next report.

#### DEMOGRAPHIC STATISTICS.

M. RAPPARD observed (page 84 of the report) that the population was gradually increasing. With regard to the tables showing the "Quantitative evolution of the population", there was on page 85 a "qualitative evaluation" which contained curious and somewhat mysterious statements. Did the figures in the column entitled "Age Group : 0-14" signify that the percentages given showed the number of the population under fourteen years of age? It was, in general, difficult to see to what the various ratios given referred. To what did the "sterility rate" which ranged from 1.3 to 35% refer? There were references in those tables which were not to be found in the statistical year-books of the most civilized countries.

M. BESSON understood that the percentages referred to the total population figure. He would try to have the point cleared up.

M. MANCERON observed that the sterility rate was particularly high in the Atakpamé district (up to 35%) (page 85 of the report).

M. BESSON said that Atakpamé was the most densely inhabited district in the territory.

M. MANCERON said that it was a question of percentage. If the birth-rate were low, the table on page 86 showed that the infant mortality rate was high in the same district (48%); low birth-rate and a high death-rate were too essential causes of depopulation.

Mlle. DANNEVIG asked how far the tables given were the result of detailed studies and thus trustworthy.

M. BESSON replied that they had the value of an effort.

#### STATISTICAL INFORMATION REGARDING THE TERRITORIES UNDER MANDATE.

The CHAIRMAN said that, in conformity with the proposal made by the Mandates Commission at its twenty-third session<sup>1</sup> and approved by the Council on September 28th, 1933,<sup>2</sup> the Secretariat published in 1933 a document containing statistical tables relating to public finance, trade and demographic movements in the territories under mandate (document C.565.M.272.1933.VI; Ser. L. o. N. P. 1933.VI.A.2.). In order to facilitate the bringing up to date of this document by the Secretariat, the Commission would be grateful if the mandatory Power would be good enough to insert in the report each year a table similar to that concerning the Togoland under French mandate contained in the above document. This practice, the advantages of which were apparent, had already been adopted spontaneously by the authors of the annual report on Ruanda-Urundi and to a certain extent was followed also in the reports on Western Samoa and Togoland under British mandate. He asked whether the accredited representative could take the necessary steps in this respect.

M. BESSON took note of this suggestion.

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Besson for his unfailingly cordial co-operation with the Commission.

#### EIGHTH MEETING.

*Held on Monday, November 2nd, 1936, at 10.30 a.m.*

#### **Togoland under British Mandate : Examination of the Annual Report for 1935.**

Mr. A. F. E. Fieldgate, 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. Fieldgate on behalf of the Commission.

<sup>1</sup> See Minutes of the twenty-third session of the Commission, page 188.

<sup>2</sup> See *Official Journal*, November 1933, page 1320.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. FIELDGATE made the following statement :

On presenting the 1935 report on Togoland under British Mandate, it is pleasant to be able to record that the year in question was, except for a few minor local disturbances in the North, a tranquil one and a much more satisfactory one from a financial point of view than has been the case for some years past. It would seem that the clouds of depression have cleared and that the long-awaited trade revival has arrived. The price of cocoa, the only export of any consequence from the territory, was appreciably higher than in the previous year. In 1934, the average price per ton was £14, whereas during 1935 it was £15 per ton. In addition to the price increase, there was a considerable increase in the tonnage exported with the result that during the year under review the farmers reaped as a reward for their labours a sum of over £200,000. These figures, I know, conflict with those given in paragraph 81 of the report (page 33) ; but they are based on the tonnage given in paragraph 150 of the report (page 57), *viz.*, 13,722 tons—which figures receive support from those given in paragraph 63 of the report for 1934 and in paragraph 56 of the present report. In paragraph 63 of the 1934 report, the export of cocoa, based on the cocoa card-system for the months of January to March inclusive, is given as 7,401 tons, while in paragraph 56 of the 1935 report (pages 22 and 23), the export, based on the same system for the months of October to December inclusive, is given at 6,033 tons, making a total of 13,434 tons. The slight discrepancy between these figures and those given in paragraph 150 of the 1935 report is due, no doubt, to a small export from places not served by the cocoa card-system. It will be seen from this that the figures of 12,000 tons and £180,000 in paragraph 81 of the 1935 report are not, unfortunately, strictly accurate.

This satisfactory state of affairs in the cocoa trade is reflected in the revenue figures which show a substantial increase over those for last year.

The method adopted of assessing the trade and revenue of the territory is not, I am afraid, viewed with favour by certain members of the Commission : and it is admitted that the formula adopted to arrive at these figures is not entirely satisfactory. Nevertheless, it is held to be the best arrangement under the circumstances ; for, in order to obtain accurate figures, the territory would have to be ringed round with adequately staffed Customs Stations—a scheme which, I need hardly say, would prove very expensive, a conservative estimate putting the cost at £36,000 per annum. It is felt that such a large expenditure cannot be justified.

As was stated by the accredited representative at the twenty-eighth session,<sup>1</sup> neither the Importation of Textiles (Quotas) Ordinance No. 22 of 1934, nor the Additional Customs Duties Ordinance No. 23 of 1934, applies to Togoland under British mandate : and, as there are no Customs barriers between the Gold Coast and the mandated territory, the transit trade system was devised so that the principle of economic equality could be safeguarded for the people of the territory. By this system, goods imported for that territory, which would ordinarily be subject to the provisions of these Ordinances, are conveyed under Custom's Seal and under a Bond by the importer from the port of entry in the Gold Coast to the Commissioner of the district in the mandated territory in which the importer operates. A copy of the Bill of Entry is sent to the District Commissioner by the Customs Department. The goods produced are checked against this bill of entry and, if found accurate, are released to the importer.

Goods of this nature when imported from French Togoland to British Togoland are not subject to any restrictions.

There is, of course, a possibility of such goods being transferred by unscrupulous persons from Togoland to the Gold Coast for the purpose of sale : but any person found so doing is, under the Ordinances, guilty of an offence punishable by very heavy penalties. The system appears to be working satisfactorily.

In conclusion, I would add that the general improvement in trade, an improvement which has been shared by the Gold Coast, has made it possible for expenditure to be slightly increased. It will be noted, however, that expenditure was £38,695 in excess of revenue (page 17 of the report), even though that item showed a substantial increase.

FORM OF ANNUAL REPORT : FINANCIAL INFORMATION.

The CHAIRMAN observed that on certain points the annual report referred to, but did not repeat, information already contained in previous reports. The study of the annual reports would be facilitated if—as was done in the report on another territory—footnotes could be added giving the references to the pages of the previous reports.

Mr. FIELDGATE said this would be done in future.

<sup>1</sup> See Minutes of the twenty-eighth session of the Commission, page 81.

Lord HAILEY said that, as also in the case of the Cameroons under British mandate, the Togoland authorities gave financial information relating both to the calendar year and the financial year. He believed that the Commission would be content to obtain information from all territories for the financial year only.

M. RAPPARD agreed on one condition. The Commission examined the report on Togoland at its autumn session. If the particulars referred to the financial year ending in the year previous to that in which the session took place, the information would be rather out of date. He would therefore be glad if the information could be supplemented by a statement going up to April 1st of the year in which the session was held.

Mr. FIELDGATE saw no reason why the report should not be for the financial year ending March 31st of the year during which the report was examined.

#### FRONTIER BETWEEN TOGOLAND UNDER BRITISH MANDATE AND TOGOLAND UNDER FRENCH MANDATE.

The CHAIRMAN referred to an article published in the review *West Africa*, London, of December 28th, 1935, the author of which, after stating that he had had thirteen years' experience of the Togoland frontiers, referred to alleged injustices committed during the delimitation of the frontiers. Could the accredited representative state whether there was any truth in these affirmations, and if real injustice had taken place? The question had already been put to the accredited representative of Togoland under French mandate.<sup>1</sup>

Mr. FIELDGATE said that there was no truth whatever in these allegations.

The CHAIRMAN observed that this statement was in agreement with that made by the French accredited representative.

#### ECONOMIC EQUALITY : QUOTAS : CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE OF NATIONS.

The CHAIRMAN observed that, in the previous year,<sup>2</sup> the Commission's attention had been drawn to the introduction of preferential treatment or quota treatment for certain goods in the Gold Coast Colony. In view of the Customs union existing between the mandated territory and the neighbouring colony, the Commission had asked to be informed of the system adopted by the mandatory Power in order to safeguard the practical application of the principle of economic equality.

The annual report explained, in paragraphs 43 to 47 (pages 19 and 20 of the report) that, when the measures in question were adopted in the Gold Coast, it was decided that the simplest way to safeguard the principle of economic equality in the mandated territory was to provide for a transit trade system. As regards articles subject to quota (cotton piece-goods, silks, etc.), special provisions were enacted enabling the inhabitants to obtain these goods freely *via* the Gold Coast in spite of the quota applied in that colony (paragraph 44). As to the goods to which additional duties were applied (cement, corrugated iron, etc.), similar rules providing for free transit to the territory had not yet been promulgated, since none of the inhabitants had as yet expressed a desire to import such goods in transit. The report added that, if and when a desire was expressed in this sense, the enactment of the necessary regulations would be a simple matter.

The report went on to explain that, in order to prevent abuses, it was forbidden to take goods coming under these provisions from the territory to the colony, and that heavy penalties had been laid down. Lastly, it was added that the goods in question were not subject to any restrictions whatever when imported into the territory from Togoland under French mandate.

Could the accredited representative give information on the following points :

(1) Although the restrictions adopted had hitherto only been applied to Japanese goods, did not the laws in force in the Gold Coast and in the mandated territory enable the Government, in principle, to apply them to any other State?

(2) The restrictions (quotas, additional duties) applicable to imports into the Gold Coast and not applied to the territory under mandate related to goods of Japanese origin. Did the mandatory Power consider that it was bound to apply the principle of economic equality in favour of imports originating in Japan even after the withdrawal of that country from the League of Nations?

<sup>1</sup> See page 72.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 78 and 199.

(3) What was, in general, the treatment at present applied to trade between the mandated territory and the two States which had withdrawn from the League in 1935 ?

(4) According to the treaties in force, did the mandated territory enjoy reciprocity in the States in question in respect of its exports ?

(5) Was there preferential treatment in the Gold Coast Colony in favour of goods of British origin (Ottawa agreements) ?

(6) If so, did this treatment apply equally to goods imported into the colony and intended for the mandated territory ?

Mr. FIELDGATE replied to these questions as follows :

(1) He thought the laws in question were of general application and could be made to apply to goods coming from any other State.

(2) and (3) His Majesty's Government as Mandatory for Togoland under British mandate have never found any reason hitherto for introducing tariff legislation in that territory permitting of discrimination between those States which are and those which are not members of the League of Nations ; and they are not contemplating any change of policy in this respect as a consequence of the departure of Japan and Germany from the League of Nations.

(4) He had no information on the point raised. It would be incorporated in next year's report.

(5) There were no preferential duties, based on the Ottawa agreements, in the Gold Coast.

(6) This question therefore did not arise.

M. RAPPARD had read with interest the account of the transit system, which was apparently, devised in order to free the mandated territory from the quota system applicable in the Gold Coast. He also understood that, if any protests were raised against preferential treatment, steps would be taken.

Mr. FIELDGATE said that no protests were possible, as there was no preferential treatment.

M. RAPPARD asked whether the Gold Coast had been expressly exempted from the preferential duties applicable under the Ottawa agreements.

Mr. FIELDGATE could not say, but would include this information in the next report.

Lord HAILEY understood the accredited representative's reply to refer to the mandated territory and not to the Gold Coast.

Mr. FIELDGATE said that there were no preferential duties in the Gold Coast either.

M. VAN ASBECK asked what was the meaning of " additional duty " goods, referred to in paragraph 47 of the report. Did not this imply the existence of preferential duties ?

Mr. FIELDGATE replied that these duties were applied to any goods of the kind in question imported into the Gold Coast, and did not represent any preference for British goods. They applied in fact to Japanese goods only.

M. RAPPARD asked if this did not constitute discrimination against Japanese goods.

Mr. FIELDGATE replied that the duties in question did not apply to Togoland.

M. SAKENOBE observed that very heavy penalties were imposed on any person discovered taking quota goods out of Togoland into the neighbouring British colonies. He asked how the control was exercised, as there was no Customs barrier between Togoland and the British territories.

Mr. FIELDGATE said that there was a system of police control which was naturally somewhat restricted. Probably some of the goods escaped from the mandated territory into the Gold Coast.

#### ADMINISTRATION OF THE KRACHI AREA.

The CHAIRMAN observed that, according to information contained on pages 12 and 13 of the report, certain difficulties had been experienced in the organisation of the native administration in the Krachi area ; it had, however, been possible in September 1935 to gazette the Krachi area as a native authority (paragraph 26 of the report). The Krachiwura and his elders had, it appeared, shown great competence and understanding of local affairs and, like the other native chiefs, received salaries from the Administration.

The report stated however (paragraph 22) that there were a certain number of strangers—i.e., "non-Krachi" people belonging to various tribes in this district—and that they did not recognise the authority of the Krachiwura. There was a reference in paragraph 24 to other elements of the population of this district, who maintained that they were not on Krachi land but held their land in their own right.

Could the accredited representative explain how the Administration had been able to reconcile the difficulties arising out of the presence of these heterogeneous and dissident elements in the district with the constitution of the new native authority ?

Mr. FIELDGATE said he was not familiar with this part of the territory, but a reply would be given in the next report.

#### ADMINISTRATION OF THE KONKOMBAS.

The CHAIRMAN referred to the discussion in the previous year<sup>1</sup> on incidents and trouble caused by the Konkombas in the north of the territory. In 1935, this tribe seemed to have given less trouble. The report referred in paragraph 14 (page 10) to measures taken by the French authorities, with the co-operation of the British authorities, in order to disarm the Konkombas in the territory under French mandate. The report on Togoland under French mandate (page 40) said this operation had been successful. Last year,<sup>2</sup> however, the accredited representative for Togoland under British mandate explained that, in the opinion of the Administration, it would be useless to disarm the Konkombas of their bows and arrows, because these arms were made of materials of local origin and could therefore be easily replaced.

Could the accredited representative state whether, as a result of the measures taken by the French and British authorities, a real improvement could be expected as regards this troublesome people ? Had the British authorities any intention of following the example of the French authorities and disarming the Konkombas ?

Mr. FIELDGATE replied that he had no information regarding any measures taken in the territory under French mandate, but he thought it would be useless to disarm the Konkombas, as they could easily rearm in a very short time.

#### LEGISLATIVE ORGANISATION : DUTIES OF THE LEGISLATIVE AND EXECUTIVE COUNCILS OF THE GOLD COAST AS REGARDS THE TERRITORY UNDER MANDATE.

The CHAIRMAN referred to a statement in the *Manchester Guardian* of November 11th, 1935, to the effect that a deputation of the Gold Coast Aborigines' Rights Protection Society and of the National Council for Civil Liberties had requested an interview with the Secretary of State for the Colonies in order to ask that a Parliamentary commission of enquiry should be sent to investigate the affairs of the Gold Coast. This delegation had published an appeal stating that recent laws passed in the Gold Coast had deprived the people of their immemorial rights of controlling their chiefs and electing their elders. Their former democracy had been replaced by a Legislative Council in which 2,000 Europeans were represented by twenty white members, while 3,500,000 natives were only represented by nine African members. The Executive Council, which was in fact the Government, did not comprise a single African.

In fact, the powers exercised by the Legislative and Executive Councils of the Gold Coast extended in certain cases to Togoland under British mandate.

Could the accredited representative confirm the above information and if so, could he inform the Commission whether any action had been taken on the request or appeal presented by the delegation ?

Could the accredited representative give any details as to the part played by the Legislative and Executive Councils of the Gold Coast in respect of the territory under mandate ?

Were there any representatives in these institutions who specially looked after the interests of the territory under mandate ?

Were any of the African members of the Legislative Council natives of the territory ?

The Chairman also asked for information regarding the associations mentioned.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 76.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 69.

Mr. FIELDGATE replied that the Gold Coast Aborigines' Rights Protection Society had a limited following and did not possess much influence. He did not know the National Council for Civil Liberties. He understood that the deputation from the Gold Coast Aborigines' Rights Protection Society had been received unofficially by the Secretary of State for the Colonies.

Lord HAILEY thought the Aborigines' Rights Protection Society had arisen in 1897 out of the Land Bill and had on several occasions sent deputations to London. Though the Society might, as M. Fieldgate said, have no great following in the Gold Coast it usually obtained notice in the British Press.

Mr. FIELDGATE said the Society had lost the confidence of a large number of chiefs in the Gold Coast. In reply to a further question, he said that all the members were Africans.

The CHAIRMAN observed that the criticisms made by the Society applied to the action of the Executive and Legislative Councils in the Gold Coast whose activities, appeared to extend, in fact, Togoland, and asked whether anything had been done as a result of the protest.

Mr. FIELDGATE replied that there had been no reason to take any steps as the natives had not been deprived of any liberties.

In reply to the Chairman's question, he said there was no representative on the Council who was specially responsible for the mandated territory; but the interest of the territory was fully protected.

There was no native of the mandated territory among the nine African members of the Legislative Council.

M. VAN ASBECK understood that the Legislative Council had no authority to legislate in the mandated territory.

Mr. FIELDGATE agreed.

Lord HAILEY added that, according to his information, laws passed by the Legislative Council were applied to the mandated territory under a proclamation of the Governor of the Gold Coast, who was thus the legislative authority.

Mr. FIELDGATE confirmed this and said the Legislative Council could only legislate for the Gold Coast Colony.

Lord HAILEY suggested that there were two sources of legislation for the British colonies, —*viz.*: (1) Ordinances passed by the Legislative Council and assented to by the Governor; (2) Orders-in-Council of the British Government. Both these forms of legislation had equal legislative force, but the latter form was now exceptional only. Any measure enacted in the Gold Coast must be in one or other of these two forms, whereas legislation in the mandated territory might consist of a direct regulation of the Governor, which might be either the adaptation of a Gold Coast law, or not.

M. VAN ASBECK asked whether Orders-in-Council were not sometimes local orders enacted by the Governor of the Gold Coast in Council, and not Orders of the British Government.

Lord HAILEY replied that the Governor-in-Council was entitled to issue Orders-in-Council when an enabling law existed giving him this power.

#### ADMINISTRATIVE STAFF.

M. SAKENOBE observed that the previous year's report had included details of the administrative staff such as the numbers of district commissioners, clerks, etc. He asked whether there had been any change in this respect during the year under review, since the report made no reference to the subject.

Mr. FIELDGATE said that there had been no change apart from an increase in the number of officials.

M. SAKENOBE observed that the increased expenditure on the political administration was given as £3,850, on page 17 of the report. This represented a very considerable increase.

Mr. FIELDGATE said that, in 1934, there had been a decrease of £3,041. The increase in 1935 made good a former decrease and, in addition, supplied funds enabling the administrative officials to go round and supervise the preparation of the nominal rolls required for the collection of the direct taxes now being instituted in the northern sphere.

M. SAKENOBE pointed out that, at the twenty-eighth session,<sup>1</sup> the decrease was stated to be merely nominal. The 1935 figure therefore represented a real increase.

Mr. FIELDGATE agreed and repeated that it was due to the collection of direct taxes.

DIRECT AND INDIRECT ADMINISTRATION : STATUS AND SALARIES OF THE CHIEFS.

M. SAKENOBE said he would like to obtain a general idea of the unassimilated villages in the Ho district. Were the chiefs despotic? How was jurisdiction carried out, etc.?

Mr. FIELDGATE replied that these States were ruled by the chiefs together with their Councils. They possessed no jurisdiction, and all cases were dealt with by the District Commissioners. There was no despotism and the people were quite contented.

M. VAN ASBECK thanked the accredited representative for the information on the indirect system contained on page 6 of the report. He supported M. Sakenobe in asking for more information regarding the southern section, to which the report only devoted half a page, whilst seven and a half pages were devoted to the northern section. He would be glad if more information regarding the southern section could be included in next year's report.

Mr. FIELDGATE said this would be done.

M. VAN ASBECK asked what kind of political disputes (page 7 of the report) had been settled by the State councils.

Mr. FIELDGATE replied that these related mostly to minor stools.

M. VAN ASBECK noted that two conferences of chiefs had been held during the year 1935 and were referred to on pages 7 and 11 of the report. He asked whether these conferences were under the guidance of Europeans or were entirely indigenous.

Mr. FIELDGATE could not speak for the two conferences in question: but such conferences were usually merely opened by the District Commissioner, after which the proceedings took place exclusively between the natives. Usually no records of the meetings were kept, but information regarding them was obtained by the district officers from the chiefs.

Mlle. DANNEVIG observed the reference in paragraph 9 (page 7 of the report) to a changed atmosphere in the relationships of the chiefs with each other. The report went on to state that a few years ago, all conversations were carried out through the official linguists. She asked if those linguists were interpreters required by chiefs who did not speak each other's language.

Mr. FIELDGATE replied that most of the chiefs spoke the same language. In the past, the linguists were detailed to convey a message to another chief and bring back the answer. The chiefs now met, but still spoke through their linguists.

M. RAPPARD asked the meaning of paragraph 12 (a) (page 8 of the report) regarding the chiefs' salaries.

Mr. FIELDGATE replied that the Ya-Na had apparently fixed the salaries of some of the subdivisional chiefs at a very low figure. He had, however, listened to advice on this and the salaries had been raised.

Mr. RAPPARD observed that an appreciable part of the taxes was paid to the chiefs—namely, more than 50%. Was it normal for the chiefs to receive such high payment?

Mr. FIELDGATE replied that the salaries did appear to be high, but the Administration was anxious to abolish tribute, presents, services, etc.

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 68.



M. VAN ASBECK thought this was a most important point and asked whether there had been any complaint that the chiefs' prestige had been reduced on account of their being debarred from receiving presents and services.

Mr. FIELDGATE replied that the prestige of the chiefs was, on the contrary, raised by the payment of salaries. They were regarded as people of quality holding an official position in the State.

IMPORTS AND EXPORTS : CATTLE.

M. MANCERON observed that, in the observations made to the Council in the previous year,<sup>1</sup> the Commission had expressed a desire to ascertain the origin and destination of the imports and exports of the territory. It had also asked whether, notwithstanding the difficulties mentioned by the accredited representative, it would not be possible to establish a statistical check on the trade between the colony and the mandated territory, which would afford the desired information.

The report stated in paragraph 48 (page 20 of the report) that, apart from the goods declared in transit under special regulations necessitated by certain restrictions adopted in the Gold Coast, the Customs Department had been unable to ascertain the quantity of goods imported from the Gold Coast into the territory or the exports from the territory to the Gold Coast. The Customs Department only possessed statistics in respect of imports and exports crossing the frontier between the territory under British mandate and that under French mandate. Although it was impossible to furnish accurate particulars on this subject, it seemed probable that a considerable quantity of imports into Togoland under British mandate, coming from Togoland under French mandate, were intended for consumption in the Gold Coast, and that, likewise, a certain part of the exports from Togoland under British mandate originated in the Gold Coast.

It was also stated that, in order to enable the Customs Department to complete accurate statistics of the real trade of Togoland under British mandate, it would be necessary to build Customs stations at a number of places on the southern and western frontiers of the territory, and that the annual cost of such a scheme would be approximately £36,000, an expenditure which was not regarded as justifiable.

It would appear, however, that the articles exported were produced mainly in the southern area of the territory. According to the report and the annexed maps, it would seem that, apart from exports passing through Togoland under French mandate, nearly all the exports from the territory took place on three or four motor roads, all of which, except one, converged towards the Senchi ferry on the river Volta, which was not very far from the frontier of the mandated territory.

Under those circumstances, the question arose whether it would not be possible, without establishing a ring of Customs stations as mentioned in the report, to organise at less expense supervision of these points through which the greatest traffic passed; such a system would possibly enable statistics to be prepared which, if not complete, would at any rate give an approximate idea of the trade of the territory. Did the accredited representative think it possible to introduce a system of that kind?

Mr. FIELDGATE asked whether M. Manceron was referring particularly to exports.

M. MANCERON said he referred to both exports and imports.

Mr. FIELDGATE pointed out that the Volta river was not the dividing line between Togoland and the Gold Coast.

M. MANCERON was aware of that fact, but thought that, if supervision were established in the neighbourhood of the Senchi ferry, where three or four roads converged, it would be possible to keep a check on this traffic.

Mr. FIELDGATE said that such supervision would only apply to the south of the territory but would provide no information regarding the trade in the north.

M. MANCERON pointed out that the major portion of the exports from Togoland passed into the Gold Coast from the south. Naturally, complete statistics could not be obtained by the method suggested, but he thought it would give a very good idea of the volume of trade.

Mr. FIELDGATE said he would put the matter before the Government.

M. MANCERON said the Commission would be interested to ascertain the approximate amount of traffic passing through the main routes. His remarks should be considered merely as a suggestion.

M. Manceron noted that the trade statistics given in the report (pages 21 and 22), as in previous years, only included trade across the frontier of the two Togolands. There had been

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 199.

an exceptional increase in the exports from the territory—namely, from £78,143 in 1934 to £127,563 in 1935 (page 22 of the report)—an increase mainly due to the revival in the trade in cocoa. That development was undoubtedly a matter for congratulation. On the other hand, it was surprising to note that the imports had decreased from £14,480 to £10,785 (page 21 of the report). Could the accredited representative offer any explanation?

Mr. FIELDGATE was unable to give the reason.

M. MANCERON observed that the drop in imports referred to articles of prime necessity such as food stuffs, oils and salt.

Mr. FIELDGATE said that a surplus quantity might have been imported in the previous year. It should also be observed that the figures in question only related to imports from Togoland under French mandate and that there might have been imports from the Gold Coast. This would apply particularly to palm oil.

M. MANCERON said this confirmed the necessity of ascertaining what goods came from the Gold Coast.

Mr. FIELDGATE said he would supply details of the different kinds of edible oils imported.

M. MANCERON observed that there were practically no imports of sugar and tobacco. This implied that all the imports of these articles came from the Gold Coast.

Mr. FIELDGATE agreed.

M. RAPPARD noted from the table on page 21 that the imports of empty bags and sacks had been reduced from 34,000 in 1934 to 10,000 in 1935. He did not understand this reduction since bags and sacks were used for exports, which had increased.

He was also surprised at the heavy decrease of edible oils imported and the low price of these oils, since 12,000 gallons only cost £342.

It was also surprising to observe an appreciable reduction in the imports of salt at a time of increasing prosperity.

Mr. FIELDGATE said that further imports had no doubt come in through the Gold Coast in all these cases. There was no doubt that the natives in the territory obtained the necessary supplies of such products as salt and palm oil.

The CHAIRMAN drew attention to the fact that the drop in imports coincided with the rise in exports across the frontier to Togoland under French mandate. It would be interesting to know why imports came in one year from Togoland under French mandate and in the following year from the Gold Coast.

M. SAKENOBE noted with pleasure the great efforts made to improve and increase the live-stock. He observed that large numbers of cattle were imported from the territory under French mandate. He asked whether these imports were intended for consumption or re-export.

Mr. FIELDGATE thought that about 98% of the cattle was intended for re-export to the Gold Coast.

M. SAKENOBE noted that the cattle entered the territory through the Pusiga quarantine station (paragraph 59, page 25 of the report). He thought this must be an inconvenient place.

Mr. FIELDGATE did not know why Pusiga had been selected.

M. MANCERON thought it was probably near the principal centres of production.

Lord HAILEY stated that there were only dwarf cattle in the south of the Gold Coast, so that practically all the cattle consumed in the colony were imported from the north.

M. SAKENOBE pointed out that the table on page 21 showed the imports of animals and birds as 5,823. This did not agree with the figures on page 25 which showed an import of 22,009 cattle, 16,374 sheep, etc.

Mr. FIELDGATE said he would explain this discrepancy in the next report.

M. SAKENOBE observed the statement on page 63 that the total tax collected on the quarantine stations amounted to £7,769. He asked what this tax represented.

Mr. FIELDGATE replied that it was an import tax at the rate of 6s. 6d. per head for cattle, 10s. for horses and 9d. for sheep and goats.

M. MANCERON observed a complaint in the report that there was no scheme of prophylactic immunisation against cattle plague in Togoland under French mandate. He asked whether this complaint was still justified in 1936.

Mr. FIELDGATE thought such complaints still continued, but they might be due to stray cattle crossing the frontier. He did not know if there was any system of inoculation in French territory.

#### SAVINGS BANKS.

M. MANCERON noted with interest the statement on page 16 of the report regarding the satisfactory development of the savings banks. Though the total amount of savings-bank deposits was not large, it was interesting to note that 95% of the deposits were made by Africans.

#### CO-OPERATIVE SOCIETIES.

M. MANCERON was glad to see, from page 58 of the report, that encouragement was being given to the cocoa producers co-operative societies and that the rate of interest payable on loans received by the members was 10% as against rates ranging as high as 50% for loans from native moneylenders. He asked whether there was much usury in the territory.

Mr. FIELDGATE thought there was very little in the mandated territory. The remark regarding the rate of 50% applied to the Gold Coast.

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#### NINTH MEETING.

*Held on Monday, November 2nd, 1936, at 4 p.m.*

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#### **Togoland under British Mandate : Examination of the Annual Report for 1935 (continuation).**

Mr. Fieldgate came to the table of the Commission.

#### PUBLIC FINANCE : TAXATION.

M. RAPPARD said that, in many ways, the financial position of the territory was similar to that of the Cameroons under British mandate. There was no true fiscal autonomy but what was in many ways preferable—a partnership with a very opulent partner. The mandated territory was the beneficiary. It cost more than it yielded, and the difference was covered by grants which had always been considered irrecoverable. Much as the Commission might deplore an arrangement that made control impossible and rendered discussion somewhat artificial, it must be grateful for the results.

Expenditure had increased side by side with revenue, but the only large increase was on political administration. He presumed it was accounted for by the facts mentioned by the accredited representative in his exchange of views with M. Sakenobe ;<sup>1</sup> but he would be glad of further information.

Mr. FIELDGATE said one item of ordinary expenditure which had risen was the maintenance of roads.

Expenditure on political administration had increased because there were more administrative officers in the territory to explain to the chiefs and people the reasons for the introduction of direct taxation and to supervise the drawing-up of the nominal rolls.

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<sup>1</sup> See page 88-89.

M. RAPPARD said that direct taxation was no doubt one of the main topics of conversation in the native compounds and in administrative circles. He would be glad to know more about the impact of this first attempt at direct taxation on a territory which was at so early a stage of evolution.

Mr. FIELDGATE said he was unable to give information on this subject, but would see that it was incorporated in the next report.

Legislation empowering those States which so desired to impose a levy or tax had just been passed in the Gold Coast and the chiefs to whom he had spoken seemed to be satisfied with it.

M. RAPPARD said the importance of the native treasuries would be greatly enhanced. He would therefore hope to find in the next report particulars similar to those given in the report on the Cameroons about the method of administration, the control exercised by the Administration and the capacity shown by the natives.

Mr. FIELDGATE said extremely strict control was exercised.

M. RAPPARD said it was found in the Cameroons that, on the one hand, the natives were somewhat irresponsible and looked upon the treasuries as "bottomless pockets" and, on the other hand, the treasuries were in a very strong and sound position. The explanation was that the Administration had effective control.

Mr. FIELDGATE said no expenditure could be incurred without the consent of an administrative officer.

M. SAKENOBÉ understood that a direct tax was to be imposed in the whole of the northern section, including Gonja and Krachi. Would it be payable by the non-Krachi people referred to in paragraph 22 on page 12 of the report?

The CHAIRMAN asked whether, if this population had to pay the tax, the proceeds would be paid into the native treasuries of the district.

Mr. FIELDGATE said that the reply to both questions was in the affirmative.

Mlle. DANNEVIG asked whether the "strangers" in Krachi, as they were called in the report, held land under a different tenure from the other inhabitants. Were they recent arrivals?

Mr. FIELDGATE said that, for taxation purposes, they would count as inhabitants of the country. Fuller particulars would be given in the next report.

M. VAN ASBECK asked what was meant by "tribute tax" (paragraph 39, page 18 of the report).

Mr. FIELDGATE thought the word "tribute" might well be omitted. The tax was a lump-sum assessment and worked out at two shillings for a man, one shilling for a woman and sixpence for a child.

Lord HAILEY suggested that the words referred to were borrowed from Northern Nigeria, where the tax was termed a "tribute" tax. It was not quite an ordinary capitation tax. The villages were assessed for a lump sum which was afterwards allocated among the villagers.

M. VAN ASBECK asked for fuller information in the next report.

Mr. FIELDGATE noted this request.

Mlle. DANNEVIG, referring to paragraph 87, where it was said that the natives had declared themselves willing to pay a tax of a couple of shillings if they could be given the opportunity to earn them, asked whether it would be difficult for the Konkombas to earn a shilling or two to pay this tax?

Mr. FIELDGATE said he was assured that there would be no difficulty whatever. If there were, payment in kind would be accepted.

JUDICIAL ORGANISATION : POLICE.

M. VAN ASBECK said the information in the chapters on judicial organisation and police was presented in a somewhat confusing manner. Chapter X began with a paragraph which applied to both sections of the territory (paragraph 60, page 25). Paragraph 61 contained details of cases heard in the native courts in the southern section. Then followed the sub-title "Native Courts of Appeal", covering paragraphs 62 to 67, containing information on native courts of appeal and district commissioners' courts in the southern section, prison for debt, native courts and district commissioners' courts in the northern section, and legislation applicable to the mandated territory.

Some of the statistical tables concerning prosecutions before the courts were contained in Chapter X (page 28 of the report) and others in Chapter XI (pages 30 and 31).

It would facilitate study if the information could be arranged in a more rational manner.

Mr. FIELDGATE said he would go into the matter and see if a more suitable arrangement could be made.

M. VAN ASBECK said paragraph 66 (page 28 of the report) stated that the work of the native courts in the northern section showed considerable improvement. It appeared, however, from that paragraph, as compared with paragraph 74 of the previous report, that there had been a considerable decrease in the number of cases dealt with by the native courts in the northern section; summary cases had fallen from 352 to 56 in Dagomba and from 132 to 29 in Mamprussi.

Had the accredited representative any explanation to offer?

Mr. FIELDGATE said information would be furnished in the next report.

M. VAN ASBECK said that, according to the statistical table in paragraph 61 (page 26 of the report), the total number of convictions in the native courts of the southern section was 651. According to the returns of criminal cases in the chapter on police, however, (paragraph 75, page 30) the number of convictions of all courts in the southern section was 549. What was the explanation of that discrepancy?

Mr. FIELDGATE explained that the cases referred to in paragraph 61 were cases heard by the native tribunals; those mentioned in paragraph 75 were cases dealt with by the district commissioners' courts.

M. VAN ASBECK thought there would be an advantage in mentioning the difference.

Mr. FIELDGATE took note of that remark.

In reply to a question by M. Rappard, Mr. Fieldgate said the native courts had restricted jurisdiction. The more important cases, such as murder, as well as a number of cases from divisions which were not yet amalgamated and had no courts at present, went to the district courts.

M. RAPPARD said two offences had interested him, slander and sanitation (page 26 of the report). How was slander defined?

Mr. FIELDGATE said the definition was very wide. It would be slander for one native to call another a fool, and the case would be brought before the courts. Slander was held to be a most serious offence.

M. RAPPARD said that the number of cases of this kind was not very high as compared with the number of inhabitants. Either the people were discreet or the judges lenient.

Lord HAILEY pointed out that the village chiefs settled a good many cases by conciliation. The small number brought before the courts were those in which conciliation had broken down.

M. VAN ASBECK asked whether the chief of the Krachi district, the Krachiwura, who had attempted to codify his native customs, had yet asked the Governor to make rules legalising them (paragraph 26, page 14 of the report). This was a somewhat curious situation, as the British prided themselves on having no codification.

Presumably, the Krachiwura had not codified native customs in the European sense of the word but had simply described them.

The CHAIRMAN asked whether the chief's application would be granted. Was he considered capable of ensuring that the work of codification would be carried out satisfactorily?

M. VAN ASBECK asked whether he was one of those natives who thought things European were better than things native.

Mr. FIELDGATE understood that the Krachiwura was fairly intelligent. He was very keen on native customs. It would be a matter for the Government to decide whether his application should be granted.

M. MANCERON asked whether the passage "An increase of crime is reported from both sections" was followed by "The practice of illicit distillation of liquor is now spreading to the northern section" in order to establish a relationship of cause and effect (paragraph 73, page 30 of the report).

Mr. FIELDGATE said that, apart from the fact that there had been some prosecutions for illicit distillation, which would add to the crime statistics, there was no special connection between the two passages.

In reply to a remark by the Chairman, Mr. Fieldgate said he was not aware of any increase in crime owing to an increase in the consumption of spirits. The increase in the consumption of spirits was very small as compared with the population.

Count DE PENHA GARCIA pointed out that the accredited representative could only speak in a general way, as he was probably not in a position to say whether each particular crime had or had not been aggravated by drunkenness.

Mr. FIELDGATE said he had spoken in a general way.

Mlle. DANNEVIG was not surprised that crime had increased when she saw in paragraph 73 that nine boys between 9 and 13 were brought before the district commissioner's court for obstructing the free passage of a motor vehicle and sentenced to a whipping. No such penalty would be imposed in Europe, where the same thing constantly occurred.

Mr. FIELDGATE assured the Commission that there must have been special circumstances. This penalty was not inflicted lightly.

Mlle. DANNEVIG said that paragraph 86 (page 34 of the report) seemed to indicate that manslaughter and murder were rather common.

Mr. FIELDGATE drew attention to the table on page 31, which showed that there had been only 10 murders during 1935—an increase of 4 over 1934.

In reply to a further question by Mlle. Dannevig, Mr. Fieldgate said most of these murders were due to provocation which would be of little account to a European.

M. SAKENOBE asked whether Gonja was formed as a native authority. If so, why was there no native court?

Mr. FIELDGATE said Gonja was formed as a native authority. He was under the impression that a native court had recently been set up.

#### DEFENCE OF THE TERRITORY.

M. SAKENOBE understood that no army was stationed in Togoland. What were the nearest points outside the territory at which troops were stationed?

Mr. FIELDGATE said troops were stationed at Tamale, Kumasi in Ashanti, and Accra in the colony. Accra was about 150 miles from a central point in the mandated territory. Tamale was much nearer.

#### ARMS AND AMMUNITION.

In reply to a question by M. Sakenobe, Mr. FIELDGATE said the figures for offences against the Arms and Ammunition Ordinance in paragraph 80, page 33 of the report, referred to the southern section only, and those in paragraph 73, page 30, to the whole territory.

M. SAKENOBE noted a considerable increase in the number of firearms licensed in 1935—230 flintlock guns, for instance, as compared with 66 in 1934. Were these re-licences or new licences?

Mr. FIELDGATE said there were still a good many unlicensed guns in the southern section, and efforts had been made by the police to get them licensed. In the past many natives had failed to renew their licences when a new kind of licence, under which £1 was paid for the life of a gun, had been introduced.

#### LAND TENURE.

Lord HAILEY asked whether there were any European colonists in Togoland.

Mr. FIELDGATE replied in the negative.

Lord HAILEY understood the Germans had not alienated any land.

Mr. FIELDGATE said that was correct. There was, he thought, one case a short time ago in which land alienated was handed back to a German firm; but he believed it had been reconveyed to the former native owners.

Lord HAILEY understood that an ordinance similar to the Nigeria Ordinance had been enacted for the northern territories and had been extended to North Togoland, and that the Crown had complete control over the land.

Mr. FIELDGATE said that was so.

Lord HAILEY asked whether the Commission could take it that that power was not used to make alienations of land to non-natives.

Mr. FIELDGATE thought he was correct in saying there had been no alienation of land to Europeans.

Lord HAILEY understood that the regime in the Gold Coast was in force in the southern section—namely, a regime under which the natives had full control over all land and the Government none, even in the case of vacant land. Consequently, there was no control over alienation by natives to non-natives.

Mr. FIELDGATE said there was actually no control.

Lord HAILEY observed that two questions then arose—first, was there any reason to suppose there was any alienation by natives to non-natives in the southern section?

Mr. FIELDGATE repeated that no land was alienated to Europeans.

Lord HAILEY noted that paragraph 144 (page 55 of the report) referred to sales of land to "non-natives". He presumed that this term referred to "non-residents of Togoland", and not to Europeans.

Mr. FIELDGATE said that these sales were made to natives of the Gold Coast, Ashanti and possibly the northern territories. No sales had been made to Europeans.

Lord HAILEY said these sales might or might not be harmful to native society; but they were at any rate less destructive than alienation to Europeans.

A second question arose—a technical question. Alienation was governed by Article 5, paragraph 2, of the mandate; and these transfers to non-natives of the territory seemed to be contrary to that article. The question was whether the amount of land transferred was sufficiently important to warrant the mandatory Power in raising this difficult question. It was difficult because, if the Administration were to bring in an Ordinance in accordance with Article 5 of the mandate, it would be going counter to what had hitherto been acknowledged as a native right.

It would be admitted, he presumed, that the author of the report was not quite correct in saying a sale was voidable. A sale was only voidable when there was a law making it so.

Mr. FIELDGATE agreed.

Lord HAILEY said it was for the Commission to decide, in view of the facts he had just elicited, whether the matter was of sufficient importance to be taken up with the mandatory Power.

M. RAPPARD presumed there was a distinct difference between the regimes of the northern and southern sections.

Mr. FIELDGATE said there was a decided difference.

Lord HAILEY said it was a matter of history that, in the south of the Gold Coast, the Administration disinterested itself in control over the land, leaving everything to the chiefs. Not until the Concessions Ordinance of 1910 was passed did it begin to exercise control over alienation to Europeans by the chiefs. The Concessions Ordinance was passed because of the extent to which chiefs had granted concessions; a judicial tribunal was needed to clear up the various claims of concession-holders.

Thus, in the south of the Gold Coast, native rights to all land, including vacant land, were recognised, and the State exercised no control except over concessions for mining, and it exercised this control in the interests of the concession-holders. The chiefs were left to decide how the proceeds of these sales should be distributed among their own subjects. In many cases, this had led to difficulties; and, when the question of development had come up in the northern territory with the possible approach of railways or roads, the Gold Coast authorities had decided that, as far as that territory was concerned, they would introduce an Ordinance giving them complete control over the land, as in Nigeria and Tanganyika. That Ordinance had been extended to the northern section of Togoland where, consequently, the Crown had complete control over alienations of land.

The conditions prevailing in the south were the same as those formerly prevailing in the northern areas of the Gold Coast.

M. RAPPARD asked whether any white man had profited.

Mr. FIELDGATE replied in the negative.

Lord HAILEY understood that, in the northern area, provision was made for mining concessions. In the southern area, as in Ashanti and the Gold Coast, the native chiefs had the right to grant mining concessions.

Mr. FIELDGATE confirmed that statement.

Lord HAILEY assumed that the reason why this did not lead to any trouble in Togoland so far was that there were no mines and none of the cultivation that appealed to European planters—no bananas, but only cocoa.

Mr. FIELDGATE confirmed that there were no mines and no production other than cocoa.

M. RAPPARD asked whether there would be any great objection to establishing the principle that no land should be alienated to non-natives in the south. On the one hand, the mandate seemed to call for it, and, on the other hand, minerals might be discovered and there might be trouble. Would it not be wise to take precautions?

Mr. FIELDGATE thought there would be a great outcry if any such attempt were made. The people would say the authorities were trying to take their land away from them.

M. VAN ASBECK saw no reason for an outcry if the purpose of the Ordinance was to protect native lands.

Mr. FIELDGATE said he would raise the matter with his Government with a view to seeing what could be done.

M. VAN ASBECK asked for a fuller description of land tenure in the next report, including an account of the difference between the northern and southern sections, so as to give the Commission some idea of the actual position in respect of the individualisation of native property.

He asked whether there were many transfers of property from natives of the mandated territory to natives of the Gold Coast.

Mr. FIELDGATE thought there must be a considerable number.

Lord HAILEY suggested that, if a law was to have effect in a local court, it must be of local validity and must be law promulgated by the local authority. The existence of a provision in the mandate would not be sufficient for the local courts.

M. VAN ASBECK said there seemed to be a difference between English and Dutch law. In the Dutch courts, an international treaty on civil matters, such as marriage and divorce, held good without being incorporated in national law; but penal provisions had to be embodied in national penal law.



Mlle. DANNEVIG thought the mandatory Power was under an obligation to enact such legislation as suggested because the mandate clearly stated that land should not be alienated by the natives without the consent of the Administration.

The CHAIRMAN proposed that an observation to this effect should be inserted in the report to the Council.

M. VAN ASBECK pointed out that, in 1935,<sup>1</sup> the accredited representative, Mr. Jones, had asked the Mandates Commission to formulate a recommendation in this sense, and the Chairman had said the Commission was not there to make recommendations. The mandatory Power was evidently prepared to do something.

Lord HAILEY said the mandatory Power had perhaps not enacted legislation under the impression that Article 5, paragraph 2 of the mandate, constituted a law in itself.

M. VAN ASBECK was not quite clear as to the mines. It would be seen from page 92 of the Minutes of the twenty-eighth session that Mr. Jones had said that the Gold Coast Concessions Ordinance would apply in the southern section. But the 1934 report distinctly stated that there were no mines.

The CHAIRMAN presumed that this was a general ordinance in case mines should be discovered.

Mr. FIELDGATE agreed.

#### COMMUNAL SEED FARMS.

Lord HAILEY drew attention to the Labour Regulations, 1935, on pages 74 and 75 of the report, and asked why it was found necessary to provide for the cultivation and tending of communal seed farms and the collection of produce from such farms in the north and not in the south. Were these farms in the villages?

Mr. FIELDGATE said there were no seed farms in the south. Fuller information would be given in the next report.

#### SITUATION OF WOMEN : PROSTITUTION.

Mlle. DANNEVIG asked whether many women from Togoland went to the towns of the Gold Coast and went wrong, and whether these difficulties arose there because the men went without their wives (paragraph 82, page 34 of the report).

Mr. FIELDGATE said a fair number of girls went of their own accord to the larger towns and mining camps.

Mlle. DANNEVIG said the same question had been asked before,<sup>2</sup> and the reply was that there was no law under which the Administration could send such young women back to their homes. Surely legislation could be enacted for the purpose.

Mr. FIELDGATE was afraid that would be impossible.

Mlle. DANNEVIG thought these women must sometimes come up against the law, which would give an excuse for sending them home.

Mr. FIELDGATE said there was no law at present under which they could be sent back, and no such legislation was contemplated. It would probably raise a considerable outcry.

Mlle. DANNEVIG asked whether there were any brothels tempting girls to leave their homes.

Mr. FIELDGATE said the women probably travelled alone. The chiefs advised them not to go, but they could do no more than advise.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 91.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 86.

## ALIENATION OF LAND BY THE DENTE FETISH : ROLE OF FETISH DOCTORS AND PRIESTS.

Mlle. DANNEVIG asked for an explanation of how land was given away by the Dente fetish (paragraph 22, page 12 of the report).

Mr. FIELDGATE said the land around Krachi was supposed to be held by the Dente fetish. In olden times, the ruling and priestly power was in the hands of one individual. These powers were subsequently separated, and a fetish priest was now in charge of the Dente fetish, while the chief of Krachi was responsible for administration. The land was in the hands of the Dente fetish and he gave it to strangers.

In reply to a further question by Mlle. Dannevig, Mr. Fieldgate added that the land was given to strangers because it was under-populated.

Mlle. DANNEVIG asked whether the natives paid the fetish doctors or priests the high fees mentioned in money or in kind.

Mr. FIELDGATE said they paid in kind, or in money if they had it. Handsome sums were occasionally received by the fetish priests.

Mlle. DANNEVIG asked whether these priests were considered a nuisance by the natives.

Mr. FIELDGATE said they were considered very necessary indeed by the natives, because of their belief in witchcraft.

## INITIATION RITES.

Mlle. DANNEVIG asked whether the initiation rites mentioned (paragraph 92; page 37 of the report) injured young people in any way.

Mr. FIELDGATE replied in the negative.

## LABOUR.

Mr. WEAVER welcomed the Regulations relating to minor communal services given on pages 74 and 75 of the report. They called for no comment in themselves ; but he desired to refer, as regarded minor communal services, to a statement in the Gold Coast Medical Department Report for 1935. That report said that the standard of hygiene in the countryside was steadily becoming worse and added that " this state of affairs is aggravated by the requirements of the Labour Ordinances passed in 1935, which implement the Forced Labour Convention to which the Gold Coast had acceded. It is true that, under the Convention, sanitation is regarded as a minor communal service and that therefore communal labour employed for health purposes is not forced labour ; but, on the other hand, such labour cannot be exacted without the consent of the community and that consent in many cases is not forthcoming."

Was not the use of the words " without the consent of the community " based on a misunderstanding which might have some practical importance ? Under the Convention, minor communal services were outside its scope " provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services ". The Labour Ordinances went a little further by stating that " it shall be a condition of the exaction of such labour that the inhabitants of a town or village or their direct representatives are previously consulted by the chief (in accordance with native custom) in regard to the need for the exaction of the class of services ".

The consultation, therefore, and not the formal consent of the people was required.

Was it not a matter of importance to the application of the Conventions that there should be no misunderstanding as to the nature of the requirements in regard to the consultation of the people ?

Mr. FIELDGATE agreed. He failed to understand the reason for the statement in the report in question. There had always been difficulties in the past in getting some people to join in communal work for the good of the village ; the situation in that respect was unchanged.

Mr. WEAVER said it would be unfortunate if difficulties should appear to have been raised as a result of the international Convention when, as a matter of fact, they were not raised by it.

In paragraph 90 (page 36 of the report), reference was made to the fact that natives from the Krachi district " hired themselves to the farms in the southern section of Togoland and in Ashanti as labourers in the cocoa farms ". Was anything done to safeguard their health during their journey ? It was becoming increasingly important to take measures to safeguard the health

of migrant labour. The Gold Coast Medical Department Report for 1935 made some strong comments on the health of labourers arriving at the centres of employment, and remarked, as regards casual labourers, that their physical condition had not improved much, if at all, during their stay in the employment areas. No doubt these comments applied more particularly to labourers going to mining areas, but they might have some application to natives working on the farms.

Mr. FIELDGATE said nothing was being done at present. The trek from Krachi to the cocoa areas was very short.

The report of Mr. Benson, of the International Labour Office, on his visit to the British West African dependencies also dealt with the question of migrant labour. That report was under Government consideration.

Mr. WEAVER asked whether many natives migrated from Togoland to the Gold Coast for labour.

Mr. FIELDGATE said a considerable number did so, but he was surprised to find from the statistics that very few went to the mines. Most of them appeared to be engaged in farming, or became petty traders.

Mr. WEAVER presumed that, if the question of the general health of migratory labourers was taken up, the position of farm labourers (as well as labourers in mines) would receive attention.

Mr. FIELDGATE replied in the affirmative.

Mlle. DANNEVIG understood that the natives were underfed because they had not the right foodstuffs at their disposal. She asked whether the Administration could not teach the natives to cultivate and eat more suitable food.

Mr. FIELDGATE said the Administration was doing all it could to improve their food. Experiments with an improved kind of millet were described in the report (page 61). It was not easy to induce the natives to change food they had been used to for so long. It took time.

Mlle. DANNEVIG thought something might be done in the schools for women and in connection with school gardens. The Administration should surely undertake to teach the people to cultivate and eat the right kind of food. It might give them seeds and help them in various other ways.

The CHAIRMAN pointed out that very satisfactory results had been obtained in more than one colony in a very short time.

#### MISSIONS.

M. PALACIOS made the same remark concerning religion, as regards Togoland, as he had made in connection with the Cameroons.<sup>1</sup> The report contained numerous observations on the religion of the natives, but they were scattered and lacked cohesion. For instance, paragraph 91 (Chapter XV) referred to rites connected with birth, puberty, marriage, death, ancestor worship and the raising of spirits; further on, in paragraph 99 (Chapter XVII), the Kunde fetish was mentioned. M. Palacios hoped the matter would be dealt with as uniformly and methodically as possible in the next report, so as to give some idea of the religion of the natives, as regards both principles and practice, from the standpoint of their action and reaction to the civilising mission of the mandatory Power.

Mr. FIELDGATE took note of this request.

M. PALACIOS observed that the missions appeared to be more active in the southern section, where they seemed to have achieved real progress. There were 2,313 conversions in 1935.

It seemed from paragraph 98 (page 38 of the report) and paragraph 141 (page 54) that the Catholic mission of Kpandu had also done very useful medical work. The mission sisters, who were certified midwives, had opened an infant welfare clinic, which was doing most useful work.

The Catholic mission in the Krachi district, however, seemed to have met with considerable difficulty. Progress was disappointing and the school maintained by the mission left much to be desired (paragraph 96, page 38 of the report). What were the reasons for these somewhat unsatisfactory results?

<sup>1</sup> See page 65.

Mr. FIELDGATE was not in a position to give any information. It seemed extraordinary that the mission should have failed so signally in Krachi and yet be so successful elsewhere. Information would be given in the next report.

M. MANCERON asked why the natives regarded the school with antipathy (page 48 of the report).

Mr. FIELDGATE said this might have some connection with the Dente fetish ; but he would prefer to give information in the next report, as he was not familiar with that part of the territory.

M. PALACIOS noted, from paragraph 96, that the mission at Yendi was engaged on the Dagomba dictionary, which was becoming a volume of ever-increasing dimensions.

Apart from this mission, who was helping in the work ? The report mentioned the recommendations of Professor Westermann. Had he any special competence in the matter, apart from scientific qualifications ?

Mr. FIELDGATE said that Professor Westermann was the co-Director of the International Institute of African Languages and Cultures.

M. PALACIOS recalled that the 1934 report (page 37) referred to a translation of the Bible into Dagomba by the missionaries. Had this work been complete, or was it still going on ?

Mr. FIELDGATE was unable to say.

M. PALACIOS observed that the missions did not seem to have extended their activities to the extreme north of the territory. The 1934 report seemed to indicate (page 37) that the missionaries of the Assemblies of God intended to christianise the Konkombas. Could the accredited representative say whether this plan had been carried out ?

Mr. FIELDGATE was afraid the plan had not been very successful.

M. PALACIOS asked whether the total number of adherents of the various missions could be given in future reports.

Mr. FIELDGATE replied in the affirmative.

#### EDUCATION.

Mlle. DANNEVIG noted the continued progress in education in the southern part of the territory, the great demand for education and the growing interest taken by the natives in the development of the schools (pages 40-46 of the report). The total number of pupils had increased by about 6% (paragraph 108, page 44 of the report) ; the number of assisted and unassisted schools and the number of teachers had also increased slightly. In particular, considerable progress had been made in female education (paragraph 105, page 43 of the report).

Difficulty still seemed to be experienced in training new teachers. Were there any women teachers in the territory, and would they be able to go on teaching after marriage ?

Mr. FIELDGATE said there was a limited number of women teachers, including nuns who gave very loyal service. It was difficult to say whether the ordinary woman teacher would continue to teach after marriage. He did not know of any provisions to prevent it, but thought they would prefer to leave.

Mlle. DANNEVIG presumed that early marriage to some extent explained the difficulty of obtaining women teachers. She regretted that, while school fees showed an increase of £395 (paragraph III, page 45 of the report), it was not found possible to increase the Government grant to schools by more than £157 (paragraph 112). In the northern section, fees appeared to be paid by the native administration. Who paid them in the southern section ?

Mr. FIELDGATE said the parents paid the fees in the southern section. These fees varied from 3*d.* to 6*d.* per month for infants, 1*s.* to 1*s.* 4*d.* for standards I-III, and 1*s.* 8*d.* to 2*s.* 2*d.* for standards IV to VII.

Mlle. DANNEVIG was surprised the parents could afford to pay such high fees. It showed what an interest they took in education.

Mr. FIELDGATE said they were in fact very interested.

Mlle. DANNEVIG asked whether all the schools in the southern section were mission schools, and, if so, whether they were regularly inspected and found, generally speaking, to be efficient.

Mr. FIELDGATE said that all the schools in the southern section were run by missionary bodies. They were regularly inspected by inspectors of the Education Department. If found to be inefficient, their grants would be withheld.

In reply to a further question, he said the grants were fixed every third year.

M. SAKENOBE asked whether it was the policy of the Administration not to open any Government schools in the southern section.

Mr. FIELDGATE denied that it was the Government's policy not to build schools: but, in its opinion, there were sufficient schools already—very well-run schools, if he might say so.

Mlle. DANNEVIG asked whether education facilities were available for all whose parents demanded them.

Mr. FIELDGATE replied in the affirmative.

M. VAN ASBECK noted that all the Government schools in the northern section were boarding-schools (paragraph 118, page 46 of the report). The subjects taught were of the greatest interest. It might be of advantage if the mission schools in the south were also boarding-schools.

Mr. FIELDGATE said these schools were not actually in the territory, but in the Gold Coast. He believed there were two boarding-schools in the southern section.

M. VAN ASBECK asked whether the mission schools had the same interesting curriculum as the Government schools for the northern section. The subjects taught were of the highest social value.

Mr. FIELDGATE was afraid they had not the same curriculum.

M. VAN ASBECK asked whether the excellent example set by the schools for the northern section could not be followed in the south.

Mr. FIELDGATE said the Government appeared to be satisfied with the present state of education in the southern section, and therefore, there was no likelihood of any change.

M. VAN ASBECK said he hoped that an expression of views might be included in the next report on the social schooling of youth in the southern section, which should proceed side by side with literary education. It seemed highly important as a means of preventing detribalisation.

Mlle. DANNEVIG said that, in its observations to the Council, the Commission had asked, in previous years, for the development of education in the northern section.<sup>1</sup> Up to the present, no Government or native administration schools had been opened in the northern section, and very little had been done by the missions in the educational field. In order to obtain education, the children from the mandated territory had to go to the schools of the neighbouring colony. The situation of the northern section, as compared with that of the southern section, would be realised when it was pointed out that, while 5,908 children out of a total of 51,779 went to school in the southern section, only 78 out of 72,251 received education in the northern section (paragraph 127, page 48 of the report).

Mr. FIELDGATE said the correct figure was 86 (see paragraph 117, page 46 of the report).

Mlle. DANNEVIG said it was stated on page 9 of the report that £300 had been allocated for the building of the Yendi school for education up to the third standard. After this, specially selected pupils would go to Tamale on the Gold Coast to complete their education up to the seventh standard. Would the sons of chiefs and others be selected in view of the work they would be expected to do later in the territory?

Mr. FIELDGATE replied in the affirmative, and added that the school at Yendi would be opened shortly, and would probably provide schooling for about fifty boys.

<sup>1</sup> See Minutes of the Twenty-sixth and Twenty-eighth Sessions of the Commission, pages 204 and 199 respectively.

Mlle. DANNEVIG understood that the educational requirements of Eastern Gonja and part of the Krachi district had to be met at Salaga outside the territory (paragraph 123, page 47 of the report).

Mr. FIELDGATE replied in the affirmative.

Mlle. DANNEVIG noted that a new native administration school was under construction at Kpembe (paragraph 123); but she was unable to find this place on the map. Was it in the territory?

Mr. FIELDGATE drew attention to paragraph 20, pages 11 and 12 of the report. Kpembe was in the Gold Coast.

Mlle. DANNEVIG asked whether it was correct that the first native administration school was now under construction in the northern section of the territory, and whether the Administration was considering the establishment of Government schools.

Mr. FIELDGATE replied in the affirmative to the first part of the question. The Administration was not contemplating establishing schools in the territory at present. Expenditure on education already amounted to over £8,000, a very large proportion of the total revenue. When money was available, no doubt more would be spent on education.

Mlle. DANNEVIG noted that in infant class I, children of between five and six years of age were preferred (paragraph 129, page 48 of the report). Seven was considered a reasonable age to begin school in Europe. Were native children more advanced than European children? Was it not a waste of money to begin teaching the children so early?

Mr. FIELDGATE said the Education Department had gone into the matter very fully, and had reached the conclusion that five or six years of age was preferable to seven. If a boy entered school at seven, he finished his schooling at a very advanced age, which was perhaps undesirable.

In reply to a remark by Mlle. Dannevig, he said that eighteen years of age was considered very advanced for a native.

M. VAN ASBECK asked whether the native administrations in the southern sphere had no schools of their own.

Mr. FIELDGATE said that a native administration school started in the southern section had proved a complete failure, and had to be closed after less than two years.

In reply to a question by Mlle. Dannevig as to whether the teachers were unsatisfactory, he said it was only fair to say that the real reason for closing the school was shortage of funds. There was no direct taxation in the southern section, with the result that the native authorities had no regular revenue out of which to pay the salaries of the teachers. When direct taxation was introduced, as he hoped it would be in a very short time, money would be available.

M. VAN ASBECK asked whether the passage "The number of schools providing education beyond standard III, however, is being gradually limited" (paragraph 102, page 42 of the report) was not inconsistent with the passage: "The number of boys which secure the standard VII examination certificate at about the age of sixteen continues to grow" (paragraph 131, page 48). Was it not, at the same time, in contrast with the growing needs of the Administration in respect of educated native auxiliary officials (page 18, tax-rolls; page 59, co-operative societies, etc.)? Why was the opportunity to obtain education limited when the interest in it was growing (paragraph 126, page 48 of the report)?

What was meant by the "principle of limitation" (paragraph 102, page 42 of the report)?

Mr. FIELDGATE said it was desired to obtain sufficient certificated teachers to give suitable instruction, but the supply was small at present. If a large number of pupils were accepted, the buildings would have to be enlarged, and more teachers would be required. The reason for limiting schools to standard III was to eliminate boys who would not profit from continuing their studies.

M. VAN ASBECK asked whether it would not be possible to obtain teachers from the Gold Coast, for instance.

Mr. FIELDGATE said there was a scarcity of certificated teachers in the Gold Coast also.

Mlle. DANNEVIG said the accredited representative's statement that there were enough schools seemed to be contradicted by the statement in paragraph 102 that the effects of the economic depression had not made it possible to bring educational facilities within the reach of all who would wish to take advantage of them.

Mr. FIELDGATE said there were enough schools up to standard III.

Mlle. DANNEVIG asked whether the education was literary after standard III.

Mr. FIELDGATE said it was an all-round education.

Mlle. DANNEVIG asked whether there were any technical schools in the territory.

Mr. FIELDGATE said there were none.

M. MANCERON said he would like some information in the next report as to the subjects taken for the examination certificate (paragraph 131, page 48 of the report). He would be glad to know whether this certificate covered the practical social training mentioned by M. van Asbeck.

M. VAN ASBECK hoped the next report would clear up seeming contradictions between several points referred to in the report for 1935, and would give full particulars of education up to standard VII.

In reply to a question by M. Sakenobe, Mr. FIELDGATE said the Educational Department exercised very strict control over all grant-aided schools.

#### ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA asked how alcoholic liquors from the southern section could be prevented from going to the north, where they were prohibited, when there was no Customs frontier.

Mr. FIELDGATE said prohibition was enforced as far as possible. He did not think the natives in the north wanted alcohol.

Count DE PENHA GARCIA asked who was responsible for seeing liquor did not go north.

Mr. FIELDGATE said that both the chiefs and the police were responsible.

Count DE PENHA GARCIA said the statistics for the south were not very reassuring. There had been a considerable increase in the quantity of spirits sold in the southern section during the year. The sale of wines and beers had also risen considerably (paragraph 133, page 49 of the 1935 report and paragraph 128 of the preceding report). The reason seemed to be that more money was circulating on account of the improvement in the economic situation. Was the Administration taking any steps to deal with the matter?

Mr. FIELDGATE said that, apart from the cost of the spirits and the licences, there were no restrictions on sale. The increase was very small when spread over the population.

Count DE PENHA GARCIA said that, not only the amount of drink consumed, but also liquor offences had increased (page 31 of the report).

Mr. FIELDGATE said most of these offences were for illicit distillation and the possession of illicitly distilled spirits.

Count DE PENHA GARCIA asked how spirits distilled illicitly were distinguished.

Mr. FIELDGATE said the best way was to sample them. They could also be distinguished by their colour.

Count DE PENHA GARCIA asked whether the Administration did not think measures should be taken to deal with illicit distillation. In the Cameroons under British mandate, attempts has been made to induce the natives to take other drinks.

Mr. FIELDGATE said plenty of other drinks were available if the natives wanted them. The police force, though small, did what it could.

Count DE PENHA GARCIA hoped the next report would contain fuller particulars about the situation in general.

M. SAKENOBE drew attention to the reference in paragraph 90, page 36 of the report, to the "cooking" of illicit spirit by local people in Krachi and its sale at 3s. a bottle. He enquired about the present situation.

Mr. FIELDGATE said the local chief had issued orders prohibiting the consumption of this spirit; but, if he enforced them he would, in all probability, get into trouble with his own people. All he could do was to advise. If his advice were disregarded, he would probably take no further action.

The CHAIRMAN was under the impression that, so far as liquor was concerned, not only had no progress been made, but that consumption was increasing.

Mr. FIELDGATE thought that conclusion was unfortunately correct.

The CHAIRMAN said there were practical conclusions to be drawn from that statement. If that were the situation, steps should be taken to deal with it.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA said the Commission noted in 1935<sup>1</sup> that there were very few medical officers in the territory, and expressed the hope that the medical services would be developed, particularly in the northern section. There was now one extra medical officer, a German, who had been appointed acting medical officer at Hohoe, in the southern section (paragraph 136, page 51 of the report). This was a matter for congratulation, but there was still room for improvement in the north.

Mr. FIELDGATE said that, if funds were available and the Government considered it desirable, the possibility of increasing the staff in the north would be considered.

Count DE PENHA GARCIA said the accredited representative had been asked in 1935<sup>2</sup> whether maternity and child welfare centres could not be opened in the north. He had replied that it would be very difficult on account of the lack of midwives. However, he had added that midwives were being trained at Accra on the Gold Coast, and that, in course of time, some of them would be available for the mandated territory. He had also explained that the chiefs were anxious to send girls to be trained as midwives.

Interesting information was given in paragraph 141 (page 54 of the report) concerning maternity and child welfare work in the south, particularly by the Catholic mission sisters at Kpandu. Little or nothing seemed to be done in the north, however.

Mr. FIELDGATE said that midwives were being trained in the colony and sent out. At present, the demand was greater than the supply. When midwives were available, they would undoubtedly be sent to the northern section.

Count DE PENHA GARCIA hoped supplementary information, particularly as to developments in the north, would be given in the next report.

The health position in general could not be said to be satisfactory. In spite of the goodwill of the Administration, certain diseases, such as malaria, were still very serious. The mandatory Power had endeavoured to place quinine at the disposal of the natives at the minimum price (paragraph 139, page 52 of the report), but a further effort was necessary. Was there much tuberculosis in the territory?

Mr. FIELDGATE understood there was a fair amount of tuberculosis in both the Gold Coast and the mandated territory.

Count DE PENHA GARCIA asked whether it had been found possible to open new isolation camps for lepers.

Mr. FIELDGATE said no new camps had been opened. The camp at Ho had been repaired after the fire in 1935 (page 53 of the report).

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 91 and 199.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 91.



COUNT DE PENHA GARCIA said that leprosy was another disease to which further attention should be devoted. It had spread considerably.

What had been done about sleeping-sickness, which was also increasing? What was the meaning of the expression "the Nakpanduri sleeping-sickness camp has become almost embarrassingly popular" (paragraph 138, page 51 of the report).

MR. FIELDGATE said the attendance had become so large that there was probably not sufficient accommodation.

COUNT DE PENHA GARCIA asked what measures had been taken to combat the tsetse fly.

MR. FIELDGATE understood that a survey would be made with a view to eradicating this nuisance.

LORD HAILEY presumed it would be a survey by a fully equipped *équipe de prospection* of the kind recently made by the French and Nigerian Governments.

MR. FIELDGATE said he thought that that was so.

COUNT DE PENHA GARCIA asked whether there were any itinerant missions for the treatment of sleeping-sickness.

MR. FIELDGATE replied in the negative.

M. VAN ASBECK asked whether there was any health propaganda by cinema. Government itinerant cinemas had done very useful work in the East Indies.

MR. FIELDGATE said there were no cinemas.

Mlle. DANNEVIG thought eighty-five deaths per thousand (in Ho) was a very low rate of infant mortality. Was there the same death rate in the bush?

MR. FIELDGATE said the sanitary and health conditions in the town of Ho were far better than those in the bush, where the rate was probably higher.

#### MINES.

The CHAIRMAN understood that the native rights in the surface also applied to the ground below.

MR. FIELDGATE said that was so in the southern section.

The CHAIRMAN noted that the principle admitted in a number of countries that anything under the surface belonged to the State did not hold good in the territory. In the north, the mines were under the control of the Administration; but that did not mean that they belonged to the State.

LORD HAILEY observed that, as the State had complete control of the land in the north, it would be entitled, if mines were discovered, either to keep the land itself or to grant concessions to companies. There would be no native right to the land. That was not the case in the south, however.

The CHAIRMAN understood that if mines were discovered—a matter of everyday occurrence in Africa—they would belong to the natives if they were in the south, and concessions would be granted in the name of the natives, royalties being paid to the native owners of the land. If mines were discovered in the north, the land might be taken by the State.

MR. FIELDGATE replied in the affirmative.

The CHAIRMAN thought there was reason to be glad that there were no mines in the south, for, if mineral deposits were found and great profits were derived, considerable sums would pass into the hands of the native communities. The whole social organisation would then be overthrown.

MR. FIELDGATE observed that that had happened in the Gold Coast.

M. VAN ASBECK hoped the difference in the mining regime of the northern and southern sections would be brought out in the survey of land tenure promised in the next report.

DEMOGRAPHIC STATISTICS.

M. RAPPARD said that, according to paragraph 143 of the report (page 55), the mid-year population was estimated at 338,650, an increase of 44,936 since the 1931 census. Could separate figures for the various districts be given in future reports?

Mr. FIELDGATE took note of this request.

Lord HAILEY assumed that the figure was in any case an estimate.

M. SAKENOBE recalled that, in 1935,<sup>1</sup> Lord Lugard had asked what was meant by an "arithmetical basis" in the estimation of population; the accredited representative, however, had been unable to reply.

Mr. FIELDGATE said the increase was estimated on an arithmetical basis. The rate of increase was assumed to be the same as the increase between the 1921 and 1931 censuses. The figures were naturally very inaccurate.

M. SAKENOBE asked whether the figures for the population of the four States referred to in paragraph 9 on page 7 of the report should not be altered every year on the same basis.

Mr. FIELDGATE agreed.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for his useful co-operation, and said that the Commission had appreciated the clarity of his replies. He hoped that the next report would contain replies to the questions that had remained unanswered.

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TENTH MEETING.

*Held on Tuesday, November 3rd, 1936, at 10.30 a.m.*

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**Letter of Thanks from Lord Lugard.**

The CHAIRMAN stated that a letter had been received from Lord Lugard in response to the Commission's telegram.<sup>2</sup> Lord Lugard thanked the Commission for its friendly sentiments and expressed his great regret at having to give up his work on the Commission, thus bringing to an end the excellent relations he had entertained with his colleagues for fourteen years.

**Syria and Lebanon : Method of Dealing with the Petitions (continuation) : Petition dated February 9th, 1936, from M. Rachid el Houssami, M. Behjat Chehabi and Other Syrian Advocates.**

The CHAIRMAN asked whether, in view of the nature of the petitions concerning Syria and Lebanon, the mandatory Power should be asked to send a representative to the Commission.

M. PALACIOS thought most of the petitions concerning Syria and Lebanon were connected with the general policy of the mandatory Power in those territories. At any rate, the petition from M. Rachid el Houssami, M. Behjat Chehabi and other Syrian advocates (document C.P.M.1848) referred, apart from a few minor details, to general policy and denounced the present regime as being more despotic than that of the Ottoman Turks. In proof of that statement, the petition reviewed personal freedom, freedom of domicile, freedom of thought, freedom of the Press, freedom of meeting and association, and so on. In M. Palacios' view, petitions of that kind should be examined in the presence of a representative of the mandatory Power, and, if it were considered inopportune to summon him at once, the examination of those petitions could be adjourned to the next session. He saw no objection to the adjournment

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 92.

<sup>2</sup> See page 14.

of the one to which he had just referred, for which he was Rapporteur, until 1937, particularly as it had been communicated by the mandatory Power only on October 22nd, 1936.

After an exchange of views, the Commission *decided* not to ask the mandatory Power to send a representative to the present session for the examination of the petitions concerning Syria and Lebanon.

The Commission also *decided* to adjourn the examination of the petition dated February 9th, 1936, from M. Rachid el Houssami, M. Behjat Chehabi and other Syrian barristers, until the next session.

**Palestine : Petitions connected with the Disturbances of 1936 (continuation) : Report of the Sub-Committee.**

Acting as Rapporteur for the Sub-Committee<sup>1</sup> on which he served with M. Palacios and M. Rappard, M. VAN ASBECK drew the Commission's attention to the following considerations: the majority of the petitions concerning Palestine appearing on the agenda of the present session related either to the disturbances of 1936 or to the execution of the general clauses of the mandate (immigration, sale of land, self-government, Legislative Council, etc.).

Although the mandatory Power had submitted observations on specific allegations contained in some of them, it did not seem that the Commission could usefully examine any of these petitions so long as it had not received information from the mandatory Power on the disturbances—that was to say, on the circumstances in which the majority of the said petitions originated.

After an exchange of views, the Commission *endorsed* the Sub-Committee's conclusions.

It *decided* to postpone the examination of those petitions on the agenda of the session relating to the recent disturbances and the execution of the general clauses of the Palestine mandate. They would be studied at the same time as the documents which the mandatory Power would furnish on the disturbances of 1936.

**Palestine : Petition, dated March 6th, 1936, from M. H. Simonian, Jerusalem.**

The Commission *decided* to postpone the examination of this petition.

**Palestine : Petition, dated April 17th, 1936, from M. Mosche Smilansky, President of the Jewish Farmers' Federation of Palestine and M. Tolkowsky, General Manager of the Jaffa Citrus Exchange.**

The Commission *decided* to postpone the examination of this petition.

**Palestine : Petition, dated July 1936, from the « Nessiut » (Presidency) of the New Zionist Organisation, London : Question of the admissibility of the Petition.**

The CHAIRMAN recalled that the Marquis Theodoli, when called upon to decide whether this petition was admissible, had asked for the views of his colleagues.

After an exchange of views, the members of the Commission, on the proposal of the Chairman, *recommended* that the petition should be regarded as admissible.

**Cameroons under French Mandate : Observations of the Commission.**

After an exchange of views, the Commission *adopted* the text of its observations concerning the Cameroons under French mandate (Annex 12).

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ELEVENTH MEETING.

*Held on Wednesday, November 4th, 1936, at 10.30 a.m.*

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**Western Samoa : Examination of the Annual Report for the Year ended March 31st, 1936.**

Mr. C. A. Berendsen, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Mr. C. A. Berendsen, with whom the Commission had already had occasion to collaborate at its nineteenth session in 1930.

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<sup>1</sup> See pages 15-16.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. BERENDSEN made the following statement :

Before I begin my statement, may I say how warmly I appreciate the kind welcome which you have been so good as to extend to me, and the opportunity of renewing direct relations with the Mandates Commission, whose consideration of our problems in Western Samoa has always been so understanding and so sympathetic.

I very much regret, and I am sure the members of the Commission will regret, the absence from this meeting of Mr. Jordan, the High Commissioner for New Zealand, who intended to act as the principal representative of New Zealand here. He was, I know, most anxious to meet the Commission and to begin that work of collaboration with its members to which he looks forward with pleasure. Unfortunately, unexpected and inescapable duties necessitate his continued presence in London and he has accordingly delegated to me the task of attending this meeting as the representative of New Zealand, and of supplying as adequately as possible such information as the Commission may desire.

You will remember that, since your last examination of affairs in Western Samoa, there has been a change of Government in New Zealand and, as a result, some changes in the policy adopted in the mandated territory. The present Government which did not invariably see eye to eye, while in opposition, with previous Governments in this connection, and which I can assure the Commission is animated solely by the most lofty sentiments of sympathy, friendship, and indeed affection for the Samoan people, felt that a determined effort should be made to obtain the fullest possible collaboration of all sections of the Samoan people with the new Government, and as a first step in that direction it decided to send to Samoa a Goodwill Mission. As soon as the more pressing affairs in New Zealand allowed of this step, this Goodwill Mission—consisting of a prominent and understanding member of the Government, the Honourable Mr. Langstone and Mr. James O'Brien, a well-known Member of Parliament, highly respected for his interest in and knowledge of Polynesian peoples—proceeded to the territory in the middle of June last. The Mission received an enthusiastic welcome in Samoa, but unfortunately had not returned to New Zealand before I left, so that I am not in a position to give you details of the report which the Mission has since made. On my way across the Pacific, however, I received a radio message from Mr. Langstone expressing his full satisfaction with the results of his visit, and I am able to quote with pleasure an extract from the Mission's report :

“ In conclusion, we are pleased to record the fact that in every respect the mission of the delegation was most successful. As already stated, we were enthusiastically received by the native representatives in our capacity as the direct representatives of the New Zealand Government, and our conversations with them were most cordial. We left Samoa with the conviction that the main objective of our visit—namely, to unite the different factions of the native population and to enlist their co-operation in the administration of the territory—had been accomplished, and latest advices to hand confirm that satisfactory result.”

The report of this Mission, which I am informed is a voluminous document, is still receiving the attention of the New Zealand Government. The Government, however, as the Commission will readily understand, has been very much occupied with sessional and other matters of urgency in New Zealand, with the result that the report has not yet received the full, careful and sympathetic consideration which the Government will desire to accord to it. I am therefore—and I regret it exceedingly—not in a position to supply the Commission with a copy of the report or, indeed, with details of its contents. The Commission may, however, rely upon it that in this, as in all other matters, the New Zealand Government will be most anxious to supply the Commission with any information it desires.

I am, nevertheless, able to inform the Commission of certain matters recommended by the Goodwill Mission which have already been put into effect. These are as follows :

(1) To repeal the Samoan Offender's Ordinance of 1922, under which the Administration is empowered to banish individuals from their villages and to cancel Samoan titles ;

(2) To repeal the Native Personal and Medical Tax Ordinances ;

(3) To repeal the proclamation of the Mau as a seditious organisation ;

(4) To repeal the restrictions upon free movement within the territory ;

(5) To cancel the arrears of native personal and medical taxes amounting to some £28,000 ;

- (6) To remit the balance of the term of exile imposed upon Mr. O. F. Nelson ;
- (7) To arrange for the return to Samoa of Mr. Nelson and his three daughters as guests of the Government ;
- (8) To increase the price paid by the Administration for bananas by 6*d.* per case.

At meetings of all sections of the Samoan people, the following additional proposals were advanced by the Goodwill Mission as the basis upon which the full and complete co-operation of all sections of the Samoans might be assured to the Administration :

- (1) To increase the number of Samoan representatives on the Legislative Council from two to four ;
- (2) To increase the number of Fautua from two to three (the Fautua are selected representatives of the chieftain class, whose function is to advise the Administration on Samoan affairs) ;
- (3) To pay to members of the Legislative Council, other than the official members (who are, of course, officers of the Administration), an honorarium of £50 per annum ;
- (4) To pay to the Fautua an honorarium of £100 per annum ;
- (5) To arrange for the setting-up of a Finance Committee, consisting of three representatives of the Samoan race and one of the European community, which would confer with the Administrator, the Treasurer, and the Secretary of Native Affairs, and before which would be placed full information in regard to the public accounts, revenue, taxation, expenditure, etc. ;
- (6) To publish in the *Savaii* (the official gazette printed in the Samoan language) full information in regard to the public accounts ;
- (7) To make provision for the Legislative Council to discuss the estimates of the territory prior to their despatch to New Zealand for the approval of the Government, with a view to the Council's recommendations in regard to revenue and expenditure being fully considered ;
- (8) To revoke immediately the Fono of Faipules and to arrange a re-selection, so that the Fono will be fully representative of the Samoan people ;
- (9) To fix the date for the re-selection of Faipules as at September 30th, 1936 ;
- (10) To extend the present system of education in the Administration schools by providing for free tuition, a higher standard of education, and the establishment of secondary schools ;
- (11) To extend the present hospital and medical system throughout the territory by increasing the number of medical practitioners and nurses with a view to bringing medical and hospital treatment within the reach of every Samoan ;
- (12) To secure the services of a qualified dentist to provide free dental treatment for school-children, and with a view later to establishing a complete school dental system for the mandated territory ;
- (13) To arrange for the taking of a census before the end of the present year, in order to have the statistics of Samoa in conformity with those of other countries.

These proposals, subject to two very minor exceptions, were accepted in principle by all sections of the Samoans as a basis for full co-operation with the Administration and the New Zealand Government ; but in detail, and with other subjects, they are still under discussion between the Samoans and the Administration. Recommendation No. 8 with reference to the selection of a new Fono of Faipules has already been put into effect. A new Fono has been selected and appointed, and it is this Fono which is now carrying on the discussion of these proposals.

Members of the Commission, with their wide experience, will readily understand that the position at the moment is necessarily somewhat liquid, and that time is required for all sections of the Samoans to understand not only the meaning of these proposals but also the motives underlying them. I think the members of the Commission will probably agree with me that it is unfortunate that the Commission should happen to be considering the affairs of Western Samoa at this particular moment, when, as I say, the position, is, and must necessarily be, liquid ; but with the unquestioned and indubitable goodwill of the New Zealand Government, and with the goodwill that has been manifested by all sections of the Samoan people, the Government is confident that the visit of the Goodwill Mission and the policy of full co-operation that is to be followed will lead to happy results in the territory.

The latest information received from the Government by telegram a day or two ago is to the effect that the Fono of Faipules has been sitting intermittently since September 30th

discussing the affairs of the territory very fully and amicably. These discussions—which, in the circumstances, must inevitably not be without difficulty—have not yet been completed; the Fono is still sitting and is, as I have said, discussing these and other matters with the Administration. My report from the Government, however, is that the position appears to be encouraging, that the territory is perfectly quiet and that the Administration is functioning fully in all respects.

Finally, the Commission will perhaps be interested to know that a census of the territory, which for many years has proved to be impracticable, is actually being taken to-day.

I am happy to say that an improvement in the prices of the territory's products, particularly copra and cocoa, has led to an encouraging increase in the trade figures of Western Samoa. With the exception of bananas, Samoan products are, of course, entirely dependent on world prices. There seems reason to believe that prices will at least be maintained at the present level; and we can, I think, look forward with confidence to more prosperous times in the future than we have experienced in the last few years. I need hardly assure the members of the Commission—but I do so assure them—that there is no vestige of a desire on the part of the New Zealand Government to make any profit from the mandated territory and that the whole of the revenues of the territory—which we hope and believe will expand with the expansion of trade—will be devoted solely to the welfare of the Samoans and particularly to an extension as rapidly and as completely as is possible and desirable (for the two do not always coincide) of medical, dental and educational services.

That concludes that portion of the remarks I have to make dealing with the present situation in the territory, though I shall take an opportunity of giving to the Commission—and the Chairman will tell me whether now or later would be the appropriate time—a full explanation of the banana trade in Western Samoa, in connection with which some doubts have been expressed by certain members of the Commission.

The CHAIRMAN thanked Mr. Berendsen for his statement, noting that a far-reaching political change had occurred since March 31st, 1936—the date of the present report. The tenor of the accredited representative's statement would doubtless be borne in mind by his colleagues and would probably cause them to modify the questions it had been their intention to ask concerning the report.

#### STATUS OF THE TERRITORY.

M. PALACIOS said there was nothing fresh regarding the status of the territory in the report under examination. It should, however, be recognised that the mandatory Power had taken account of the remarks made on various occasions in the Commission to the effect that it should always be made clear that the territory was administered under a mandate of the League of Nations.

Mr. BERENDSEN assured the Commission that this fact was duly kept present in the minds of the population of Western Samoa.

#### SITUATION OF " PERSONS OF MIXED BLOOD ".

Mr. BERENDSEN, in reply to a question by Count de Penha Garcia, who suggested that there seemed to be very few applications by " European " half-castes to obtain Samoan status, explained that, in the vast majority of cases, Samoans who were only technically Europeans were received by their families and accorded exactly the same rights as full-blooded Samoans. Only in the very rare cases in which, for some reason or other, persons of " European status " were not received by their families did it become necessary for the Administration to enquire into the facts.

In reply to a question by Lord Hailey, the accredited representative explained that the Samoan Status Ordinance had been passed in order to give absolute legal force to a widely observed custom. Although, as he had said, technical " Europeans " were in most cases received on equal terms by their families, it had been necessary to legislate to provide for exceptional cases, in order to enable " European " Samoans to claim their share in the family lands, in spite of opposition. It must be remembered that the situation was a progressive one and that the amount of European blood tended to become smaller and smaller, so that at last there came a time when it was absolutely necessary to terminate an absurd fiction. No " European " Samoans were assimilated to pure-blooded Samoans at law, unless they were in fact entirely Samoans in their mode of living and mental outlook.

M. SAKENOBE asked what documents for travelling were accorded to Samoans of mixed blood who were recognised legally as Europeans.

Mr. BERENDSEN replied that he believed such travellers were described as " British protected persons, residents of Western Samoa ".

In reply to a further question by M. Sakenobe, the accredited representative said that doubtless the number of applications for full Samoan status would increase in the course of time.

In reply to a question by M. van Asbeck, the accredited representative explained that the "European" status was not particularly attractive to Samoans, who were proud of their race—a pride which the Administration did all in its power to foster.

In reply to a question by M. Rappard, the accredited representative explained that it was impossible to draw any close parallel between European and Samoan moral concepts. Generally speaking, half-caste children were not looked upon either as "illegitimate" or "orphan", in the European sense of those terms, by the mothers' families. The Samoans were extremely fond of children and normally accepted any new arrivals in the community without demur.

#### MODIFICATIONS INTRODUCED BY THE NEW ZEALAND GOVERNMENT IN THE POLITICAL ADMINISTRATION OF THE TERRITORY.

The CHAIRMAN observed, in the first place, that the present report gave few particulars regarding the political situation in the territory.

With regard to the statement just made by the accredited representative, he pointed out that the examination of previous annual reports had, on many occasions, given rise to doubts in the Commission as to whether the policy and methods of administration applied in Western Samoa were quite adapted to local circumstances. That was shown by the observations submitted by the Commission to the Council and even more clearly by the Minutes of the discussions.

Under those circumstances, the intention of the mandatory Power to improve the existing state of affairs could not but meet with the sympathy of the Commission from the outset.

The accredited representative would, however, understand that the announcement of the complete change in policy came as a surprise to the Commission after the optimistic statements which had been made on the last occasion when it had dealt with this territory. The report for the year 1934/35 had stated that, for the first time for many years, a considerable improvement had taken place in the political situation and this improvement had been attributed to the fact that the group of malcontents and seditious persons—the Mau—was "moribund". A further cause to which the appeasement was attributed was that a person constantly described as the fomentor of all the troubles had been excluded from the islands.

It was now announced that the proclamation which had denounced the Mau as a seditious organisation had been abrogated and that the person alluded to above had been granted a remission of the penalty of exile pronounced upon him. He had indeed made a triumphal return to Samoa at a parade honoured by the presence of the Administrator of the territory and the member of the New Zealand Cabinet who was at that time present in the islands.

Those two decisions formed part of a number of measures, some of which had been already realised, while others were still under examination, marking a reversal of the policy of the mandatory Power. According to a statement made by the Prime Minister of New Zealand in Parliament on April 6th, 1936, it was a question of "doing justice to the people of Samoa".

The Chairman would like to know whether the Commission should revise the rather unfavourable impression which it had formed as a result of official statements regarding the agitators and, in particular, the Mau, which had hitherto been constantly depicted in official documents as an artificial movement without any deep roots in the population.

He would be glad if the accredited representative would state whether the various political measures which he had enumerated had been taken as the result of a close study of the situation of the territory and the aspirations and needs of its inhabitants.

Mr. BERENDSEN said it was true that previous reports had indicated a progressive improvement in the political situation in the territory and that the Administration had the situation completely in hand. It was also a fact that the present New Zealand Government—which until the previous year had been the opposition party in the New Zealand Parliament—had never entirely shared or fully approved the Samoan policy of previous Governments. They had always stated their, at any rate partial, sympathy with the point of view expressed at times very vehemently, and later much more gently, by that section of the Samoans who belonged to the Mau. They had always felt that the action taken against Mr. Nelson had in it certain elements of injustice.

In any case, it could be said that the new Government, taking office with the highest humanitarian ideals and with a history of opposition to the policy followed in connection with Samoa in the past, was entitled to the view that, even if the situation had improved enormously in that territory and even if the Administration had matters fully in hand, the territory could nevertheless be governed much more satisfactorily and happily if all sections of the Samoans could be brought together and united into a single co-operating population. That, he believed, had been the object of the Goodwill Mission and of the meetings that had been held and were still being held, not with one section of the Samoans only, but also with all sections.

It was a fact that Mr. Nelson—and he deprecated having to refer to individuals—had returned to Samoa as the guest of the Government, that the remainder of his sentence of



exile had been unconditionally revoked and that he had been met on his arrival by the members of the New Zealand Goodwill Mission.

Mr. Berendsen thought it could fairly be said that when, as in the present case, the New Zealand Government was attempting to gather all sections of the community together—all the residents of Samoa, whether Samoans or not—in a voluntary, amicable agreed collaboration in order to secure the best results for the whole population, there was something to be said for making the gesture which had been made and making it, above all, unconditionally. If the Government was successful in obtaining the complete co-operation of all sections of the community (and it was confident that it would be), the presence of Mr. Nelson in the territory as an additional willing collaborator to that common end could, in the opinion of the Government, be a very great help.

The CHAIRMAN read the following extract from the "New Zealand Parliamentary Debates", House of Representatives, First Session, April 6th, 1936, page 170, reproducing a question put to the Prime Minister :

" . . . Whether he had not thought it necessary to insist on the condition that Mr. Nelson refrain from any agitation to stir up the Mau section of the natives to obstruct the Administration, and the loyal natives supporting it, in its endeavour to maintain law and order in the territory."

To this the Prime Minister had replied :

" It was the intention of the Government to give effect to its election pledges to do justice to the Samoan people and that Mr. Nelson would return to Samoa on the same terms as would govern the return of a New Zealand citizen to the Dominion."

Could the accredited representative say whether the Administration of the territory considered that it possessed every guarantee that law and order would, henceforward, be maintained ?

Mr. BERENDSEN replied that the present New Zealand Government counted on the loyal assistance and co-operation of all sections of the population in place of past opposition.

In reply to a question by Mlle. Dannevig, Mr. Berendsen added that the circumstances of Mr. Nelson's present return to the territory were not exactly the same as those in which he had returned to Samoa in the past. On that occasion he had come back after completing a period of exile imposed upon him by the Administration as an executive act. On the present occasion, the unexpired term of his sentence of exile had been remitted, so that he could hardly be labouring under any feeling of grievance against the Administration.

M. PALACIOS agreed with the opinion expressed by the Chairman in his first speech regarding the actual position. A radical change had taken place in the policy of New Zealand ; consequently, the Commission had heard statements different from those which had been made previously. M. Palacios had no need to change his view on the question, because he had always expressed an opinion which frequently differed considerably from that of his colleagues. It was not that he felt the new policy was free from danger and might not lead to disappointments, but that, in his opinion, the tone was now quite different and was perhaps more in conformity with the real aspirations of the various elements of the population of the islands.

He would merely ask the accredited representative the following question. Did the movement, which might be called nationalist and which was summed up in the motto "Samoa for the Samoans", still continue to exist ? If so, how did it make itself felt ? Had that movement taken sides as regards the new policy ? Had it been aggravated or, on the other hand, had it calmed down or become less extensive ?

Mr. BERENDSEN replied that, in the present days of universal resurgent nationalism, it would be too much to expect even Samoa to be completely free from those influences. But in the opinion of the New Zealand Government, self-government was not advisable or practicable.

M. PALACIOS said he was not expressing any view for or against the ideal in question, but felt that any policy should always take account of the existence of such aspirations and should gauge their volume and extent.

M. MANCERON observed that, whereas every year up to the present, there had been agitation on the part of one section of the population, there had been another section which had supported the former Government's policy. Did the accredited representative believe that the struggles which had resulted from that antagonism were no longer to be feared, that there was no risk of reprisals by one part of the population against another and that, in fact, all parties could become suddenly reconciled ?

Mr. BERENDSEN replied that nobody could be sure of anything. The New Zealand Government ardently hoped that past disputes would now be forgotten. It was fortunately a laudable trait in the Samoan's character that he could be very forgiving.



M. RAPPARD said he hoped that the mandatory Power would realise that the Mandates Commission fully appreciated the difficulties of the situation, but he could not help feeling that the present changes in Samoa were mainly the result of political changes that had occurred in New Zealand. There were naturally two sides to the political picture, as was proved by an opposite view taken by Mr. Robson who went out from New Zealand to Samoa in the same ship as the Goodwill Mission and who had given his impression in an interesting article in the *Pacific Islands Monthly*.

The present Government had refuted the former policy by reversing the decisions of its predecessors and had been particularly fortunate in that the improved economic situation of the country, due mainly to the rise in price of copra, had made it possible for it to reduce taxes, increase salaries and generally to contribute to its own popularity. That was perfectly understandable, but perhaps rather dangerous. Was it not the case of transplanting into the Administration of the mandated territory the party politics of the home country? The two circumstances which explained the facts—the new Government in New Zealand and the vastly improved economic position in the islands—were not likely to last for ever. The price of copra and the revenue from taxes might both fall; what would remain were the demands which would have been or might be created and which it might be more difficult to satisfy in the future.

In colonial administration, as to a certain extent in foreign policy, it was essential for a Government to feel a certain national solidarity with its political opponents—its predecessors and probable successors. If the necessity for continuity were not constantly borne in mind by the mandatory Power, were not very serious troubles likely to arise in the future? Both sides might be sincere and capable, but if they for one instant overlooked the fact that they were administering the territory on behalf of the League of Nations, and in the name of a country and not of a party, the situation might become very serious in the future. What the Mandates Commission had to consider was the repercussion of a change in the political situation of the mandatory Power which had completely reversed the former policy. It would be most unfortunate if the territory were to become involved in the political controversies in New Zealand.

M. Rappard did not ask the accredited representative, whose situation he understood, to make any specific statement on the subject, but he did think it essential that the Minutes of the Commission should not give the impression that the Commission attributed to a modification in a certain person's mental outlook or to a change in the attitude of the Mau a modification of the situation in the territory which appeared to be obviously due to political and economic events which had taken place outside the frontiers of Samoa.

M. VAN ASBECK entirely associated himself with M. Rappard's remarks. He expected that the mandatory Power would, at a later date, explain the motives and give details of its reversed policy; at the present time, the Commission was not entitled to discuss the meaning and scope of the measures taken or announced. But there was certainly one point to which attention should be drawn immediately, especially from the aspect of colonial policy in general; it was the undesirability of any precipitate and ostentatious changes of any importance.

This was a principle which had always been observed in prudent colonial administration with a view to avoiding unfounded hopes which were necessarily followed by disappointments and trouble.

M. van Asbeck wished to ask the accredited representative a few questions:

1. Did not the mandatory Power feel that, even if policy had to be reversed, a certain degree of moderation in the procedure should be observed?
2. Was it entirely wise that Mr. Nelson should have been received like a returning hero or a martyr?
3. Was there any truth in the statement that a section of the population desired the mandated territory to be transformed into a British protectorate?
4. What had been the attitude of the Mau since April? In the course of the last six months, had there been any definite signs of a greater willingness to ensure co-operation?

Mr. BERENDSEN said, first of all, that it was possible to exaggerate the extent of the difference in the methods adopted by the present Government as compared with those of past Governments. The mandatory Power would certainly deprecate any unnecessary extension of the area of difference. The policies of the past and the present policy had the same ultimate aim in view. They differed—and again the difference should not be exaggerated—in the methods of attaining that object and the time at which it might be appropriate to endeavour to apply a particular method. Nobody could, he thought, assert that it was not a wise policy to obtain the full co-operation of all sections of the people, as soon as it could safely be attempted.

The New Zealand Government would, of course, read with interest the comments that had just been made and would certainly attach the greatest importance to the views expressed by the Commission or any of its members. It should be remembered, however, that the Government had for long been criticising past policy and was not therefore open to the objection that it was not "playing the game", when, as soon as it was in a position to do so, it proceeded to alter that policy as it saw fit.

He had little comment to offer on Mr. Robson's impressions as set out in the article from the *Pacific Islands Monthly*, quoted by M. Rappard. Mr. Robson might have a knowledge of Polynesian affairs, but so far as the accredited representative was aware, he had never previously been in Samoa and had remained there only for a very short period on the occasion of which he wrote.

Mr. Berendsen had no comment to make on the allegation that some section of the population desired that the mandated territory should be transformed into a British protectorate. It was the first he had ever heard of the proposal and he very much questioned whether there was any serious movement in that direction. In any case, the question did not arise. Western Samoa was a mandated territory, and no New Zealand Government had ever suggested abandoning it or renouncing the task to which it had put its hand.

M. VAN ASBECK, referring to the suggestion regarding the transformation of the mandate, was glad to note the accredited representative's statement that no New Zealand Government had ever thought of agreeing to such a suggestion. He regretted all the more that the New Zealand Minister, head of the Goodwill Mission, instead of making a rather non-committal statement on the subject, had not made it perfectly clear that the status of the mandated territory could not be altered unless a decision to that effect were taken by the League of Nations.

Count DE PENHA GARCIA shared some of the apprehensions which his colleagues had voiced. It was not, however, a very rare occurrence that far-reaching changes should take place in a country's policy in respect of programmes and persons. When, however, such changes occurred in the application of the policy of a mandatory Power, it was necessary for all in leading positions to act with the greatest prudence. The effect of the new policy could not be known to the Mandates Commission until it received the annual report for the following year. It could, therefore, for the present merely note the reforms announced.

M. PALACIOS wished to pay a tribute to the judicious remarks of M. Rappard and M. van Asbeck, and he also associated himself with the appeal for caution made by Count de Penha Garcia. But, at the same time, he wished to recall the misgivings which the various members of the Commission—while not associating themselves with the apprehensions formulated on each occasion by himself—had expressed in speeches appearing in the Minutes of previous sessions and which the Commission itself had more than once stressed in its observations to the Council. It might be said that, when the Commission had expressed its approval, it had done so somewhat timidly. In the present case, when the mandatory Power spoke of a radical change in its policy in the mandated territory, it was not so much the actual change as the substance of that policy which should be examined and criticised, since neither the solidarity nor the continuity of a past which the Commission had never regarded as brilliant were to be recommended in themselves. It was to be hoped that a path would be found to a better future, in order to bring into colonial policy a continuity which might remain unchanged to the very relative extent demanded by the slow progress of history, so that the various parties and Governments might co-operate in a national spirit.

M. Palacios thought the same could be said of human beings. He did not want to judge Mr. Nelson; he did not know him, and he was not in a position to express any well-founded opinion, but he did not think that the change in the attitude towards him could in itself cause surprise. Such sudden changes had occurred in many quarters and were taking place at present. The problem was whether the person in question deserved the tribute paid to him by reason of his value and of the services which he rendered to the people.

As regards M. van Asbeck's reference to the opinion which had arisen in certain quarters in favour of a transfer of the mandated territory to the United Kingdom Government, he was glad that the question had been raised, so that it might at any rate be mentioned in the Minutes.

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## TWELFTH MEETING.

*Held on Wednesday, November 4th, 1936, at 3.30 p.m.*

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**Western Samoa : Examination of the Annual Report for the Year ended March 31st, 1936 (continuation).**

Mr. Berendsen came to the table of the Commission.

### RECRUITMENT AND TRAINING OF ADMINISTRATIVE STAFF.

Lord HAILEY asked whether the changes made by the New Zealand Government had included any alterations in the administrative staff. The accredited representative had mentioned that graduates were being sent to Samoa to be trained. Did that mean that the

Government contemplated appointing permanent administrators with a definite training in the language and customs of the territory ?

Mr. BERENDSEN replied that the Goodwill Mission in its report had made the following comment on the administrative staff :

“ In the opinion of the Mission, the present European executive staff consists of capable and efficient officers, who have, in the majority of cases, resided in the territory for ten or fifteen years and whose knowledge of the Samoan language is, in the opinion of the Mission, most valuable.”

The report went on to state that, while the Mission agreed with the established policy of the Administration to bring suitable Samoan boys and girls into the service as they became available, it was nevertheless of opinion that the majority of the more important positions in the Administration must, for the time being, be filled by officers seconded from the New Zealand public service.

This showed that the Government was satisfied with the calibre and qualities of the officials appointed.

Two graduates had been sent out to the territory, and it was proposed to extend that system as rapidly as funds permitted. The first of the youths in question had been chosen on account of his personal qualifications, and had been sent out to Samoa with a view to ascertaining whether he was suited for the work. The experiment had been entirely successful. The second youth had taken the highest university honours in anthropology and Polynesian subjects. It was hoped that youths of that type would develop into first-class officials with ample knowledge of the territory and a sound cultural background.

Lord HAILEY asked whether officials seconded from the New Zealand public service were sent out for any particular length of time.

Mr. BERENDSEN welcomed that question, as it enabled him to reply to previous criticisms by Lord Lugard.<sup>1</sup> There were two classes of New Zealand officials sent out to the territory. In the first place, there were officials sent out to fill the more responsible and permanent posts requiring extensive knowledge of the Samoan people. Those officials made their career in Samoa. In addition, there were the lower officials sent out for limited periods. They worked as clerks, book-keepers, etc., and did not exercise any influence on questions of policy. They could find no career in Samoa, and were therefore seconded for about three years and afterwards returned to the New Zealand service.

Lord HAILEY agreed that for such a small territory it was impossible to have a permanent Samoan cadre. Both Lord Lugard and he himself had been mainly concerned to know that the officials seconded to the territory should be there long enough to learn the language and customs of the people.

The CHAIRMAN agreed that the Administration could not but benefit if the officials did not only make a short stay in the territory, but, as far as possible, made their career there. Nevertheless, it was often an advantage if the Administrator in charge of the territory had not previously been associated with the Administration, but came from outside. In that way, he would see better what should be changed, what, on the contrary, should be maintained—in a word, the arrival of a new man would frequently be a guarantee of progress.

Lord HAILEY observed that the number of native land inspectors and magistrates had been reduced and that all cases were now tried by two central courts. At one time, it had been the custom for certain cases to be tried by Samoans. He asked whether the Government was still contemplating the employment of Samoans in subaltern positions.

Mr. BERENDSEN replied that there was no question of dispensing with Samoans in the judicial organisation. The Government was also endeavouring to employ Samoans in other departments. There were numerous cases of Samoans who, after following courses at Suva, had taken up positions in medicine, and there were numerous Samoan recruits to the education service. The results had been very encouraging.

Lord HAILEY presumed that there was no intention of creating chiefs' courts or native courts, but rather of extending the employment of Samoans—in other words, direct administration with a larger share of the work by Samoans.

Mr. BERENDSEN agreed. He pointed out that Samoa was a small territory and that no part of the territory was more than sixty miles from a court. There was, therefore, not the same necessity for native courts as in larger territories.

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<sup>1</sup> See Minutes of the Twenty-sixth Session of the Commission, page 122, and Twenty-eighth Session, page 154.

M. VAN ASBECK observed the statement on page 4 of the report that the Administrator had had the benefit of the advice of two native chiefs of the highest standing, one of whom had recently died. He also noted that a measure had been adopted with a view to paying salaries to native advisers. Might the chiefs in question be considered as executive councillors of the Administration?

Mr. BERENDSEN replied that the two posts in question were unique. Those two chiefs were among the highest chiefs in the islands, and one of them was formerly king of the entire territory. As Fautua, they were not executive councillors, though there was a legislative council in the territory of which they were also members. It was proposed to fill the vacancy caused by the death of one of the chiefs, and possibly to increase the number of posts to three. It was their duty to give advice on native affairs.

M. VAN ASBECK observed that village native officials were paid small salaries and asked whether they had any other source of revenue.

Mr. BERENDSEN said that they had not, and no payments were made to them by the community.

M. VAN ASBECK referred to the statement on page 4 of the report, that the persons of part-Samoan blood formed a comparatively large portion of the community and that considerable use was made of such persons in the Administration service. The table on page 5 of the report, however, showed that there were fifty-nine Europeans on the staff as against forty-eight persons of part-Samoan blood. Was there any reason to think that their participation in the Administration would be extended?

Mr. BERENDSEN replied that the expression "large proportion of persons of part-Samoan blood" was relative. The future of those persons would undoubtedly be on the land and the Administration was encouraging them to settle on suitable areas.

M. VAN ASBECK assumed, therefore, that they could not look for a career in the Government service.

Mr. BERENDSEN replied that it was scarcely possible to absorb 3,000 people in the Government service. He did not think it was reasonable to compare the number of pure Europeans with the number of persons of part-Samoan blood. The pure Europeans included all the experts in the Administration. He added that the Administration was giving the part-Samoans as much consideration as it possibly could.

M. VAN ASBECK asked whether it was possible to train them for higher work, so that they might replace the higher officials.

Mr. BERENDSEN said that was the aim of the Administration both in respect of part-Samoans and Samoans, and progress was being made in that respect.

Mlle. DANNEVIG asked whether there were different grades of native teachers. The natives seemed to have little knowledge of events outside the territory and she thought this was possibly due to the ignorance of some of the teachers.

Mr. BERENDSEN replied that there were many different grades ranging from teachers in the small village schools to those in the higher Administration schools. The latter were admirable teachers in all respects.

#### NATIVE ORGANISATION AND AUTHORITIES.

M. SAKENOBE observed that the Samoans were divided into families and that the Matai was at the head of each family and that all the Matai together formed the ruling body of the village (page 4 of the report). He asked if there was any authority between the ruling body of the village and the great chiefs.

Mr. BERENDSEN replied that the Matai or heads of families met and discussed village affairs. It would take too much time to enter into the relations of the village chiefs, the district chiefs and the great Samoan chiefs.

In reply to a further question, he said that the native organisation was firmly established and it would be a great pity if it were to disappear.

Mlle. DANNEVIG asked whether the Samoans did not belong to the strongest tribes in the Southern Pacific, and whether they had not thus been able to retain their independence, their native customs and ways of life, in spite of their subjection by the Europeans. In that way, they had retained their physical strength and their interest in life, which was invaluable to them.

Mr. BERENDSEN said there was much truth in that view.

BANANA TRADE.

Mr. BERENDSEN made the following statement :

My purpose in making this statement on the position of the banana trade in Samoa is not merely to explain this rather complicated business to the Commission, but, in particular, to endeavour to remove from the mind of any member of the Commission any possible suspicion that this banana trade was initiated or is being conducted in any way for the benefit of New Zealand, or other than solely for the benefit of the Samoans.

Prior to the inception of the Administration's banana scheme, there had been no export of bananas from Samoa, and there could have been no possibility of such an export had the Administration not undertaken the whole business.

The export of bananas by unrefrigerated vessels from Samoa was, in view of the distance to the nearest (and only) market—namely, New Zealand—quite out of the question; and, before the trade could be initiated at all, a suitable vessel with refrigerated holds had to be provided for the purpose. This vessel—the *M.V. Maui Pomare*—was accordingly built at a cost of some £60,000, which was met by the New Zealand taxpayer. The inevitable losses in the early stages of building up the business were also met, in the first instance, by the New Zealand taxpayer.

The New Zealand Government entered into this trade for the sole reason that it was impossible for private enterprise to do it and that, if the Samoans were to be given the benefit of an outlet for bananas, the Government alone could arrange it. It was not, in any way, a question of the Government's competing with private enterprise, which would not—and, indeed, could not be expected to—undertake the heavy risks involved. Nor was it a question of New Zealand's desire for more or cheaper bananas for itself. Ample quantities of bananas have always been available in New Zealand, and the only effect in New Zealand of this Samoan trade has been to increase the price paid by the New Zealand consumer for the benefit of the Samoan producer.

I wish now to explain that rather remarkable tax on the export of bananas which, it appears, puzzled the Commission during its previous examination of the report.<sup>1</sup> From the inception of the trade it was decided, on the grounds of equity, that a flat price should be paid to producers throughout the year, irrespective of the locality from which the bananas were supplied. This was considered necessary for the following reasons: (1) because it was desirable to spread the benefits of the new trade as widely as possible in the interests of the whole people; (2) because the grower at a distance from the port of Apia had exactly the same overhead costs as the grower close to the port—in other words, land distant from the port had no higher or lower value than land around Apia, as it was not acquired on a commercial basis; (3) because differentiating in prices according to distance from the port and cost of transport would not only create administrative difficulties but would also give rise to misunderstandings amongst the Samoans, who do not appreciate the reasons for varying prices; and (4) because fluctuations in price throughout the year would similarly be a cause of misunderstanding and embarrassment.

The decision to pay a flat price irrespective of the time of the year or of the distance of sources of supply from Apia, though undoubtedly correct—and indeed justified by events—created, however, certain corresponding weaknesses in the scheme which the following facts will serve to explain.

The wholesale and retail price of bananas in New Zealand varies to a marked degree according to the time of the year, being exceedingly low in the winter months and rising to a high figure in the last two months in the year, when the summer weather causes an increased demand before the New Zealand fruit crops are ready for consumption. This fluctuation in price can be, and is, compensated to some extent by a variation in the quantity of supplies; but it is impossible so to arrange supplies as to eliminate these variations entirely. To do so completely would involve a heavy loss on the grower in those supplying territories, such as Samoa, where bananas ripen regularly throughout the year and where, to provide the increased demand at the end of the year, the grower would have to plant a much greater quantity of bananas than could be effectively disposed of during the remainder of the year. This was an impossible position for any commercial man, and was certainly a position impossible to explain to the Samoans.

Once bananas had been planted in Samoa for export—and they were planted solely because the Administration's scheme ensured an outlet—it became possible for private enterprise, in the two months of the year when banana prices were high in New Zealand, to take the risk of shipping in unrefrigerated vessels on the assumption that the high prices ruling would compensate for the risk of loss involved. Purchases, of course, would have been made only in the cheapest market—namely, close to Apia.

Clearly, private enterprise would have intervened in the trade only during the two profitable months and, for this reason and by purchasing from nearby suppliers, would have

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 157.

been enabled during that period to offer a far higher price than the Administration would have been able to offer, having regard to the fact that the latter's trade covers the whole year and, indeed, must do so if it is to be on a permanent and profitable footing for the Samoan grower.

In order, therefore, and solely in order to protect the Administration's scheme, which was obviously the only one that could in any way succeed in providing a regular outlet for Samoan bananas, the rather remarkable device was adopted of imposing an export tax of 2s. 6d. a case. The tax was imposed purely as a means of protection, and is refunded in respect of all bananas exported by the Administration, but is not refunded—or would not be refunded, because, I believe, the position has never arisen—to private enterprise, should it endeavour to intervene in these two profitable months of the year and thereby ruin the trade for the remaining ten months.

A similar effect could have been achieved by prohibiting export except through the Administration's scheme, but the existing arrangement has worked well, is thoroughly understood, and has served the purpose for which it was designed—the interests of the Samoan producers.

It should be emphasised here that New Zealand has never, at any time, had anything to gain by the inception of the Samoan banana scheme. Indeed, it has made substantial sacrifices to ensure the success of the scheme, not only by direct monetary assistance, in the provision of the ship and by making direct monetary losses in the early stages, but also in the regulation of banana supplies to enable a satisfactory price to be paid, *inter alia*, to the Samoan grower. It is actually a fact that the New Zealand consumer pays more for his bananas because of the inception of the scheme.

When the depression afflicted the world, tropical products such as copra, cocoa and rubber were affected to a very much greater extent than non-tropical products. Prices fell enormously at the onset of the depression and producers of those articles were immediately and devastatingly affected. They at once turned to some other source of income, and as the banana is a quick crop—the fruit being available within nine to twelve months of planting—the immediate result was an enormous increase in the supply of bananas to the New Zealand market. From the point of view of New Zealand, this was unobjectionable, because the price of bananas fell to an unprecedented extent. In 1932, when there was a completely free market in New Zealand for bananas, nearly twice as many were imported as could be sold, with the result that perfectly good bananas were being sold in Auckland at 1s. a case of 85 to 90 lb.—less than the cost of the case itself and less than one tenth of the actual landed costs.

That was an impossible position ; and, in order to avoid the complete ruin of the banana industry, all the producing countries, including Samoa, met and agreed to limit the supplies they would send to the New Zealand market. In this voluntary limitation, in which Samoa shared, the interests of the Samoans were carefully preserved. Indeed, the quota which was fixed for Samoa was much more generous than that allotted to those countries for which New Zealand was not responsible, and recently, by a further arrangement, it has been possible to increase the Samoan quota.

It will be clear that if the 2s. 6d. export tax on privately exported bananas from Samoa had not proved effective in restricting the trade entirely to the Administration's scheme, it would, on account of this quota arrangement alone, have been necessary to place an embargo on the export of bananas from Samoa in excess of the reasonable and indeed generous quota thus agreed upon.

The scheme as it is administered at present has proved remarkably successful and is undoubtedly extremely popular with the Samoan growers, who could not have hoped to dispose of their fruit as successfully and so regularly by any other means. Originally financed entirely by New Zealand funds, the scheme has now become completely self-supporting. The price paid to the grower—4s. 6d. for 85 to 90 lb. of fruit, which it has recently been decided should be increased to 5s.—is quite a satisfactory price, having regard to the fact that all other costs, including the cost of the case, are met by the scheme. A healthy reserve has been built up and the quality of the Samoan bananas has been improved until they are now admittedly the best fruit imported into New Zealand. All arrangements for the supply of cases, transport, inspection, shipment and sale in New Zealand are made entirely by the Government, the grower supplying the fruit alone and packing it, the Government purchasing the fruit so packed at some fifty packing centres. The Government sees to it that the fruit is carefully cut, dried on racks, inspected at the packing-shed, and packed carefully in the approved manner in cases supplied and paid for by the Government. It is then transported to the port of Apia, where every individual case is opened and again inspected before being finally passed for shipment. The whole of the fruit for the *Mau'i Pomare*, amounting to over 2,000,000 individual bananas, is handled within an absolute maximum time of forty-eight hours from the time of cutting to its delivery into the ship's refrigerated chambers, and it invariably lands in New Zealand in excellent condition.

Owing to the fact that at times it is not possible, under the quota system, for the full supply available in Samoa to be shipped and sold, it is necessary to allot certain quotas to individual growers, and this is done with the greatest care, in order to avoid any injustice and to spread the benefits of the scheme as widely as possible. Little difficulty is experienced in this connection, and with the increased quota now allotted to Samoa it is felt that practically the whole present output can be handled at a satisfactory price.

The banana trade scheme was initiated exclusively for the benefit of the Samoans. It cannot be too strongly stressed that New Zealand has gained nothing whatever from the Samoan banana scheme, but on the contrary has made substantial sacrifices for the benefit of the Samoans. The scheme has been remarkably successful and entirely beneficial to the Samoan people.

M. MANCERON asked how long the banana organisation had been in operation.

Mr. BERENDSEN said it had been started in May 1928, and the quota agreement between the supplying countries had been reached in 1932.

M. MANCERON had no criticisms to offer on the scheme, and thanked the accredited representative for his very full explanations. He thought, nevertheless, that there was nothing to prevent a private enterprise, possessing the necessary capital from succeeding under the same conditions as the State.

Mr. BERENDSEN explained that it had been necessary to provide a vessel with a refrigerated hold, and it had not been certain whether the bananas could be successfully shipped in cases, even in such a vessel. No private firm had been willing to take the risk of making the experiment. The Government, after a number of failures, had succeeded in transporting the bananas in good condition.

The CHAIRMAN, in his turn, thanked the accredited representative for his very interesting statement. From it, it would be seen that the Government had had excellent intentions, which were in the interests of the territory.

M. MANCERON, referring to the accredited representative's statement that the bananas had to be dried, asked why this was necessary in the case of fresh bananas.

Mr. BERENDSEN replied that, when the bananas were cut, a certain amount of juice exuded from the stems, which had to be dried before the bananas were shipped, in order that other bananas might not be contaminated.

#### IMPORTS AND EXPORTS.

M. MANCERON observed that the total trade of the territory had increased by 47% (pages 12 and 13 of the report). The value of the exports had risen from £128,117 to £189,298 as a result, particularly, of the rise in the price of copra. As this commodity was produced to the extent of 75% by the natives, they had no doubt benefited considerably from the improvement in the trade position. On the other hand, the cocoa trade had declined by 50% in volume, this being attributed to bad weather conditions. He wondered if any reason could be given for the decrease in cocoa exports in the last few years.

Mr. BERENDSEN replied that Samoan cocoa was of very high quality, and was mainly used for expensive confectionery. During the depression, expensive products had been the first to suffer. Another reason might be that, when the United States had introduced prohibition, their consumption of confectionery had increased, and had again declined when prohibition was abolished. On account of weather conditions, 1935 had been a very exceptional year. It was, however, expected that the present crop would be very heavy.

M. MANCERON observed that the high increase of 47% in commercial traffic was due to comparison being made with the extremely low figures of the previous year. On comparing the figures of previous years, it would be seen that there had been a general decrease in all exports both in value and in tonnage.

Mr. BERENDSEN explained that the Samoans had very little need of money, and cut copra only when they wished to make certain purchases. If prices were low, they did not cut so much copra.



Cocoa was very much subject to climatic conditions. There were usually two crops ; but, if the weather was unfavourable, one of the crops might fail.

The territory had stopped producing rubber during the depression, when the price fell to about 2*d.* per lb. Now that the price had risen to a remunerative level, production was recommencing.

In reply to a question regarding the destination of the various products, he said that the bulk of the cocoa was not shipped to New Zealand, as the quality and cost were too high. It was mostly shipped to the United Kingdom. The copra was sent direct to the United Kingdom and Germany, while the only product of any importance which went to New Zealand was bananas.

M. MANCERON, referring to imports, observed that the total on page 13 of the report gave the principal countries of origin, together with the values, but not the quantities imported. He asked whether the next report could contain more particulars on this subject, such as the quantities imported and statistics showing the various commodities. Would it also be possible to supply in the annual report information regarding the principal countries of destination of the exports ? That information was naturally contained in the special report on the trade of Western Samoa, but it would be desirable that the annual report should contain the most important items of that information.

Mr. BERENDSEN replied that this would be done in the next report.

M. SAKENOBE observed that the cocoa was produced by Europeans and the copra and bananas by natives. He asked whether these goods produced by the natives went through some intermediary or were delivered direct to the shippers.

Mr. BERENDSEN replied that the bananas were handled by the Administration, and that the copra was brought to branches of trading firms established in various parts of the territory.

M. MANCERON asked whether the rubber was produced by the natives.

Mr. BERENDSEN replied that it was produced entirely by Europeans, and nearly all by the New Zealand Administration on reparation estates.

#### RESULTS OF THE GALE OF JANUARY 1936.

M. SAKENOBE read a newspaper cutting regarding a heavy gale which had taken place in January 1936, causing great havoc and a shortage of food. He asked what was the real position.

Mr. BERENDSEN replied that gales such as the one in question were a very unusual occurrence in the islands. The damage had not been so severe as the newspaper described, and had soon been repaired. There had been no serious food shortage.

#### JUDICIAL ORGANISATION.

M. VAN ASBECK drew attention to the reference on page 13 of the report to the central courts. He asked whether any natives or part-Samoans sat in these courts.

Mr. BERENDSEN answered that the judicial officers were Europeans, but when the courts dealt with questions of land or titles, they had Samoan assessors.

M. VAN ASBECK asked whether the next report could give details of the judicial organisation.

He referred to the statement on page 13 of the report that the majority of civil disputes were settled by reconciliation and that only twenty-one cases proceeded to the Land and Titles Commission, which dealt with all claims relating to native land, etc. Earlier in the chapter, however, it was stated that this Commission had been occupied for thirty-one sitting days (the number in the previous year being twenty), involving the attendance of 1,260 natives (in the previous year 760). That would seem to show that the Land and Titles Commission had had a considerable amount of work and that the cases dealt with had increased. He asked whether the accredited representative could offer any explanation.

Mr. BERENDSEN said he would enquire into the matter. One explanation might be that a single case involved the attendance of a large number of natives.



M. VAN ASBECK observed that the tables on pages 14 to 16 of the report seemed to show a considerable increase in crime in the territory. This increase was particularly noticeable with regard to such offences as common assault (from fifty-one to eighty-eight) and wilful damage. He asked whether the accredited representative could offer any explanation.

Mr. BERENDSEN had no explanation to offer, but thought this might be due to natural fluctuation.

#### COLLECTION OF LAWS AND REGULATIONS.

M. VAN ASBECK referred to Lord Lugard's request at the twenty-eight session<sup>1</sup> that the Commission might be supplied with a volume of the laws and regulations of Samoa. He asked whether any progress had been made in the preparation of that volume.

Mr. BERENDSEN replied that he would again call attention to the matter. He pointed out, however, that the Commission possessed one collection of laws and all the individual ordinances and other laws subsequently enacted.

#### PRISONS.

M. SAKENOBE observed that the system of prison labour existed in the territory. He thought this was a good system. He asked what kind of work was done by the natives and whether they received any portion of their earnings after leaving prison. He observed that there was an item of revenue entitled "Sale of prison work".

Mr. BERENDSEN replied that the prisoners were generally employed on road-making and public works. The articles sold were probably vegetables, fruit, etc., grown in the prison farms.

#### PUBLIC FINANCE : TAXATION.

M. RAPPARD thanked the accredited representative for the explanations given in the chapter on public finance (pages 6 *et seq.* of the report). It was gratifying to observe the progress made. He noted that there had been an excess of revenue over expenditure during the financial year (page 6 of the report), due mainly to the increased yield from the Customs export and import duties. That was caused by the increased trade of the territory, and not by higher rates of duty. In other words, it was a result of the improvement in the world market, a circumstance over which the Administration had no control.

At the previous meeting,<sup>2</sup> the Commission had learnt of a large number of decisions to increase expenditure or reduce revenue. A reference had been made to the small salaries paid to advisers. He wished to point out that a small budget of about £100,000 was very sensitive to such increases. If the price of copra again fell and there was a corresponding decline in revenue, he wondered what the attitude of the Government would be towards the deficit which would result.

Mr. BERENDSEN said it was true that, in the absence of new taxes, Samoa depended on world markets. It was, however, fair to expect that the upward trend was a return to the normal level and not a temporary fluctuation. He thought too much stress might have been laid on these small increases in salary. Moreover, the remission of taxes would not affect the financial position, as these taxes had not been levied for a number of years. It was hoped that there would be no need to impose fresh taxes; the object of the Administration was to encourage the Samoans to increase their production and thus to contribute to an increase in revenue.

M. RAPPARD wished to thank the accredited representative for the fact that the accounts for the period ending March 31st, 1936, were included in the annual report. This reflected great credit on the Administration, since other territories, situated nearer to Geneva, had been unable to include these figures in their reports.

Turning to the paragraph on page 9 regarding permanent charges, he noted that the reason for the change in these charges was the fall in the rate of interest and in the earning power of the Sinking Fund. Consequently, the New Zealand Government had arranged for

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 159.

<sup>2</sup> See pages 9-10.

annual contributions to be paid to the Sinking Fund consisting of  $1\frac{13}{20}\%$  on the sum outstanding, and  $4\frac{1}{2}\%$  on such portions of the Sinking Fund utilised for debt redemption. He asked whether there was no means of converting that loan. It was true that the loan was reduced by the amount of the Sinking Fund, but the high rate of  $4\frac{1}{2}\%$  was paid upon it.

Mr. BERENDSEN said he was not very familiar with this subject. The loan had been provided by the New Zealand Government, and the Sinking Fund was invested in securities in New Zealand. As those securities did not provide sufficient interest, the method in question was devised in order to pay larger amounts into the Sinking Fund and to pay off the loan in a shorter time. He would, however, obtain any further information required by the Commission.

M. RAPPARD pointed out that the debt was owed to New Zealand and not to private bondholders, and it therefore seemed strange that this method should be adopted rather than that the debt should be paid off out of the Sinking Fund, which was earning less than  $4\frac{1}{2}\%$ . In other words, his suggestion was that the debt should be reduced by the amount of the Sinking Fund.

M. RAPPARD then turned to the paragraph on page 10 of the report regarding the refund of export duties. He asked why a higher refund was made on European than on native copra. He also observed that it had been decided to reimpose the duty on copra. This implied that the duty had been suspended. He asked how a refund could be made for a period during which the tax was not levied.

Mr. BERENDSEN supposed—but would obtain confirmation—that the passage in question referred to a refund on duties levied earlier.

M. RAPPARD did not quite understand the position. If the tax were unnecessary, would it not be better to suppress it?

Mr. BERENDSEN said that the tax and refund were a matter of form. Nothing had been paid and nothing had been refunded. It was a means of making the system elastic.

M. RAPPARD supposed that the word "reimpose" meant to give up the refund.

Mr. BERENDSEN replied in the affirmative.

M. MANCERON presumed that the tax was only levied when the product rose in value to a certain figure.

Mr. BERENDSEN would have preferred to say that it was not levied when the price *fell* to a certain figure.

M. RAPPARD had no further questions, but would merely express the hope that the generosity of the Administration would not fail as a result of a further depression on the world market. It was easier to increase salaries and to reduce taxes than to cut down salaries and raise taxation.

Lord HAILEY asked that the next report should show separately how the loan money was expended.

Mr. BERENDSEN said no loan money was now being expended; details of former expenditure of loan money had been given.

Lord HAILEY asked whether the Administration attached importance to the balance-sheet on page 11 of the report. The Commission would not, he thought, attach much importance to it.

Mr. BERENDSEN thought the Administration would desire to continue to prepare that statement, whether it was required by the Commission or not.

#### FREEDOM OF CONSCIENCE : MISSIONS.

M. PALACIOS observed the statement in the report (page 18) that all Samoans professed Christianity and that there was complete freedom of conscience. The information contained in the report was somewhat scanty, and he would be glad if further particulars could be given in the next report. For instance, he would like to know how the population was divided up among the various Christian sects, and the number of missionaries of those sects.

Mr. BERENDSEN said about half the Samoans belonged to the London Missionary Society, which was Congregationalist. The remainder were mostly Roman Catholic and Methodists and there was also a small body of Latter Day Saints. He would see that more information was included in the next report.

#### WITCHCRAFT.

M. PALACIOS noted from the judicial statistics on page 14 of the report, that three natives had been convicted of witchcraft. He asked that information should be given as to the extent, and as to the forms, of witchcraft among the natives.

#### LABOUR.

Mr. WEAVER referred to Press statements to the effect that the Goodwill Mission had proposed that the Chinese and Melanesian labourers should be repatriated. He understood that no decision had yet been taken in that sense.

Mr. BERENDSEN said he had no definite information as to the intentions of the Government in that respect.

Mr. WEAVER said he would leave that question until the examination of the next report. He hoped that, if it were proposed to increase the number of Samoan labourers, the conditions of labour would be properly regulated.

He had not been entirely reassured regarding the unemployed Chinese coolies (page 18 of the report); he assumed, however, that very few of them were unemployed. He also hoped that the wages of Chinese labourers, which had been reduced from three shillings a day to one shilling and ninepence a day, would be raised as the prices of Samoan products increased.

Lastly, an official of the International Labour Office who had visited Western Samoa had drawn his attention to the housing conditions of the Chinese labourers. The housing was generally—but not invariably—satisfactory; and he hoped the Administration would give attention to the matter.

Mr. BERENDSEN said he would refer these questions to the Government.

#### EDUCATION.

Mlle. DANNEVIG said the accredited representative had referred to the proposals of the Goodwill Mission to extend the present system of education in the Administration's schools by providing for free tuition, a higher standard of education and the establishment of secondary schools. It was a matter for satisfaction that the increasing revenue of the territory was to be used for the improvement of native education as a means to secure for the natives more participation in the management of their own affairs. She asked whether those proposals were likely to be carried out in the near future.

Mr. BERENDSEN said he hoped so.

Mlle. DANNEVIG pointed out that the year under review showed a small decrease in expenditure on education (page 7 of the report), though the number of school-children had increased and the Government education staff was raised from eighty-two to ninety-five.

Mr. BERENDSEN said an explanation would be given in the next report.

Mlle. DANNEVIG drew attention to the fact that there were more girls than boys in the schools (page 19 of the report), and that the number of girls had again increased in the year, under review. She thought this was unusual among native populations.

She observed that the revenue from education, both in 1935/36 and the previous year had been £823 (page 6 of the report). Was that revenue represented by school fees? If so, what was the rate of such fees? Were they paid by the parents of school-children?

Mr. BERENDSEN said the information would be given in the next report.

Mlle. DANNEVIG observed that Avele was the highest Administration school, and that boys were taken to the New Zealand proficiency standard (page 19 of the report). Was this the kind of education which it was proposed to develop, and did it suit the natives?

Mr. BERENDSEN replied that most of the pupils from that school subsequently qualified as medical practitioners or teachers.

Mlle. DANNEVIG asked whether there were any technical schools in the islands.

Mr. BERENDSEN replied that there were not, but that technical instruction was given in some schools and training in agriculture was given in all.

In reply to a question regarding Grade II schools, he said the buildings were supplied by the missions and the teachers by the Government. Some mission teachers no doubt also worked as missionaries.

Mlle. DANNEVIG asked how the missionaries' schools were inspected.

Mr. BERENDSEN said a reply would be given in the next report.

#### ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA observed that the list of offences included a number of liquor offences (page 15 of the report). He asked what those offences were.

Mr. BERENDSEN imagined that they referred to the illegal manufacture or sale of liquor. More information would be furnished later.

Count DE PENHA GARCIA observed that all the quantities of liquor delivered were issued under medical permits (page 21 of the report). He did not press the point, but thought this designation was unfortunate, as it could hardly be the case that all the liquor was drunk purely for medical purposes.

He also observed that port and sherry prepared in New Zealand were imported; such wines, however, had to be protected by international conventions from imitations.

Mr. BERENDSEN said that New Zealand was beginning to make wine of good quality similar to port. It was not sold under the name of port.

Count DE PENHA GARCIA drew attention to the observation in the report to the effect that the rate of duty on liquor was immaterial, since all liquor was sold by the Administration at approximately the current retail prices in New Zealand (page 21). He thought those prices represented a profit, and would like to know the amount.

Mr. BERENDSEN said there was a profit on the sale and he would state the amount in the next report.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA was glad to see that it had been possible to increase the expenditure on the health services (page 7 of the report). This was, however, due, not only to increased credits, but also to an increase in the revenue of the Health Department (page 6). He understood that the tax collected by the Department was being suspended.

Mr. BERENDSEN said this tax had not been collected for a number of years. There was a real increase in expenditure on account of additions to the medical staff.

Count DE PENHA GARCIA asked for further particulars regarding the reorganisation of the medical service which had taken place during the absence of the acting Chief Medical Officer (page 21 of the report).

Mr. BERENDSEN said that the medical officer of the New Zealand Health Department who had temporarily replaced the Chief Medical Officer was one of the leading experts in native diseases, and that the reorganisation had taken place with his assistance. He would give details of the reorganisation later.

Count DE PENHA GARCIA observed that there was an increase in tuberculosis in the Apia district (page 22 of the report) and asked if it was possible to give any explanation.

Mr. BERENDSEN said he would consult the medical authorities on this point.

Count DE PENHA GARCIA observed that there was a high proportion of trachoma among school-children (page 22 of the report).

M. MANCERON asked whether there was a permanent service for the medical inspection of children for the treatment of trachoma.

Mr. BERENDSEN replied in the affirmative and added that the trachoma was of a very mild form, but that strict control was exercised by the Administration.

Count DE PENHA GARCIA noted that there were eight native mental patients in the Vaimea prison (page 22 of the report), and asked why those cases should be treated in a prison.

Mr. BERENDSEN replied that the patients were in a separate portion of the building and were under the control of a medical officer.

Count DE PENHA GARCIA asked whether the Women's Committees referred to on page 22 of the report possessed any financial resources.

Mr. BERENDSEN said that, as far as he was aware, they had none and needed none, since the women gave their services free of charge.

Mlle. DANNEVIG had read of a violent whooping-cough epidemic in Samoa which had caused 500 deaths of children. This was an alarming position, as whooping-cough was very rarely fatal in European countries. What had been done to remedy the situation?

Mr. BERENDSEN said there had been an epidemic. Diseases which assumed a mild form in Europe might easily be fatal to natives.

M. MANCERON had noted, in the programme of measures announced to the population with a view to their appeasement that somewhat surprising importance had been given to dental treatment in schools; he asked if the natives suffered from any particular infection of the teeth which justified any anxiety in the matter.

Mr. BERENDSEN said the natives had, as a rule, good teeth, but were acquiring the European taste for sweets, as a result of which their teeth suffered.

#### DEMOGRAPHIC STATISTICS.

M. RAPPARD asked when the next census would be taken.

Mr. BERENDSEN replied that it was being taken that day; the result would be given in the next report.

M. RAPPARD hoped that the census would confirm the estimate contained in the report (page 25). Since 1921, the native population had risen from 33,336 to an estimated figure of 51,094. This increase was so rapid as to be almost disquieting.

Mr. BERENDSEN said the population had been higher before the influenza epidemic than in 1921. There was no fear of over-population, as there was plenty of land available.

Lord HAILEY pointed out that Samoa formed one of the exceptions to the general rule of the decline of Polynesian populations. The reasons for that general decline were not properly understood.

#### FORM OF ANNUAL REPORT.

The CHAIRMAN said that, on certain points, the annual report referred, without repeating it, to information given in previous reports. The examination of the annual reports would be facilitated if footnotes could be inserted referring to the relevant pages of the previous reports.

Mr. BERENDSEN said this would be done in future.

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for the very full information which he had given to the Commission.

### THIRTEENTH MEETING.

*Held on Thursday, November 5th, 1936, at 10.30 a.m.*

#### **Question of the Participation of Mandated Territories in Measures taken by the Members of the League of Nations under Article 16 of the Covenant (continuation).**

The CHAIRMAN pointed out that the exchange of views on this question at the beginning of the present session<sup>1</sup> had been discontinued to give members time to think over the matter. The three suggestions put forward were :

- (1) That the question should be removed from the agenda ;
- (2) That it should be kept on the agenda, its discussion being adjourned ;
- (3) That, in the report of the Commission, the Council's attention should be drawn to the advisability of referring the question to the Committee set up by the Assembly to examine the problems connected with the application of the principles of the Covenant of the League of Nations.

The Chairman understood that there was nothing to prevent the Council from submitting to the Committee appointed by the Assembly any question it could usefully discuss.

M. PALACIOS recalled that, during the previous discussion, he had supported the first part of the opinion expressed by M. Rappard—namely, that the question of sanctions was of the utmost importance to the Mandates Commission, and could henceforward be dealt with calmly ; as the member who had raised the problem was absent, however, its examination should be adjourned.

In the second place, M. Rappard had suggested that the Council's attention should be drawn to the matter in order that it might be referred to the Committee appointed by the Assembly. M. Palacios was not sure that, in following that course, the Mandates Commission would not be abandoning its proper rôle—for the following two reasons. In the first place, because the Commission could, and should, deal with the question on its own initiative and not at someone else's request, especially as this was an important matter affecting the mandated territories ; secondly, because he was inclined to think that, if this particular aspect of the sanctions question were referred to a Committee appointed by the Assembly, the Mandates Commission, which was an organ of the Council, would run counter to the policy initiated during the Peace Conference, at the time the Covenant was drawn up, in accordance with which mandates questions came essentially within the competence of the League Council. The latter in any case, keeping faithfully to the spirit and the letter of the Covenant, had always jealously guarded that prerogative and had made such a point of it that, before the Assembly could examine the work of the Mandates Commission, it had to be expressly requested to do so by one of its members, and that request had to be approved at a plenary meeting.

M. Palacios therefore, had grave doubts on the second part of M. Rappard's proposal, and would be glad to know whether M. Rappard maintained it.

The CHAIRMAN proposed the following solution :

- (1) That the question should be kept on the agenda ;
- (2) That, out of mere courtesy, the discussion should be adjourned ; as the author of the motion was absent, he would be unable to develop his arguments or to reply to possible objections ;
- (3) That the Council's attention should simply be drawn to the question in order that the Council should not ignore the fact that it had been raised in the Commission and that it should be said that the discussion had been adjourned ;
- (4) That the Council should not be asked to refer the question to the Committee appointed by the Assembly, because such a step might be premature. The circumstances in which that Committee would accomplish its task were not known as yet, nor was it known whether the problem of the application of Article 16 of the Covenant could be discussed within the general framework of the question of the reform of the Covenant.

M. SAKENOBE said he had read carefully the Minutes of the first meeting, which he had been unable to attend. He was glad to have an opportunity of expressing his opinion.

The question whether it was legitimate to extend the application of measures taken under Article 16 of the Covenant to the mandated territories had been raised at the end of the last session<sup>2</sup> ; but it had been raised in connection with a special case and a particular country. Since then, the situation had changed, and the question had now no practical significance. The Mandates Commission should therefore decide not to revert to that particular problem.

<sup>1</sup> See pages 16 *et seq.*

<sup>2</sup> See Minutes of the Twenty-ninth Session of the Commission, pages 168 *et seq.*

On the other hand, a general problem arose : that of sanctions under Article 16 of the Covenant, with special reference to the mandated territories. In his opinion, that was a very wide problem, calling for examination in the light of the provisions of the mandates and the interests of the mandated territories. Furthermore, several other considerations were involved, which entailed the examination of the problem from the point of view of world peace, the maintenance of law and justice, international politics, and so on. In other words, the whole structure of the League of Nations was involved. He therefore doubted whether the Mandates Commission was competent to deal with the problem. Its settled policy in handling important questions in the past had been to display the utmost caution and to bear constantly in mind that it was nothing but a body to advise the Council. In those circumstances, why should it now adopt a different policy ? It would even be going too far, he thought, to suggest that the Council should refer the matter to the Committee appointed by the Assembly. It would be better simply to draw the Council's attention to the importance of the problem and to the advisability of examining it.

M. MANCERON said that, having weighed the matter carefully, he was fully prepared to support the Chairman's proposals. The Commission could not ignore so important a question, nor, for the reasons indicated, could the question be discussed. Lastly, the Commission was bound to inform the Council that this question, to which the former attached importance, had been raised. At the same time, he did not agree with M. Rappard's suggestion as to the manner in which the Council should be approached. The Commission might simply say that it had felt that it could not usefully embark on a study of the question—should such a study be necessary—until the League Assembly had pronounced upon the conclusions of its special Committee. The Mandates Commission would therefore retain its right to examine the question as far as it was competent to do so, but could not examine it until it knew on what basis it should take up the question.

Lord HAILEY, M. VAN ASBECK and Count DE PENHA GARCIA supported the Chairman's proposals.

The CHAIRMAN noted that all the members agreed, on the whole, that the question should be kept on the agenda, should be adjourned, and should be brought to the Council's attention, but they thought the Council should not be asked formally to refer it to the Committee appointed by the Assembly. M. Sakenobe however, was of opinion that the question should not be adjourned, but should be removed from the agenda.

M. SAKENOBE explained that he had drawn a distinction between the two aspects of the question : (1) the special aspect concerning the application of measures under Article 16 to Italy, in which aspect it had been raised by the Marquis Theodoli ; (2) its general aspect.

The CHAIRMAN thought that, in reality, it was impossible to distinguish between the two aspects and that all the members of the Commission had considered the question from the point of view of the actual principle of the application of those measures in the mandated territories. It was true that it had been raised in connection with the Italo-Ethiopian dispute ; but the Marquis Theodoli had viewed the question from the general standpoint. A final text would be submitted to the Commission at one of the next meetings.

M. RAPPARD said the Chairman's proposals, as supplemented by M. Manceron, fully satisfied him. He merely desired that the Committee appointed by the Assembly should have an opportunity of considering this aspect of the problem and thought that the Chairman's proposal, with the further indications contained in the published Minutes, would suffice.

#### **Palestine : Question of holding an Extraordinary Session of the Commission.**

The CHAIRMAN asked the Commission to decide whether there should be an extraordinary session devoted solely to the examination of the disturbances in Palestine, the conclusions of the Royal Commission of Enquiry, and any measures taken by the mandatory Power. Under Article 1 of the Commission's Rules of Procedure, it could hold an extraordinary session at the request of one of its members, provided that this request was approved by a majority of the members of the Commission and by the President of the Council of the League of Nations.

He was prepared to take such a step, and accordingly proposed that the Commission should adopt such a decision. An extraordinary session seemed to him to be necessary for several reasons with which the Commission was already familiar. It seemed impossible that the League, and in particular the Mandates Commission, should show indifference towards the situation which had arisen in Palestine. In the second place, the Commission should not convey the impression that it was satisfied with informing the Council officially of what had occurred in Palestine eighteen months after the commencement of events that had attracted general attention ; that would be contrary to its conception of its mission.

If the extraordinary session did not take place because the mandatory Power was not willing, that would be the mandatory Power's affair, but the Commission would have done its duty. Lastly, from the practical point of view, the members of the Commission would

obviously be unable, during their ordinary session in June, to remain at Geneva long enough to exhaust their normal agenda for the session and also to consider the disturbances in Palestine. It required a great effort on the part of members to come to Geneva twice a year for a fortnight or three weeks at a time. It would be practically impossible for them to remain at Geneva for five or six consecutive weeks for the ordinary summer session. It would be remembered that the extraordinary session on Syrian affairs held in Rome in 1926 had lasted nearly four weeks, and the extraordinary session on Palestine in 1930 over a fortnight.

Count DE PENHA GARCIA supported the Chairman's observations. If the Royal Commission completed its task in time to allow the Mandates Commission to meet before June 1937, such a meeting would be desirable not merely from the point of view of the Mandates Commission, but from that of the mandatory Power itself.

The CHAIRMAN noted that the members of the Commission were unanimously in favour of convening an extraordinary session.

There remained the question of date. It should not be too soon, in order to avoid any appearance of a desire to press the mandatory Power unduly. He suggested that somewhere about March 10th might be a good date. On a previous occasion, the Mandates Commission had proposed a certain date; the mandatory Power had asked that the meeting be held at a somewhat later date and agreement had speedily been reached. If the extraordinary session began on March 10th, more than four months would have elapsed from the date on which the Royal Commission had been sent to Palestine—a period which would be adequate to allow the Royal Commission to conduct its enquiries and make its report. If the mandatory Power considered March 10th to be too early and proposed April 1st, for instance, the situation in Palestine would still be examined three months before the ordinary June session.

Lord HAILEY asked the Chairman whether he thought it wise to endeavour to fix a definite date.

The CHAIRMAN said he considered it necessary to propose a date, because otherwise the mandatory Power, not realising that it would be impossible for the Commission to agree to the suggestion, might take the initiative and propose that the question should be considered by the Mandates Commission at its ordinary June session.

Lord HAILEY stated that he had doubts as to the desirability of fixing a definite date. The Royal Commission was only just leaving for Palestine and the actual enquiry, which would certainly be conducted expeditiously, would last until about February. Further, time must be allowed for the drafting of the report, which might reach London towards the end of February, or early in March. The United Kingdom Government would require a month in which to consider it. There would doubtless be full debates in Parliament. Those debates would take place at the same time as the presentation of the budget, which would make it difficult for the United Kingdom Government to deal urgently with the question. In short, he thought that the United Kingdom Government would not be in a position to arrive at its conclusions before the end of March or the beginning of April, at the earliest.

The CHAIRMAN, though admitting that Lord Hailey was in a position to foresee the course of events, thought it would be preferable to allow the United Kingdom Government itself to make such objections as it thought fit. Eventually, agreement could easily be reached regarding a date somewhere between March 10th and the ordinary summer session.

M. PALACIOS supported the Chairman's observations.

Lord HAILEY asked whether the Mandates Commission's proposal would be submitted in the form of a suggestion.

The CHAIRMAN replied that the Commission would take a *decision* in the matter of an extraordinary session and would make a *proposal* concerning the date of that session.

M. VAN ASBECK thought that, in order to avoid any semblance of a tendency to press the mandatory Power, it would be preferable to propose as the date either the end of March or the beginning of April.

M. RAPPARD entirely agreed with the Chairman. The question was not whether the Commission was going to put undue pressure on the mandatory Power, but whether it was not entitled to make quite clear its desire to be informed of what had happened at the earliest possible moment.

The Mandates Commission would, he thought, be true to its rôle in expressing that desire: it had a duty to fulfil which differed from that of the mandatory Power. Moreover, it might not be so very disagreeable for the mandatory Power to be able to tell the Royal Commission of Enquiry that its conclusions were being awaited and that this was yet another reason why it should expedite its work.



Lord HAILEY said that the Mandates Commission would obviously have to take into account the conclusions reached by the United Kingdom Government, after that Government had received the report of the Royal Commission. Doubtless, that report would not be the last word and its conclusions need not necessarily be those of the Government, but both the report and the Government's conclusions would be absolutely necessary data to enable the Mandates Commission to reach its own conclusions.

If the Commission persisted in proposing March 10th next as a definite date, there was a danger that the mandatory Power might regard it as being unduly impatient so that it might be obliged to say that it could not guarantee to be ready by the date proposed. In those circumstances, it would be better to suggest an indefinite date towards the end of March or the beginning of April. This would be a sufficient indication of the Mandates Commission's determination to meet before its ordinary summer session in 1937, but would allow the United Kingdom Government time to formulate its opinion.

The CHAIRMAN, as the outcome of the exchange of views, proposed that the extraordinary session should be held at a date which would suit the mandatory Power, but not later than the first week in April.

*This Chairman's proposal was approved.*

The CHAIRMAN said that the Commission would avail itself of the extraordinary session to discuss those petitions concerning Palestine the examination of which it had adjourned.

#### **Cameroons under British Mandate : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning the Cameroons under British mandate (Annex 12).*

#### **Syria and Lebanon : Petitions dated :**

- (a) April 17th, 1936, from M. Ali Yacoub, M. Mahmoud Safa and Other Signatories, Beirut;
- (b) April 16th, 1936, from M. Ahmed Daher, M. Louis El Haj, M. Abdel Latif Hemade and Other Signatories, Beirut ;
- (c) April 17th, 1936, from M. Souleiman Dada, M. Aref Khalil and Other Signatories, Tyre.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 7).*

#### **Syria and Lebanon : Petition, dated March 24th, 1936, from M. Lotfallah Khlaf, M. Assad Habib and Other Members of the " Eglise orientale ", Tripoli.**

After an exchange of views, *the Commission adopted the conclusions of Lord Hailey's report (Annex 5).*

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### FOURTEENTH MEETING.

*Held on Friday, November 6th, 1936, at 10.30 a.m.*

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#### **Ruanda-Urundi : Examination of the Annual Report for 1935.**

M. Ryckmans, Governor-General of the Belgian Congo, and M. Halewyck de Heusch, Director-General at the Belgian Ministry for the Colonies, accredited representatives of the mandatory Power, came to the table of the Commission.

#### **WELCOME TO THE ACCREDITED REPRESENTATIVES.**

The CHAIRMAN, on behalf of the Commission, welcomed the accredited representatives of the mandatory Power, M. Ryckmans and M. Halewyck de Heusch.

The Commission was glad to be able to count once more on having the valuable assistance of M. Halewyck de Heusch. As a result of the presence of M. Ryckmans, the Commission would have at its disposal a great experience of the country and a detailed knowledge of its resources and of the social conditions and needs of the inhabitants. M. Ryckmans had not long ago been Resident of Urundi, and, at the time of the twenty-eighth session of the Commission, it had been announced that he would shortly make a voyage of inspection in the territory under mandate.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. RYCKMANS made the following statement :

What will, I think, interest the Commission most are the profound changes in the economic and financial situation of the territory as a result of the devaluation, which, in the economic sphere, was undoubtedly the outstanding event in 1935.

At the end of March 1935, Belgium devalued her currency, with the result that the Congo currency, which circulates in Ruanda-Urundi, was devalued at the same time. All the necessary steps had, of course, to be taken at once to enable the country to derive as much benefit as possible from the devaluation. For this purpose, steps had to be taken to keep the purchasing power of the Congo franc within the country as high as possible, so as to prevent a rise in the cost of production, involving a considerable increase in taxation ; for that would have entailed an increase in salaries and profound disturbance of the economic and financial situation in the territory.

Fortunately, it was possible to exercise a far greater influence on the purchasing power of the franc within the country than would have been possible in Europe. Nearly all the articles of export of the Congo or Ruanda-Urundi are not sold on the home market. In other words, there is no demand in the territory for the commodities the price of which would have risen considerably as a result of devaluation. Their cost, therefore, does not affect the cost of living. For instance, the chief exports of Ruanda-Urundi are tin, gold and hides. But there are no purchasers for these products in Ruanda-Urundi for use on the spot, so that the 40% increase in the price of tin, gold and hides had no effect whatever on the cost of living in the territory.

Again, most of the goods sold in the territory are not influenced by foreign prices. For example, a man who cannot obtain higher prices for his food products in the country has no possibility to sell them abroad. The situation would clearly have been different in Belgium. In fact, if the price of Argentine wheat had risen by 40% or 50% when devaluation took place, Belgian farmers would not have been content with a lower price and the cost of living would inevitably have risen fairly appreciably. The colonies are in a different situation. Most of the goods consumed locally cannot be sold abroad. Consequently, foreign prices do not have the effect of increasing the cost of living in the country. But was not the increase in the cost of imported goods likely to affect prices in the country ?

The cost of foreign goods had increased considerably because of the very high Customs duties which were levied. These duties usually amounted to 18%, and in a number of cases were even as high as 30%. There was a substantial reduction in import duty, and the franc therefore retained most of its purchasing power in the country.

In fact, after devaluation, but before it could have had any kind of effect on prices, the Customs policy of the territory was completely changed. Import duty was suppressed in the proportion of 40%, and, to make up for this, export duty was levied to very nearly the same extent. The export duty on minerals was increased, and at the same time a duty was levied on most of the other exports. This duty was justified by the fact that, as the cost of production did not increase, owing to the maintenance of the purchasing power of the " external franc ", the native producer was able to profit to the full from the rise in prices as expressed in the currency of the country. While the Treasury took a small part of the increase, the producer still had more francs and greater purchasing power.

The result of this policy was felt at once. The yield of the import duty, estimated at 4,100,000 francs, amounted to 4,650,000 francs, in spite of the 40% reduction—that is to say, 500,000 francs more than the estimates. The surplus was due to the improved economic situation and the increased purchasing power of the natives. The yield of the export duty was estimated at 810,000 francs ; it amounted to 2,400,000 francs—that is to say, it was nearly three times as much as the estimate.

At the same time, the yield from native taxation improved, because the natives received more francs for their products. While income-tax receipts did not increase in 1935, they have already shown a considerable increase in 1936, and the improvement will be even greater in 1937.

In addition, as a result of devaluation, or rather of the improvement in the Belgian financial situation, the Government was able to undertake important debt conversion operations, which resulted in a saving of a million francs to the mandated territory. The interest on debts fell from 8,700,000 francs to 7,700,000 francs, owing to the reduction of the rate of interest as a result of debt conversion.

The financial situation of the territory, which has naturally given the Commission some anxiety, showed a remarkable improvement after the financial period 1935. This is not, of course, reflected in the report now before the Commission, but it is of sufficient interest for me to say a few words about it.

The yield from Ruanda-Urundi investments (that is to say, from the share in mining operations reserved for the State when the concessions were granted) amounted to 2,212,000 francs in 1936 for the financial period 1935, whereas it was nil in 1934. The budget estimates for 1937 are 2½ million francs. If we add to this the yield in respect of mining royalties, export duties on precious metals and other products, and the corporation tax, we find that the total of the interest on the debt will be covered by the revenue from mining alone in 1937, which

proves that the optimism of the accredited representatives of the Belgian Government, which was not shared by the members of the Commission, was fully justified. The financial year 1937 will show a balanced budget, with practically no assistance from Belgium, and the financial situation can, from now on, be regarded as definitively sound.

The recovery is shown quite distinctly in the adjustment of the trade balance. Exports increased from 15 million francs to 45 million francs between 1931 and 1935. In 1931, they amounted to 15 million francs, whereas imports amounted to 60 million francs—that is to say, at that time, imports were four times as great as exports. This year, for the first time, exports are a good deal higher than imports.

Further, the position as regards coin and bullion held in the territory by the Bank of the Belgian Congo and by the public treasuries is as follows: holdings of coin and bullion fell from 18 million to 12 million francs during 1935, which is a further proof of the extent to which the circulation of money has become more intense. The additional 6 million francs is in the possession of the natives, who have in this way reconstituted, so to speak, their store of wealth, which was heavily depleted during the years of depression.

At the end of 1935, I visited the mandated territory, which I had left in 1928. I was very much impressed by the changes for the better in the conditions of the territory since my departure, particularly in the matter of roads.

I remember the time when there were no roads in Ruanda-Urundi. When the territory was first occupied by Belgium, the only way to travel was by caravan, and portage was the only means of transport. To-day there is an extensive road system over the whole territory. In this connection, I might point out that, during the campaign against exanthematic typhus in 1934, and again during the campaign against cattle plague in 1934 and 1935, doctors, sanitary officers, veterinary surgeons, and so on, treated tens of thousands of natives and inoculated hundreds of thousands of head of cattle, without having to avail themselves of portage at all.

On the other hand, it should be remembered that famine was formerly an insoluble problem in the territory. To feed a population of three or four hundred thousand, for instance, solely by means of portage was unthinkable; the food would have taken from eight to twelve days to arrive, and you have only to consider what a porter needs to eat during his journey to realise that it would be quite impossible to feed a starving population by means of portage. To-day, cultivation has increased to such an extent—especially non-seasonal crops—that famine is out of the question. At the same time, should any unforeseen circumstances cause a famine in any particular place, food could be rushed to the spot, because there is now an extensive network of roads.

I was also impressed by the development of cultivation, particularly on the coffee plantations. When I left the territory in 1928, some hundreds of thousands of coffee plants had actually been distributed to the natives, but there had been no methodical campaign to organise and improve cultivation. When I crossed the territory at the beginning of the rainy season in 1935, I saw that the natives everywhere were devoting such care and attention to their plantations as is not met with in European plantations. For instance, on the advice of agricultural experts, the natives had spread a bed of dried grass over their crops, to prevent excessive dryness during the dry season. At the time when I was crossing the country, they had just been told that the moment for early work had come, and everywhere the dried grass was gradually giving way to freshly dug earth. In short, I saw that the natives were working with a real desire to obtain the best results. Moreover, I noted that they had complete confidence in the advice of the agricultural experts and that considerable results had been achieved; coffee production by the natives had doubled from 1934 to 1935. It amounted to 223 tons in 1934, and 450 tons in 1935.

Striking improvements have been made in reclaiming marshland. The report states that 4,000 hectares of marshland was reclaimed in 1935. In reality, this was land reclaimed through the action of the Government officers; the actual area reclaimed is far higher. Having seen the results of reclamation, the natives set to work themselves. I might make special mention of one area in the east of Urundi, where the population was originally rather lazy and the crops scanty because of disturbances, native wars, etc. There are very extensive marshes in this area, the whole of which are now under cultivation. Maize and beans have been planted, in addition to sweet potatoes, which the Government recommended for the dry season.

I was astonished at the remarkable progress achieved in reforestation. Hills which were completely denuded of trees during the last twenty of thirty years of the nineteenth century are again covered with forests. The reforested areas are of real importance, even from the standpoint of climate. The trees planted are eucalyptus, cedar, etc., which will undoubtedly have a good effect on the climate.

I also saw during my tour that, as the result of afforestation, it had been possible to distribute wood for the first time. When we told the natives they ought to make big plantations of trees, they did not touch these plantations, being convinced that they belonged to the Government. I was present this year at the distribution of wood in the territory of Ngozi, where reforestation is more advanced. The eucalyptus plantations had to be cleared and, on the suggestion of the native chiefs, the Administrator suggested that fifty trees should

be distributed to each family, beginning with those whose need was greatest—namely, those with most children. The different families were, therefore, able to take fifty tree trunks, as well as the lopped-off wood, for heating purposes. This made the natives realise that the wood was actually their own property, that they would be able to build little houses and would have supplies for the winter, so that they would no longer have to travel from twelve to fifteen hours to collect fuel. They realised that these trees which they had planted without enthusiasm were really their own property, and they are now extending the plantations themselves. They see that these plantations are a real source of wealth which they can use for themselves and that, if they sell to Europeans, they will have the money for themselves. Here and there in the mountains I saw in the territory for the first time—thanks to the progress that has been made—the little white clay houses which the natives now build. They are a great improvement on the original domed huts which were formerly the only dwellings. That is a sight which your Chairman did not see when he visited the territory, because there were no such houses at that time.

I was also amazed, in the course of my journey, at the great success achieved by the Christian missions. In this connection, I should like to say something about one fact that seems to have exercised one member of the Commission<sup>1</sup>—the reduction in the number of catechumens. As a matter of fact, the number has fallen as compared with the number of Christians, because nowadays there are a great many Christians who were baptised as little children. A considerable part of the increase in the number of Christians to-day is due, not to the conversion of adults or schoolchildren, but to the fact that children are baptised when born. Formerly, those who wanted to become Christians had first to become catechumens, while, to-day, children born into Christian families become Christians from birth through baptism.

It has also been suggested that there is some connection between the conversion of the chief Nduwumwé—whom I knew seven years ago as one of the most irreconcilable enemies of the missions, and as a determined opponent of the European Administration—and the great economic progress he has brought about in his district. As this chief exercised active and successful pressure from the economic point of view, doubts arose as to whether he had not also exercised pressure on his subjects to bring about their conversion. My reply is that, on the contrary, this chief was almost the last to be converted, and he finally gave way to the general tendency when practically the whole of his territory had become Christian.

If there has been active intervention by this chief, after his conversion, from the point of view of the economic development of his territory, this is due to the fact that among the natives there has always been a connection between joining a Christian Church and the adoption of Western views of life. A native who consents to receive instruction from a Christian missionary, and thus to accept European influence, gains confidence in the Europeans and is ready to accept their advice in other directions. A man who refuses to accept Christian teaching refuses all that the white men try to give him. For example, he refuses to be vaccinated against smallpox or to have his cattle vaccinated against plague, and, in the same way, he rejects the advice of agricultural experts. All these things seem to him open to suspicion for the very reason that they come from the white man. But when he gives way on one point, he is quite willing to give way on others. In practice, therefore, the act of joining a Christian Church coincides with an acceptance of Western ideas, whether they take the form of intervention by engineers, doctors or the Administration in general.

I was also struck by the efficiency achieved by the medical service, thanks in particular to the development of the road system, which has permitted of the establishment of dispensaries and their close supervision by doctors provided with modern means of transport. Of course, the number of doctors working in the territory is still very small compared with the size of the population; but it nevertheless compares well with the number of doctors in other territories in Central Africa. The efficiency of the medical service is also shown by the number of consultations, which reached 3,300,000 in 1935—that is to say, there were about as many consultations as there were inhabitants. 3,300,000 consultations represent approximately three-quarters of the number of consultations of the whole of the Belgian Congo, with a population of 11,000,000 inhabitants. One and a half million natives were examined by the medical service for general affections such as sleeping-sickness, yaws, tuberculosis, leprosy, etc.

The health situation, regarded as a whole, is not bad, particularly as regards yaws. Formerly, when we saw numbers of yaws patients often appearing with old sores which had led to mutilations, we had the impression—and I think this was mentioned in the reports to the Commission—that the proportion of yaws cases, at any rate in certain districts, amounted to 80% of the total population. Now that these poor people are visited more thoroughly, not only those who are ill enough to come and see the doctor but also those whom he goes to see at home, it is realised that the proportion of yaws cases is much smaller than had been imagined.

On the other hand, tuberculosis appears to be more serious than was formerly thought. This is a conclusion which has also been reached in other colonial territories—for example, the Belgian Congo. At the beginning of European occupation, the existence of tuberculosis is discovered. During the first years of its development, as a result of the more frequent

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 37.

contacts established between the natives thanks to the improvement of communications, tuberculosis often takes a galloping form which very speedily becomes fatal. But the population reacts quite soon, and we find that, in big centres in the Belgian Congo, for example, where tuberculosis was discovered many years ago, the resistance of the bulk of the population is much greater than it used to be, so that there is reason to think that tuberculosis will not retain for long the serious character which it now has for the native population.

Malaria, in which one of the members of the Commission has shown an interest,<sup>1</sup> is one of the problems which is engaging the medical service's most serious attention at the present time. In areas quite close to the mandated territory, in the mining districts to the west of Lake Kivu, cases have occurred in which the doctors have finally had to prohibit the administration of quinine to the natives because, as a consequence of the treatment which was given them, it was found that they became much more susceptible to other diseases, such as hæmaturia. This is a problem which is also engaging the attention of the medical services in Ruanda-Urundi and in the Belgian Congo, and regarding which a general study has been undertaken by the doctors in the Rutshuru district.

Taken as a whole, the medical situation is reflected in extremely favourable population figures. The increase in the population as a result of the excess of births over deaths amounts to 22 ‰—that is to say, the difference between the number of births and the number of deaths is approximately 50% greater than the total births in countries like Belgium or France. Infant mortality is from 15% to 20% in the less-favoured sections of the population and from 7% to 9% in other districts. These figures have disquieted certain members of the Commission. Nevertheless, the rates are much lower than those found in the poorer classes of the populations of our large European towns. In any case, I would remind the Commission that it is a general demographic phenomenon that the proportion of infant mortality is greater where there is a high birth rate. It is quite natural that, where the birth rate is low, and where, for example, only one child is born every three or four years, as in certain populations of the Congo, this child is better looked after than one who is born into a family where there are already many others. When a mother is nursing one child while she is expecting the next, the feeding of the first and the development of the second cannot but suffer.

During my journey, I intentionally went through the Ndora district, where last year there was a revolt which engaged the Commission's attention.<sup>2</sup> A member of the Commission asked whether this revolt was not due to the blundering of the native administration. I made enquiries and found that the course of events was as follows. There was formerly a chief in this district named Kilima. This Kilima was an invader, who had come from the Belgian Congo and had been recognised by the Germans as an independent chief; at the time of the Belgian occupation, he had remained in possession of his chieftainship. After his death, his heirs showed hostility towards the Mwami of Urundi in a way which could not fail to lead to war with the natives. To show that their chief Kilima had not only been a successful conqueror but that he was also the legitimate chief, they had given his child and heir the name of the father of the present Mwami—that is, Mutaga. The name of Mutaga, however, had been prohibited since the death of the former Mwami, and was no longer to be spoken. In giving it to their old chief's son, Kilima's people offered direct provocation to the natives of Urundi, for in so doing they declared that the Mwami of Urundi, Mwambutsa, was nothing more than a usurper.

As a result of this serious provocation, the supporters of Kilima's heir were expelled from the country and sent back to the Belgian Congo. The guardian of Kilima's son, a man named Rwashu, was deported. He was replaced at the head of the chief's district by one of the ablest chiefs of Ruanda-Urundi, a man named Baranyanka. This chief is much beloved by the natives. Unfortunately, he fell seriously ill, and went for treatment to the medical station of Ngozi for nearly a year. His death was often rumoured, to such an extent that I believed it myself. When Baranyanka was cured, he had changed very much in physical appearance. When he came back to his district it was rumoured that it was not Baranyanka himself but that the white men had substituted a double. This rumour reached the ears of the former deposed chief, Rwashu, who sent messengers saying that, as a result of Baranyanka's death, the Governor-General of the Belgian Congo—myself—had authorised him to return to his old district. A witch came and made matters worse by repeating the tales mentioned in the 1934 report (page 278). Naturally, Baranyanka's supporters, who knew that he was alive and that it was not a case of substitution, objected to Rwashu's activities and intrigues, as did the catechumens, who were also well aware that the rumour which had been spread abroad was devoid of foundation.

The result of all this was that the people who believed in Rwashu's early return attacked his supporters and the catechumens. When the troops intervened, order was very soon restored. I went to the scene of action accompanied by Mwambutsa and Baranyanka and without an escort. I met enormous crowds of natives, who knew me because it was I who had had the chief Rwashu deported. I asked them why they had revolted. They replied that they had been deceived, and that they had been told that it was the Governor-General of the Belgian Congo who had authorised Rwashu to come back. I had put on all my insignia of rank for

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 44.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 21.

the occasion to impress these poor people. I asked whether they knew that it was I who had ejected Rwasha previously. They answered that they remembered it. I then said: "If you are told again that the Government of the Belgian Congo has authorised Rwasha to come back, you can tell those who say it that they lie". Order was restored and the population gave Mwambutsa and Baranyanka an enthusiastic reception. There is therefore nothing dramatic and no cause for anxiety as regards this revolt, which ended, not with pitiless suppression, but with a general pacification.

I will go on now to native policy.

The Mwami of Ruanda is giving every satisfaction. He is a young man who, as stated in the report, is full of goodwill and intelligence, and frankly speaks his mind to the European authorities. He is not servile and does not acquiesce in all that is proposed to him; on the contrary, he is quite ready to state his objections to the proposals made by the Residency. His administration is more centralised than that of Urundi, as was the case under all his predecessors. In Ruanda, the Mwami has always appointed and dismissed the chiefs. Formerly, many of the chiefs were dispossessed before their deaths and, when a chief died, the Mwami often dispossessed his son and replaced him by one of his favourites.

Last year, a member of the Commission<sup>1</sup> asked why a council was attached to the Mwami. It was on account, on the one hand, of his youth and, on the other hand, of the suspicions entertained in regard to certain influential chiefs attached to the old regime. There was reason to fear that the Mwami might be managed by one of them or by his mother. The duty of the Mwami's council was to guide him in his task and provide guarantees of the sincerity of his acts.

The relations with the chiefs in Ruanda are conducted on two parallel lines—that is to say, in reality, there is a European administration and a native administration, each with its hierarchy. The European Resident has under his orders the administrators, who are his delegates in the chefferies; the Mwami has under his orders the provincial chiefs, who have the sub-chiefs under them. In practice, this system gives rise to no difficulty, provided that parallelism is assured, that the agreement between the Resident and the Mwami is sincere, and that the Mwami acquaints his chiefs, through the native hierarchy, with the decisions jointly taken by the native authority and the European authority. There is also no reason why the Administrator, who receives his orders direct from the Resident, should not communicate to the chiefs the decisions taken jointly. In the past, however, this has not always been the case. For example, it has happened that, after decisions have been taken in apparent agreement between the European authority and the native authority, the Mwami has said to his chiefs: "I told the Resident that the cattle would be vaccinated; but any of you who has a single head of cattle vaccinated will lose his chieftainship". Such things no longer happen to-day.

As regards Urundi, the situation is somewhat different. Under the German administration, the country has been very divided. The Mwami only held authority over part of the country, and there was a number of big independent chiefs, including the chief Kilima to whom I referred just now. There were other independent chiefs in the north and north-east of the country. The chiefs came back under the authority of the Mwami of their own accord, but it has taken us ten years to arrive at a complete unification of the country.

When the Belgians arrived in Urundi, the Mwami was still a child, and we set up a Council whose purpose was to show the natives that their supreme chief was not exclusively managed either by a regent exercising power on his own account, so as to derive the maximum profit, or by the European Government. This Council contained representatives of the big chiefs who had recognised the supremacy of the Mwami. The Council, moreover, continued in being even after he had come of age.

In Urundi, the situation from the constitutional point of view, if I may so call it, is very different from that existing in Ruanda. Urundi has constituted a real feudal system, in which the feudal chiefs have their land, which is handed down from father to son. Formerly the Mwami, although theoretically having the right to dispossess them, had not, in most cases, the power to do so. When he wished to dispossess a big chief, the latter defended himself by arms, and the result was either the extermination of the chief's family or his emancipation. The chief's authority and personal power are much more real in Urundi than in Ruanda. This is why Urundi has not that provincial organisation which exists in Ruanda and under which the Mwami may, at any time, give a big chief authority over a number of smaller chiefs so that he becomes chief of a province. In Urundi, each chief has his fief in which he acts as master. The Mwami in Urundi had his own chefferie; he had his own land and administered it himself.

Unfortunately, in recent years, in the very natural desire to improve Mwambutsa's education, the Resident of Urundi had brought him to the capital, where he lived in a very comfortable house. In point of fact, he had not much to do there. When he is said to lack initiative, that is true in a sense, but the situation must be realised. He used to be asked, for example, to make a tour of inspection. In such cases, he very often settled palavers without regard to the rules of custom; he received complaints from people who should have applied in the regular course to the law-court and have observed certain formalities; he reversed decisions of chiefs although he had not, according to the properly applied rules of custom, the right to do so outside all legal proceedings. In fact, he did much more harm than good. If he was sent to see that coffee-fields had been planted or to see if the coffee plants were well looked after, he realised perfectly well that he was doing work which could have been given to

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 20.



an agricultural inspector. The journeys which he did in this way interested him the less as he had been told that he must not interfere with what did not concern him, or intervene directly in the administration of the chefferies.

In agreement with the Governor, I adopted a decision which seemed to me essential. I asked the Governor to send Mwambutsa back to his own district. There he looks after his plantations, his cattle and the administration of his chefferie and gives judgment in the Court of Appeal according to the procedure laid down by custom. He thus does work which is regarded by the chiefs as real chief's work, worthy of the Mwami himself, and he is guided by an administrator who is a man of great ability, able to help him to become a good chief. I do not think Mwambutsa's case is by any means a hopeless one. In my opinion, he is a man who, when he has interesting work, will do it willingly and will eventually give every satisfaction.

The Mandates Commission has been interested in the monthly chiefs' conferences.<sup>1</sup> I have given instructions that these conferences must not simply consist of speeches by administrators in which the chiefs are obliged to acquiesce. The Government's intentions are that these conferences should not consist only of recommendations from those above to those below, but that they should also provide an opportunity for the voicing of complaints or the making of observations from those below to those above. It is to the administrations advantage to know the objections to which a measure that seems to be desirable may be open, either on account of custom or on account of past experience which has shown that the results of such a measure would be undesirable. A chief acquiescing in a proposal without being sincerely in its favour will know that, if the Administration discovers one day that he agreed to it simply in order to be obliging, far from being grateful to him, it will be displeased, because it was the chief's duty to make known his subjects' objections.

We have been asked for examples of cases in which the Administration would reverse a judgment by the native court. Certain decisions based on native legal practice have been mentioned in the report. I may refer to one which has several times arisen and in regard to which the legal practice of the European authorities has ended by modifying custom.

According to native tradition, when a man had children and divorced his wife, the cows were taken in payment for the children. In other words, when the divorced man kept his children, his wife's family took back the cows that formed part of the dowry. It so happened, therefore, that certain chiefs, taking no further interest in their children, asked for their cows to be returned on the ground that the children could go away with their mother. The natives were deeply shocked by this procedure; they realised that it was odious for an important chief to prefer cows to his children, but custom had it that the cows were to be regarded as payment for the children. Judgments upholding this custom have been quashed, with the approval, moreover, of the chiefs. It was pointed out to them that it was not right that the children of an important chief should be deprived of their milk, and it has now become customary for a man who gives up his children to give up his cows as well.

Last year, the Commission discussed the question of the codification of customs.<sup>2</sup> There might be some danger in such codification, as several members of the Mandates Commission have themselves pointed out. A certain degree of codification of the customary law is, however, indispensable, particularly in the matter of contracts concerning live-stock—an important question in a country where part of the economic and social life of the community centres round stock-breeding. Live-stock forms the subject of numerous contracts—for instance, contracts concerning gifts. Gifts may be made with reservation of a portion of the usufruct; there are gifts which oblige the donee to pay tribute periodically in the shape of a proportion of the young animals born. There are a large number of agreements of a very complicated character, such as sales with the option of redemption after the birth of a calf, etc. These agreements must be understood by those who have to come in contact with the natives. At first sight, some of these contracts seem to be outrageous, but on closer examination they are found to be just and reasonable. It was in order to obtain a better knowledge of all these agreements that an enquiry was instituted regarding the various customs on which they are based. But the Government does not in any way intend to crystallise them and transform them into laws. This would be all the more unreasonable because the customs themselves show a considerable tendency to evolve.

With regard to live-stock, one member of the Commission has asked<sup>3</sup> what economic prospects stock-breeding offers. I should say that, at present, the prospects are very meagre, because the country is overstocked with inferior cattle. At one time, the Administration even contemplated taking steps to reduce the number of cattle, either by prohibitive taxes or by other means. Certainly, from the zootechnical point of view, there are too many cattle, and live-stock would be of a better quality if it were less numerous. From a biological point of view, the existence of too large quantities of live-stock leads to that erosion which has already been noted in other territories. Any measures taken to reduce the quantity would, however, strike unjustly the smaller owners. Fifty per cent of the cows which have no value as live-stock, and which should be eliminated in order to ensure rational breeding, belong to the poor. When a rich man gives a cow to a poor man, he does not give him the best, but rather the worst in his herd. For instance, poor families are given a cow too old to calve or give another litre of milk, but which is, nevertheless, the pride and consolation of their old age as its manure enables them to improve their land.

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See Minutes of the Twenty-eighth Session of the Commission, page 18.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 29.

<sup>3</sup> See Minutes of the Twenty-eighth Session of the Commission, page 34.

Only, therefore, by intelligent propaganda and progressive education will it be possible to obtain results in this field. In this respect, when visiting the country, I organised with the Mwami of Ruanda preliminary experiments in local selection. In certain native herds, there was a number of cows of some zootechnical value, and if it were possible to make a rational selection among existing live-stock, great progress could be made in a short time. In this connection, it should be noted that the Mwami of Ruanda, at the beginning of this year, made a tour and visited the farm belonging to the Kilomoto mines, where European live-stock is being raised. He was able to see for himself the advantages of live-stock bred and cared for on rational lines. This has undoubtedly encouraged him to continue his efforts, and he will readily collaborate with the veterinary service, as we have asked him to do.

In the course of my visit, I was able to settle an irritating question connected with land claimed by the missions.

The Mandates Commission has asked questions<sup>1</sup> concerning the economic activities of the missions, and has referred to very large concessions which are alleged to have been granted to them. As a matter of fact, this question does not arise in actual practice in Ruanda-Urundi. Formerly, the missions engaged in considerable economic activities in the Congo during the Free State period, and it is true that some of them were granted very vast concessions of land simply in order to allow them to obtain the resources to carry on their work. At present, the situation has changed, and in any case, in the mandated territory, the small areas in their possession are quite inadequate to allow the missions to carry on any real economic activities.

The differences which have arisen between missions of various denominations are due mainly to a very strict interpretation of the native rights over land and to a police ordinance which, in order to avoid friction between different denominations, requires that their chapels must not be set up one alongside another, and that there must be at least a distance of two kilometres between them.

The initial difficulties arose owing to the fact that, when a mission wished to establish a chapel in some locality, the chief—if he were a member of another denomination—simply refused to grant land. For its part, the Administration was unwilling to oppose the chief's decision, as it did not desire to diminish his authority over his people.

As regards the prescribed distance between chapels, there occurred at one time what might be described as a scramble for branches, each mission endeavouring to set up as many branches as possible at 3,800 metres one from another in order to prevent any other denomination from setting up branches in the region. Thus a number of branches was established out of all proportion to actual needs. I will only quote one example: at the end of 1935, the Church Missionary Society had 186 branches for a total number of 1,930 Christians, so that the number of Christians averaged 11 per branch—in individual cases the number being often smaller and consisting solely of the missionary and his family! The reason for the number of these branches was simply that the missionaries of a given denomination said: "If ever the chief changes his religion, he can refuse us the right to open a branch. We must, therefore, occupy the land immediately." Catholics and Protestants followed exactly the same policy.

Certain missions therefore complained that difficulties had been made about granting them the land needed for the establishment of branches. As a matter of fact, chiefs have only exercised their veto on very rare occasions. From 1931 to 1935, the number of branches of the Catholic missions rose from 721 to 1,306—an increase of 81%. The number of branches of Protestant missions (other than the Société belge des Missions protestantes, the number of which is not stated) rose from 81 to 386, the increase in this case being 377%. There can be little doubt, therefore, that there are no real obstacles in the way of evangelisation; but such obstacles might have arisen in the future owing to the policy followed by the missions. I reached an agreement with the Governor of the territory and with the missionaries of the various denominations, and told the chiefs that freedom of evangelisation, which was specifically laid down in the mandate, must imply that missions should be able in practice, and not merely in theory, to open establishments for religious and other instruction in the various chefferies. The chiefs, having been informed of the scope of the mandate, no longer consider that the establishment in their territory of a denomination other than their own is derogatory to their prestige. Under these conditions, they readily agree to place at the disposal of the various missions the land on which to build their chapels, when it is pointed out to the chiefs that it is easy for them to find a site on pasture-land. As a counterpart, I asked the missions to stop their competition for branches, which was only justified by the fear that they might not be able to obtain the necessary land when they needed it. I explained to them that in future, owing to the instructions given to the chiefs, they would be granted the concessions they desired at the right time and might count on obtaining them.

As regards the distance between chapels of different denominations, it was understood that the two-kilometre rule need only be observed if there were no means of doing otherwise. For instance, if there was a considerable area of unoccupied land beyond the radius of an existing mission, the rule would be applied; but, otherwise, another denomination would be allowed to set up a branch within the two-kilometre limit.

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 38 *et seq.*



The solutions I adopted seem to have given entire satisfaction to all those concerned. At any rate, there have been no complaints up to the present.

Finally, I was able to look into the working of the school at Astrida. From the Minutes of your October session, in 1935,<sup>1</sup> I note that rather too much stress has been laid on the part this school is destined to play in training native chiefs and sub-chiefs. The Astrida school has hitherto been a higher-grade school for the continuation of education after the primary-school stage. The maximum number of children received is 300. These children are chosen from a total primary-school population of about 200,000 pupils. The Astrida school has as its object the training of minor staff in the administration—secretaries, clerks, Customs agents, typists, etc., and specialists, such as assistants in the veterinary, agricultural and medical services. Lastly, as far as possible, the school is intended to provide education for the sons of chiefs and sub-chiefs. As a matter of fact, only a very small number of sons of chiefs and sub-chiefs can pass through it, because, as a first principle, it admits only the most promising pupils. The teaching staff is anxious to secure sound scholastic results comparable with those obtained in Europe. Children are admitted solely on the basis of competitive examinations. I have asked the heads of the school to make a certain allowance for sons of chiefs and sub-chiefs, at any rate for the sons of important notables recommended by the Administration. I asked them to admit a certain proportion of these boys, provided they were able to follow the curriculum, even if they did not attain the necessary marks in the competitive examination. Otherwise, there would certainly not be more than 2% or 3% who were sons of chiefs. On the other hand, there is no doubt that many sons of chiefs and sub-chiefs have not had the advantage of this education, either because they were over school-age when the school was opened or do not possess the necessary capacities. It is quite well understood that a chieftainship will on no account be granted to a native notable simply because he possesses the Astrida school certificate. Chieftainships are allocated on the basis of family rights. A son of a chief, whether he has attended the Astrida school or not, will succeed his father because he is his heir and not because he has a school certificate.

It has been asked whether religious beliefs are being respected in the Astrida school.<sup>2</sup> Certainly, we entrusted the educational work to a Catholic congregation, because it costs much less than a lay school would. The teaching staff must necessarily be competent educationists, with a good knowledge of the country. The expense of maintaining a school meeting these desiderata, run by officials in receipt of the salaries stipulated in the Statute of the Administration, could not be borne by the Administration of the territory.

The Government proposes that the higher-grade instruction given at the Astrida school should be followed by more advanced studies. More technical courses will be given by specialists of the Administration: agricultural and veterinary experts and doctors; while the teachers of the school continue to teach general subjects: French, mathematics, etc., and religion.

Pupils of the Astrida school who are not Roman Catholics are excused from the classes in which religion is taught, whether they are pagans and do not wish to become Christians, or are Protestants. With a view to providing the Protestant missions with more extensive guarantees, we have proposed to them a system similar to that adopted in the large medical schools of Leopoldville—namely, the creation in Astrida of a kind of home for their children, who would thus be under the direct influence of educationists of their own religion. These children would only attend the general knowledge classes at the school, and their parents would know that they were receiving moral training in the home, where their religious beliefs would be respected.

For the rest, I repeat that candidates for chieftainships do not in the least require Astrida school certificates, as this school is not specially intended for training natives in the exercise of authority. The chiefs, who are called upon to play an important part in native society, must be given the best possible education. If they receive that education at the Astrida school, so much the better; but they can also be educated at a mission school near their place of residence and belonging to no matter what religious denomination.

The CHAIRMAN thanked M. Ryckmans for his very full statement.

#### FORM OF ANNUAL REPORT.

The CHAIRMAN recalled that, in 1935,<sup>3</sup> the accredited representative had explained why the annual report could not be drawn up on the lines followed during the Commission's examination, as requested. One of those reasons was that the report was not intended exclusively for the League of Nations, but also for the Belgian Parliament.

In its observations to the Council,<sup>4</sup> the Commission had expressed the hope that, in future reports, account would be taken of its recommendations in this respect. It would be seen,

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 20 and 42.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 40.

<sup>3</sup> See Minutes of the Twenty-eighth Session of the Commission, page 16.

<sup>4</sup> See Minutes of the Twenty-eighth Session of the Commission, page 200.

nevertheless, that the annual report for 1935 had the same form as that for 1934. Was it to be concluded that the mandatory Power was unable to comply with the Commission's request ?

M. HALEWYCK DE HEUSCH recalled that he had explained the various reasons for which it was difficult for the mandatory Power to draw up the report on the lines adopted by the Commission for its examination. He pointed out that the Mandates Commission really received full satisfaction, since, in Annex II of the report, the Belgian Administration reviewed all the items of the Commission's questionnaire in the order in which they appeared and noted in regard to each of them the passages in the present report, and even in previous reports, where the information requested would be found. The purpose of the questionnaire was thus fulfilled.

The CHAIRMAN replied that the Commission fully appreciated the advantage of this procedure, and had even quoted it as an example to the accredited representatives of other territories under mandate. Nevertheless, the mandatory Power was bound, under Article 22 of the Covenant, to submit a report, so that the Commission was justified in considering that that document was prepared essentially for the Council of the League of Nations.

#### MAPS OF THE TERRITORY.

The CHAIRMAN said the Commission would appreciate the interest of the maps accompanying the annual report (see pages 8, 13, 81, 92 and 127 and the annexe to the report), which gave information on the missions, the road system, sleeping-sickness and so on. Special note should be taken of a map (page 8) showing the natural regions of the mandated territory, with full details as to population and the like.

#### NATIVE ADMINISTRATION : MEETINGS OF NOTABLES ; ROYAL COUNCILS ; PARTICIPATION OF NATIVES IN THE CENTRAL ADMINISTRATION OF THE TERRITORY.

The CHAIRMAN observed that on pages 73 and 74 of the report were given replies to the questions put to the accredited representative in 1935 on the following three points : Minutes of the meetings of chiefs, sub-chiefs and notables ; Royal Councils ; the part played by the natives in the central administration of the territory.<sup>1</sup>

As regards the first question, it was stated that there were no Minutes of meetings of notables, and that when the chiefs and sub-chiefs were sufficiently educated a register of items dealt with was kept. Sometimes a typed memorandum was handed to the various persons concerned.

As regarded the second question, it was stated that the Council of Mwami had been set up in 1931, and that its membership, which had been four since 1931, had had to be increased to six at the beginning of 1936.

The native staffs in the central administration included clerks in the Secretariat, Customs officials, dressers and agricultural assistants. None of those at present employed had come from the Astrida school, whose pupils had not yet completed their studies.

Had the membership of the Royal Council actually been increased to six ?

M. HALEWYCK DE HEUSCH was unable to confirm the statement. The question concerned the year 1936, and the local authorities had not yet written that the scheme had been put into effect.

The CHAIRMAN thought it would be interesting to know the approximate number of natives on the Administration's staff, as this would give some idea of the number of trained natives from the schools of the territory.

M. VAN ASBECK saw from the table on page 43 of the report that funds had been appropriated for native staff in the secretariat. He also noted from the tables on pages 51 and 52 that the appropriations for coloured staff in the various services had been increased. On the other hand, according to the table on page 52, the sums provided for coloured staff for the administrative services had fallen from 190,902 francs in 1933 to 30,227 francs in 1934 and 10,656 francs in 1935. He would be glad to know the reason for that striking decrease.

M. HALEWYCK DE HEUSCH replied that, until 1934, the expenditure on native clerks in all services was shown under the same item of the budget, whereas it was now divided up among the various services to which the clerks belonged. That explained the increase on the one hand and also the reduction noted by M. van Asbeck.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 18 and 20.

M. VAN ASBECK noted, from the same table on page 52, that the appropriations for coloured staff in the health services had also fallen considerably from 1934 to 1935.

M. RYCKMANS replied that the difference was due to the fact that, during an epidemic of exanthematic typhus in 1934 which had necessitated an increase in staff, the extraordinary outlay necessitated thereby had temporarily increased the figures for expenditure.

M. VAN ASBECK asked whether the native staff was satisfactory on the whole.

M. RYCKMANS replied that it gave complete satisfaction in the health services. All injections and microscopic examinations were made by native employees, who were quite satisfactory. The native staff gave satisfaction so long as it had nothing of value to handle. When they held positions of authority, the natives tended to abuse their power. That was why it was thought necessary to give natives called upon to exercise some authority a better character training and it was also one reason why great importance was attached to their education by religious institutions.

#### RELATIONS BETWEEN THE TERRITORY AND THE BELGIAN CONGO : QUESTION OF THE GENERAL APPLICATION TO THE TERRITORY OF THE CONGOLESE LEGISLATION.

M. RAPPARD reminded the accredited representative that, in the past, the Commission had shown interest in the close union which had been brought about between the mandated territory and the neighbouring Belgian colony. He had expressed his apprehensions on noting that the territory had thus lost some of its independence. The very presence before the Commission of the Governor-General of the Belgian Congo as the person responsible for the administration of Ruanda-Urundi under Belgian mandate proved how close were the ties uniting the two territories and was evidence of the deferent attitude of the mandatory Power towards the Commission. He thought it desirable to draw attention to that fact.

The CHAIRMAN observed that, in a previous case, the Governor of Nigeria had come to the Commission to represent the mandatory Power when the annual report on the Cameroons under British mandate was examined.

Lord HAILEY asked whether special procedure had been adopted for the extension to the territory of Ruanda-Urundi of the laws applied in the Belgian Congo. Were these laws explicitly promulgated in the territory or were they extended to the territory under some general dispensation? The Land Act of the Belgian Congo of September 1922, for instance, had been mentioned as applying to the mandated territory in connection with the enquiry concerning vacant lands. He had not discovered, in previous reports, any mention of the manner in which this law had been applied to the mandated territory.

M. HALEWYCK DE HEUSCH replied that the law adopted by the Belgian Parliament in 1925 and promulgated by the King on August 21st, 1925, provided for the possibility of extending all the laws of the Belgian Congo to the Belgian mandated territory. But, in order to avoid the pitfalls of automatic extension to a country in which the situation might sometimes be different, Congo ordinances and decrees were only applied to Ruanda-Urundi if the Governor of the territory in question had made the Congo enactment enforceable there.

M. RYCKMANS added that only the law properly so called, and framed for the Congo by the Legislative Chambers, was automatically applicable to Ruanda-Urundi.

Lord HAILEY, noting that a study of the laws applicable to the mandated territory necessitated a knowledge of the laws applicable in the Belgian Congo, asked whether it would not be possible, when mentioning a law in the report, to give a reference to the page of the book, "Codes et Lois du Congo belge".

M. RYCKMANS explained that all the legislative provisions in the Belgian Congo applicable to Ruanda-Urundi had been indicated in the previous reports of the mandatory Power.

M. HALEWYCK DE HEUSCH added that a code of the laws of the Belgian Congo had, on a former occasion, been distributed to the members of the Commission. He thought it might be possible to distribute copies of the document, as recently revised and supplemented.

HALF-CASTES.

M. PALACIOS recalled that, at the twenty-eighth session of the Commission,<sup>1</sup> there had been an exchange of views between the accredited representative and certain members of the Mandates Commission concerning the status of half-castes.

The accredited representative had said that this question should be examined carefully and he would ask his Government to consider whether some solution could not be found to meet the preoccupations of the Commission. As the annual report contained no information on the subject, could the accredited representative state whether the question had been examined?

M. HALEWYCK DE HEUSCH replied that the Belgian Government had examined the situation of half-castes in the mandated territory. It had been pointed out that it would be a pity if the half-castes were placed under the native status regime. An ordinance of 1936 had made applicable in the mandated territory the first book of the Congolese Civil Code, which provided that, subject to certain formalities, half-castes could be accorded the higher status of natives assimilated to some extent to Europeans. That ordinance was not mentioned in the report, which concerned the year 1935 and not the present year.

M. RYCKMANS said that a distinction should be drawn between recognised and non-recognised half-castes. The problem arose mainly in connection with non-recognised half-castes. The question had been studied in the Belgian Congo. His own experience and that of experts on the subject was that, when half-castes were educated in special schools, the results obtained were not, generally, very satisfactory. His own view was that it was better to restore half-castes to their native surroundings and give them the best native education possible. When half-castes were sent to school together with natives, they were able to find their own level. Formerly half-caste women, when removed from their usual surroundings, tended to take to prostitution. Native education, however, had improved matters in that respect.

Count DE PENHA GARCIA thought that the question of half-castes was rather serious. It had to be looked at from two points of view. If the half-caste was capable of acquiring European status, he ought to be given it. But experience seemed to prove that it was sometimes preferable to put him back in native surroundings.

M. RYCKMANS, replying to a question by Mlle. Dannevig, said that the results obtained by half-castes were generally not superior to those obtained by natives. This was noticeable mainly in the schools. Educated in the same way as natives, they generally showed less satisfactory results than the best obtained by the natives.

M. MANCERON observed that, in certain cases, the problem was complicated by the fact that half-castes were not precisely welcomed by their families. In other mandated territories, half-castes were willingly received and so did not suffer as a result of their status.

M. RYCKMANS replied that, in the territory under Belgian mandate, male half-castes would not be welcomed in their chefferie of origin. The position with regard to female half-castes was not the same, as they were welcomed. He thought it desirable to give half-castes the best possible education in surroundings other than those of their chefferie and to prepare them for service in the Administration. When the mother lived in native surroundings, as was often the case, the half-caste would be sent to the school. Obviously the mother could not be obliged to separate herself from her child, but, as there was much competition in the territory as regards possibilities of schooling, it was certain that no mother of a half-caste boy would raise any objection to her child being given a good education.

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FIFTEENTH MEETING.

*Held on Friday, November 6th, 1936, at 3.30 p.m.*

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**Ruanda-Urundi : Examination of the Annual Report for 1935 (continuation).**

M. Ryckmans and M. Haléwyck de Heusch came to the table of the Commission.

**EXECUTION OF THE PROGRAMME DRAWN UP BY THE GOVERNOR REGARDING THE GENERAL POLICY TO BE FOLLOWED IN THE TERRITORY.**

The CHAIRMAN recalled that, in 1930,<sup>2</sup> the mandatory Power had drawn up a programme of future policy, consisting of twelve points, for the development of the territory. Information on the matter had been furnished to the Commission year by year. Could the accredited

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 21 and 22.

<sup>2</sup> See Minutes of the Twenty-first Session of the Commission, page 16.

representative state to what extent that plan had been carried out, and whether, on the whole, it had produced satisfactory results ?

M. HALEWYCK DE HEUSCH replied that the programme was being carried out systematically, and it would still be some years before it was completed. The mandatory Power felt sure that it was working on the right lines.

#### NATURAL REGIONS AND POLITICAL OR ADMINISTRATIVE DIVISIONS.

Mlle. DANNEVIG referred to the statement on pages 7 *et seq.* of the report concerning the natural regions and the political or administrative divisions of the territory. Did certain of the names in the map on page 8 denote regions like—to give a local example—"the Jura" or "the Alps" ? How were the chefferies divided up within those areas ?

M. RYCKMANS replied that the natural regions had no connection with the political divisions, at all events, in Urundi. In Ruanda, where there were very large districts, certain big chiefs controlled several sub-chefferies covering an entire region. As Mlle. Dannevig assumed, the terms in question were used in the same sense as those to which she had referred.

Mlle. DANNEVIG asked whether the difference between the geographical regions and the administrative divisions did not make it difficult to administer the territory.

M. RYCKMANS replied that these sometimes coincided—for instance, in the plain—but in practice there was no connection between them.

#### INFLUENCE OF CHRISTIANITY ON THE NATIVE ORGANISATION AND CUSTOMS.

M. RAPPARD wished to raise a general question which also arose in other territories that were indirectly administered. In the report, as in the general statement of the accredited representative, it was observed that every endeavour was being made to get the native administration to show signs of vitality, so that its consolidation might be encouraged. Furthermore, great and highly successful efforts were being made by the missions to evangelise the natives. It had often been stated that native primitive society, in which the hierarchical system played a prominent part, was based on religious beliefs. Did the Governor-General consider that, in the long run, the development of Christianity was compatible with the maintenance of such a society with its hereditary chiefs ?

M. RYCKMANS thought so. As an example, he mentioned the case of the Mwami of Urundi, who was not a Christian and had formerly been hemmed in by a vast number of traditional rules and customs of a more or less superstitious nature. Although those rules were disappearing, the respect of the natives for their Mwami did not seem to have diminished. The natives seemed to be adapting themselves to the new state of affairs. In Ruanda, also, it would be possible to substitute new customs for old without giving offence or causing disorder. He had never found that a Mwami had less authority over his Christian than over his pagan subjects. He had himself considered the question that had just been raised, and did not think that any difficulties need be expected, so that he could give a reassuring reply.

The CHAIRMAN, in that connection, asked what were the relations between individuals when in the same community some were converted to Christianity while others remained attached to their old customs.

M. RYCKMANS replied by referring to an incident which he had himself witnessed in the course of a palaver. A converted native had been married in a Christian church. He repudiated his wife and demanded the restitution of the dowry, which consisted of a certain number of cows. As his former father-in-law refused to give them back, the case was brought before the chief, who was a pagan. The father-in-law claimed that, as his daughter was a Christian, she would be unable to marry again, and hence to procure another dowry, so that the restitution of the cows would cause the family irreparable loss. The chief decided the case in favour of the father-in-law, and told the ex-son-in-law that, as he was himself a Christian, he knew what he was doing when he got married in church, and would have to put up with the consequences. That instance showed the way in which native customs were being adapted to new situations.

Mlle. DANNEVIG asked what, according to native custom, would be the position of a repudiated wife who returned to her family.

M. RYCKMANS replied that the position would be an excellent one for the family, as they would keep both the girl and the dowry. He went on to explain that the adaptation of the natives to new ideas was general and came about without any difficulty. For instance, they

were easily accustoming themselves to a system of private property, which the Administration was endeavouring to establish, and to the system of permanent plantations. It would therefore be dangerous to attempt any general codification of customs, as that would mean ossifying them, when they were in process of full evolution.

The CHAIRMAN wondered whether, nevertheless, it would not be necessary, by force of circumstances, to accord a different personal status to pagans and Christians.

M. RYCKMANS said that, up to the present, at all events in the mandated territory, the necessity for legislation had not made itself felt. The position had been different elsewhere, particularly in the Congo, where the question of marriage presented difficulties.

#### DEVELOPMENT OF "CENTRES EXTRA-COUTUMIERS".

Lord HAILEY noted that there were areas where the population was very mixed and included a number of Arabs and Hindus. There were also certain outsiders who came to the territory in the hope of obtaining work in the mines. Had the Administration considered it necessary to establish *centres extra-coutumiers* for those people?

M. RYCKMANS replied that such districts existed in large places, but they had not the same organised legal status as those in the Congo. He observed, in passing, that that was an example of Congo legislation which had not been adopted by the Governor of the mandated territory, because he had not considered it suitable for that territory.

Lord HAILEY noted (page 33 of the report) that a large part of the native population was shown as not being under the authority of the native chiefs.

M. RYCKMANS said that these were Islamic natives, who claimed to be Swahili. They constituted small groups which had adopted Arab customs and had escaped from the authority of the customary chiefs.

Lord HAILEY said that, in such a case, the normal solution was to establish *centres extra-coutumiers* for these outsiders, with their own special court.

M. RYCKMANS replied that the groups in question must in fact be regarded as *centres extra-coutumiers*, but they were bound by the Islamic law.

#### DEPOSITION OF CHIEFS AND POLICY ADOPTED FOR REPLACING THEM : QUESTION OF THE REGROUPING OF CHEFFERIES.

Lord HAILEY said that the report showed that a large number of chiefs had been removed for various reasons. The frequency with which that happened was striking in the case of a small territory when compared with what occurred in a territory such as the Congo. It was not quite clear from the report exactly what happened. If the Administration constantly replaced one chief by another, they would no longer be chiefs recognised by native tradition, but would be imposed chiefs.

M. RYCKMANS thought that a chief should only be removed when he was very bad indeed, and when it was sure that a really good substitute could be found. He had given instructions for chiefs to be removed as rarely as possible. Even when a chief was not altogether satisfactory or was very old, it was preferable to wait for his son to succeed him.

In Ruanda-Urundi, the devolution of authority was very different from what it was elsewhere, particularly in the Congo. Elsewhere, when a chief died, it was difficult for the Administration to intervene in order to replace him. In the mandated territory, the natives accepted as chiefs those who were nominated by their Mwamis. As the Administration controlled the two Mwamis, it controlled the whole native hierarchy through them.

M. Ryckmans agreed with Lord Hailey that changes of chiefs should be limited to the absolute minimum. He added that, when a chief was removed from office by the Mwami, his successor, nominated by the Mwami, was accepted by the people as if he were a traditional chief.

Lord HAILEY said there seemed to be some difference between the Congo and the territory under mandate in regard to the system by which native authorities were appointed, and that that perhaps explained the ease with which chiefs were changed in the territory. In Ruanda-Urundi there seemed to be almost a feudal system, as there was in Uganda, and not a purely tribal system, as in the Congo. Would it be correct to say that some chiefs should be regarded rather as subordinate officials of the Sultan?

M. RYCKMANS explained that, in Ruanda-Urundi, ninety per cent of the chiefs and sub-chiefs had succeeded their fathers. It was a matter of hereditary rights, but subject to the Mwami's power to remove a chief of whom he did not approve. Formerly, the use of that power had been purely arbitrary. Nowadays, there must be serious reasons for removals. In principle, the chief himself nominated his successor from among his children.

Replying to two questions by the Chairman, he said that there were 1,688 chiefs and sub-chiefs in the territory, or an average of some 2,000 natives per native authority.

The CHAIRMAN asked whether the maintenance of such a large hierarchy was not too great a strain on the country. Would it not be a good thing to reduce it by regrouping the small communities or by converting them into "confederations", under a single chief, as was done in certain colonies where there was indirect administration?

M. RYCKMANS was of opinion that systematic regrouping was undesirable if carried to extremes. It was better to have a chief over 500 natives with a badly delimited but traditional chefferie, than a chief whose chefferie had precise boundaries but was not traditional. Doubtless, when a chief died, there might be an advantage in linking up his chefferie with a neighbouring one; but, generally speaking, M. Ryckmans preferred a natural equilibrium to an artificial grouping.

#### TRAINING OF CHIEFS : COLLABORATION WITH THE MISSIONS : QUESTION OF FOUNDING A SCHOOL FOR CHIEFS.

M. VAN ASBECK said that he had listened with both interest and satisfaction to the statement made that morning by the accredited representative. The Administration was making great efforts to ensure that the chiefs should really be the leaders of their people, while maintaining the Mwami's authority, and he hoped that those efforts would bear fruit.

In his statement, the Governor-General had said that he attached great importance to having educated chiefs, and, at the same time, that the Administration was, as far as possible, choosing chiefs from the traditional circles. Did that mean that, while preference was, of course, given to educated chiefs, nevertheless, failing such, uneducated chiefs would be regarded as acceptable?

M. RYCKMANS replied that the Administration of course allowed the chief to nominate one of his children as his successor, but that the chief had to see that his future heir had attended school. Future chiefs were required to have the best education available in view of practical considerations (place of residence, proximity of a school to their homes, etc.). The person chosen must be the one who offered the best guarantees of a sound administration. In the suite of the Mwami of Ruanda, there were very large numbers of youths from among whom chiefs might be chosen in the event of a post falling vacant with no heir, and those youths were receiving a good education.

M. RAPPARD said, with regard to the question of the training of native chiefs, that, in the previous year,<sup>1</sup> the Commission had had the impression that those chiefs were to be trained exclusively by the higher department of the Astrida school. The statements made by the accredited representative somewhat modified that impression, and there was no longer any question of a kind of monopoly in the matter of that training. It was still true, however, that that was the only school used by the Administration for training chiefs. There could be no doubt that, in any Administration, no function was more important than the training of the future chiefs, so that the Astrida establishment was really discharging a public duty. In view of the denominational character of that establishment, did the Administration consider itself bound to observe complete neutrality in its relations with the representatives of the different religious organisations?

M. RYCKMANS replied that the Administration was bound to observe, not neutrality, which would be an attitude of indifference, but an equally sympathetic attitude towards all religious denominations.

M. RAPPARD concluded that, whatever word might be employed, the Governor-General considered—not in accordance with the mandate, but in accordance with the conception held by the Administration—that the attitude of the latter was based upon the desire to hold the scales even as between the different denominations.

M. RYCKMANS explained that teaching as organised at Astrida was based upon the experience gained both in the Belgian Congo and in the territory under mandate. It would be impossible, unless enormous expense was to be incurred, to organise a system in which instruction was given only by officials paid by the Government. That system had been tried in Nyanza, and also elsewhere. The education given was passable but, from the moral standpoint, he had been able to convince himself that the results were disastrous. It had become necessary to close those schools. It should, of course, be possible to establish a Government institution, but it would be extremely costly in view of the need for having on

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 20.



the spot a select and highly capable staff that was sufficiently stable to have a good knowledge of the language and customs of the country. It had been found that the best results were obtained, at the smallest cost, with the help of religious denominations.

M. RAPPARD noted that, according to the Governor-General, in view of the considerations referred to, the Administration was settling the question for the moment by collaboration with missions. A second question arose—namely, whether the Administration would have any objection to the association of other missions in the discharge of those functions.

M. RYCKMANS said that the same question had already been put to him by various missions, but they themselves could not have settled it, not having the necessary staff at their disposal.

M. RAPPARD asked, from the standpoint of principle, whether the collaboration of other missions would be refused, if they offered the necessary staff. Would only Belgian missions be allowed to help, or would the Administration also accept the co-operation of foreign missions?

M. RYCKMANS thought that, if a foreign mission desired to set up a school like the Astrida school, and offered all the necessary guarantees, the Administration would not be able to refuse its co-operation.

Regarding the Astrida school, he added that he had tried to find, and had proposed to the Protestant missions, a solution that would give them the necessary guarantees in regard to freedom of conscience. At present, only two pupils had asked for exemption from the religious instruction given at Astrida. It was true that, hitherto, neither the staff nor the teaching of the Protestant missions in Ruanda-Urundi could be compared with those of the Catholic missions. The latter had founded seminaries. The Administration, of course, intervened in no way in the education given in the seminaries; but he had found that the youths who came from those schools were very well trained for their future work.

M. RAPPARD explained that he was not speaking of freedom of conscience, which, he thought, did not appear to suffer in that particular case. He would like to separate that question from the question of the training of chiefs. He understood that, if the Administration favoured the Astrida religious establishments, it was because it did not regard any other mission as being capable of training the future chiefs.

M. RYCKMANS explained that he did not mean to say that, if another mission presented itself, the Administration, in order to help it, would double the present grants for secondary education, for it would not be able to do so.

In reply to a further question by M. Rappard, M. Ryckmans explained that the grant to Astrida was given on the basis, not of the number of pupils, but of teachers.

Continuing his previous explanations, he said that he had tried to find, for the Astrida school, a solution which would satisfy the Protestant missions, and had proposed to them to open, as in the case of the Medical School at Leopoldville, a home, under the management of a minister, which would give accommodation to Protestant pupils who were exempted from Catholic religious teaching. He did not know whether the offer would be accepted.

M. RAPPARD said that, from the standpoint of equal goodwill towards the various denominations, such a solution would, admittedly, be defective. Impartiality could be expected from the Administration, but not from the members of a religious order. The idea of associating a Protestant home and a Catholic mission could hardly give full satisfaction. The fact of entrusting the training of future chiefs to a certain mission would ultimately result in native policy generally being more favourable to one side than the other.

M. VAN ASBECK fully agreed with M. Rappard's remarks. The question of the training of future chiefs was so important that it should be given the special attention of the Mandates Commission, quite apart from the problem of freedom of conscience or considerations of the Administration's impartial attitude towards the various forms of belief.

The training of chiefs was the keystone of the whole edifice of indirect government. The Governor-General had said that efforts were being made to satisfy the Protestant missions by encouraging them to found a "home" separate from the Astrida group, the management of which was in the hands of another religious order. In such a territory, the chiefs played a very special part, and the question might arise whether, for that part, they did not need to have qualities of character, impartiality and integrity which could only be inculcated by men trained to an administrative career.

There was no idea of casting doubts upon the value of the education given by the religious orders; the question was whether they were the best instruments for imparting such training. Was it right for the mandatory Power to entrust to a religious order—that is, to private persons—a task which was essentially its own? The question might be said to be one of expense, but that was not an argument. Was this not a situation which called for a different solution from that



contemplated, and, until the necessary resources were available, should the mandatory Power not make it its final aim to found a Government school for the training of chiefs, which was such an important factor, particularly in a system of indirect government.

Mlle. DANNEVIG observed that, in the Astrida institutions, the future chiefs were trained solely by Catholic priests. Would it not be possible to arrange for officials to give these pupils training, in the form of supplementary lessons, in general administrative subjects? That would be one way of making a beginning until the necessary money was available for a more general arrangement.

Had the Astrida institutions a number of young native teachers? Were those teachers being trained for the priesthood? In what relation did they stand to the Government? Were they only servants of the Catholic mission or were they in any way dependent on the Government? Were they, for instance, liable to administrative inspection?

The CHAIRMAN emphasised in his turn the extremely important part played by the native chief in the system of indirect administration. He was the keystone of the whole structure.

If the chief were incompetent, rapacious or depraved, if he remained imbued with the spirit common to the majority of people of that class, who regarded power only as a means of satisfying their cupidity, their grudges and their vices, the system of indirect administration, far from being an instrument of progress, only resulted in perpetuating old abuses which European control was powerless to prevent.

The value of indirect administration depended on the value of the native chiefs. It was, therefore, imperative in all the colonies where the system had been introduced to take steps for the training of future chiefs. Such training must give them that degree of competence which could be expected of native collaborators, and they must be imbued with a sense of their duties to their subjects. In other words, the aim must be not only to make them useful auxiliaries of the Administration, but to give them a kind of civic education.

The training of future chiefs was an essentially political task. The Administration should take a direct interest in that work through a teaching staff consisting of former administrators who would be carefully selected in view of the importance of their work.

M. RYCKMANS explained that the question which he himself was trying to solve was not the question of training the sons of chiefs but the question of freedom of conscience. He would like to throw public office open to children who had been trained in Protestant missions, but he was not specially concerned with the Astrida institution, to which he did not attach the importance which M. van Asbeck appeared to attach to it. He regarded it chiefly as a school preparatory to higher education.

M. Ryckmans had asked the Governor of Ruanda-Urundi if he could provide for the training of future chiefs and the Governor had replied that he could not: he could attach future chiefs immediately to the administrators for training purposes, but could not guarantee that they would be fully trained as future chiefs.

Education in civics, on the other hand, was an everyday matter. A chief's qualities should develop with practice as a result of constant contact with the Administration. The Governor-General did not know whether the best way of attaining that object would be to put future chiefs in a special school. The experiment had been made in the Congo and it had been found that, after a number of years, such natives became little Europeans, that they had lost contact with their native environment and that they encountered difficulties when they returned to their chefferies.

For the rest, M. Ryckmans agreed with M. van Asbeck: the problem of training chiefs was not solved by the Astrida school, which mainly supplied subordinate assistants for the Administration. The middle-grade instruction given at that school should be supplemented by advanced courses where future chiefs, coming from all parts of the country, would complete their training. For the time being, the solution was merely a temporary one—the sons of chiefs were given courses in administrative law and ethics suited to future administrators. But it must be acknowledged that the problem of their training and education was still unsolved.

Regarding the teaching staff of the Astrida school, the Governor-General said that the teachers were Europeans. There were, he thought, eight of them at the present time. They were assisted by a few native pupil teachers.

Mlle. DANNEVIG thought this was a very small number for three hundred pupils if they were to be given a sound education. Were the teachers able to give all the lessons required, seeing that the young people had to follow different careers?

M. RYCKMANS replied that the Astrida institution was a preparatory school for the training of clerks and secretaries. It was proposed to supplement the present training by veterinary, medical and agricultural courses.

Mlle. DANNEVIG observed that the school was still in its infancy, having been open only two or three years, and it was impossible to form any very definite idea as to its future. In other institutions giving a general education, there were special courses for the various

professions at the end of the school course. It might similarly be presumed that the Astrida institution would have a special section at the top of the school for the sons of chiefs. Such training would not be entirely in the hands of the Catholic missions, but Government officials would give special technical lessons outside the general scheme of education.

M. RYCKMANS said that there was an administrative school at Nyanza, near the Mwami's court, but it had not given satisfaction.

Count DE PENHA GARCIA asked whether the sons of chiefs were bound to attend the Astrida school.

M. RYCKMANS replied in the negative.

The CHAIRMAN asked whether the proposed "home" would form an integral part of the Astrida school and if the cost of upkeep would be charged to the same budget.

M. RYCKMANS replied that the Astrida school would be a day school for the young men staying in the "home". The latter would be separate from the existing organisation.

The CHAIRMAN, summing up the exchange of views regarding the organisation of the Astrida school, observed that the Commission had misunderstood the character and aim of that establishment. It had thought that it was a school for future chiefs. But M. Ryckmans had said it was only a preparatory school for education of a somewhat higher standard, giving access to subordinate posts in the Administration. A very small minority of the future chiefs of the territory were admitted to it, and received there instruction which did not seem to be calculated to train them specially for the duties for which they were destined.

The consequence was that the problem of the training of native chiefs, whose particular importance in a territory subject to indirect administration had been emphasised by several members of the Commission, had not yet begun to be solved in the way that the creation of the Astrida school had seemed to indicate. It seemed, in fact, that no solution was in sight, and that was regrettable.

Nobody would blame the mandatory Power, which had other urgent matters calling for its attention, but the Chairman would nevertheless like to be assured that M. Ryckmans' statements should not be interpreted as meaning that the mandatory Administration did not appreciate the importance of this problem and was not doing its best to solve it.

The Governor-General had said that the creation of a Governmental school for chiefs would entail considerable expense. The argument was not a decisive one. In view of the essential rôle of the chief, too great sacrifices could not be made for that purpose. In a neighbouring territory, where indirect administration was also in force, due importance was attached to the training of chiefs and the necessary sacrifices were made, although the administrators were quite as economical of public funds. There was no question, however, of urging the mandatory Power to consent to make big sacrifices for the purpose. As there was only one official school in the territory, the granting of sufficient resources to that school would not create a precedent which other educational establishments might invoke.

The Governor-General had mentioned the case of a school kept by non-religious teachers which had turned out to be a centre of immorality. Of course, no parallel could be drawn between a private establishment and an official school for chiefs, which would be managed by the most reliable officials available. That reflection of the Governor-General could not therefore be adduced as an argument against M. van Asbeck's proposal.

The accredited representative had further stated that religious teachers had to be chosen because the masters must be acquainted with the language of the country. That, too, was not a decisive argument, for among the officials, many of whom served for a considerable time in the territory, those who were acquainted with the native language could not be the exception.

To sum up, the reflections submitted to the mandatory Power's representatives were as follows: The mandatory Power was not being urged to set up immediately a school for chiefs as described by M. van Asbeck. The Commission would not, indeed, be competent to make such a demand, for the present question did not affect the application of the mandate. But it was thought that it would be to the mandatory Power's credit to prevent the abuses permitted by the system of indirect administration—excellent though it was in other ways—by giving the native chiefs adequate training and, as tangible proof of that resolution, to set up an educational establishment fulfilling the requisite conditions.

#### REMUNERATION OF THE CHIEFS.

M. VAN ASBECK recalled, in regard to the salaries of chiefs, that in the report for 1934 (page 70) it was stated that, since 1932, there had been a cautious extension of this method of remuneration, and the accredited representative had said, the previous year,<sup>1</sup> that there were

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 28 and 29.

still great difficulties to be overcome, and that, in particular, the giving of fixed salaries to chiefs might lessen their prestige. Was there any information available as to the situation after four years? The Commission had recently heard a statement by the accredited representative of a similar territory, in which no such difficulties had been encountered.<sup>1</sup> What stage had been reached in the development referred to in the report for 1934?

M. HALEWYCK DE HEUSCH explained that the Administration had gradually replaced the customary contributions in kind (objects, beer, honey, etc.) by contributions in money. Nevertheless, statute labour had always been carefully maintained as being the demonstration of the native's dependence on his feudal chief. The previous year, following a suggestion by Lord Lugard,<sup>2</sup> the Colonial Ministry had made enquiries with a view to ascertaining whether it would be possible to abolish the system of forced labour. As before, the reply had been clear and definite. It was to the effect that, if the outward signs of subordination were universally and completely abolished, the result would be a considerable slackening of the feudal bonds that united the various members of the native society.

The system had, however, been made more elastic in that, when a native, as the result of special circumstances, found great difficulty in discharging his obligations in the matter of statute labour (*e.g.*, working in a distant place for a European firm, or helping in teaching as a catechist), he was authorised to make contributions in money instead. Such measures were, nevertheless, exceptional, and the Administration of Ruanda-Urundi attached great importance to the subsistence of the old forced labour both in principle and, for most regions, in practice.

M. RYCKMANS said he was not absolutely positive on the matter, but was under the impression that the draft budget for 1937 contemplated an extension of the system under which forced labour might be commuted in districts where such a measure seemed to be possible.

The CHAIRMAN enquired whether forced labour did not constitute a heavy burden on the native.

M. RYCKMANS replied that that had formerly been the case, when even a petty chief had been able to make excessive claims on those under his administration. The situation was not the same to-day. The number of days' forced labour was strictly limited to thirteen per able-bodied adult male native per year. The chief and sub-chief therefore had to be satisfied with those thirteen days and divide them between them, whatever might be the number of those under their administration.

M. RAPPARD pointed out that, in a neighbouring territory, the Administration had thought it important to replace the system of contributions by a fixed salary for chiefs and had stated that that system, far from diminishing their prestige, increased it, owing to the fact that the native thus saw that the Administration was supporting their authority.

M. HALEWYCK DE HEUSCH said that there were naturally psychological differences in different countries. The question had on several occasions been put to the local administration of the territory under Belgian mandate, and the reply had always been the same—that forced labour must be maintained in the interests of the system of government that had been evolved by the natives themselves.

M. RYCKMANS added that the question was merely one of time. When the native came to realise that his money or part of his money went regularly to the chief, the latter's prestige would not suffer; but the native must not receive the impression that he was being despoiled by his chief. He added that contributions in labour were sometimes indispensable; if they were abolished, the chiefs would no longer be able to obtain the things which they required but could not procure otherwise. Many natives, moreover, would not be able to pay the few francs necessary to commute their statute labour.

It was a matter of local adaptation. M. Ryckmans thought that the ultimate outcome would be a system under which there would be an aggregate tax, part of which would go to the chefferie. Personally he saw, in principle, no objection to such a system becoming general, but time and evolution must be allowed to work and precipitation must be avoided.

Lord HAILEY pointed out that, in the Congo, the Administration was beginning to remunerate the chiefs by refunding a part of the tax to them. In that way, they were guaranteed a salary.

M. RYCKMANS explained that, in the Congo, the refund in question did not go to the chief, but to the chefferie. In Ruanda-Urundi, the chefferie had no treasury.

M. VAN ASBECK enquired whether, in regard to the remuneration of the chiefs, there was any difference between Ruanda and Urundi, where the feudal link was stronger.

M. RYCKMANS said he could give no details. He knew only that the traditional labour services had formerly been heavier in Ruanda than in Urundi. Before the Belgian occupation, the natives there owed the chiefs three days' work out of every five—an enormous proportion.

<sup>1</sup> See page 90.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 28.

QUESTION OF TRANSMITTING TO THE COMMISSION A SPECIMEN OF THE " REGISTRE DE RENSEIGNEMENTS ".

Lord HAILEY understood that in Ruanda there was a *registre de renseignements* for each district on the same lines as in the Belgian Congo. He had been very favourably impressed by the way in which those documents were drawn up. He thought them better than those to be found elsewhere. Could the accredited representative see his way to state next year what instructions were given in regard to drawing up those documents, and bring a specimen with him ?

The CHAIRMAN asked whether the documents in question were secret.

M. RYCKMANS replied that the documents referred to were doubtless the registers of information concerning native policy—that was to say, administrative documents of a private character. He did not know how far the question was connected with the examination of the annual report. Personally, he saw no objection to submitting to the Commission a specimen of the registers, which were included in the administrative records. They were left by a departing administrator to his successor and contained the information needed by the latter in regard to native policy in the region.

INTERNATIONAL CONVENTIONS.

The CHAIRMAN referred to page 248 of the report, on which there was a reference, in connection with the subject of international relations, to the 1928 report (page 138). The present report did not contain any chapter on the application of international Conventions to mandated territories during the year 1935. According to information in the possession of the Secretariat, the following Conventions had come into force in so far as Ruanda-Urundi was concerned :

Supplementary Convention to the Extradition Treaty of May 28th, 1887, signed at Lima, June 6th, 1933, by Belgium and Ecuador ;

Supplementary Convention to the Extradition Treaty of November 5th, 1904, signed at Guatemala, July 13th, 1933, by Belgium and Nicaragua ;

Supplementary Convention to the Extradition Treaty of November 20th, 1897, signed at Guatemala, April 26th, 1934, by Belgium and Guatemala ;

Supplementary Convention to the Extradition Treaty of May 29th, 1899, signed at Santiago de Chile, February 21st, 1933, by Belgium and Chile.

Was the accredited representative in a position to say whether there were other Conventions which had been extended to the territory in 1935 ?

M. HALEWYCK DE HEUSCH said that the question would be answered in the next report.

FRONTIER BETWEEN RUANDA-URUNDI AND TANGANYIKA : CONVENTION OF NOVEMBER 22ND, 1934.

The CHAIRMAN referred to the frontier between Ruanda-Urundi and Tanganyika. It appeared, from page 27 of the report, that the Convention for the delimitation of the frontier between the two territories, signed on November 22nd, 1934, which had received the approval of the Council of the League, had been submitted to the Belgian Legislature with a view to ratification.

When the annual report on Tanganyika had come up for discussion,<sup>1</sup> the accredited representative of the United Kingdom had said that all the necessary formalities for ratification had been completed on the part of the United Kingdom Government, and that all that remained to be done was to fix a convenient date for the exchange of the instruments of ratification with the Belgian Government.

Could the accredited representative say whether this Convention and the Supplementary Convention had received the approval of the Belgian Legislature and whether they had come into force ?

M. HALEWYCK DE HEUSCH replied that the Belgian Parliament had been dissolved after the Convention in question had been laid before the Legislative Chamber. In such a case, according to the rules of public law in his country, Bills which had not been approved either by the Chamber or by the Senate lapsed automatically. The Bill in question would therefore have to be submitted to Parliament again on the responsibility of the Ministers at present in office. He understood that this submission would probably take place in the current or following week.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 38.

ECONOMIC EQUALITY.

(a) *Aerial Navigation: Ordinance dated January 27th, 1934.*

The CHAIRMAN pointed out that, at its twenty-eighth session, the Commission had submitted an observation to the Council in the following terms :<sup>1</sup>

“ The Commission examined the text of the Ordinance of the Governor-General of the Belgian Congo, dated January 27th, 1934, concerning air navigation, which has been made applicable to the territory under mandate. The question was raised whether certain provisions of that Ordinance—in particular, Articles 1 and 145—were compatible with the clause in the mandate relating to economic equality, and would be glad to receive every assurance on this point.”

In reply to that observation, the mandatory Power had inserted a passage in its report (page 252) from which it appeared that the countries which had signed the Paris International Convention of October 13th, 1919, had already, by so doing, obtained general permission to fly across the territory. Aircraft of other countries which had not signed the Paris Convention required special permission, which was given after consideration of each case separately. The report added that the permission was “ no more than a recognition that the police regulations were not infringed, and was not economic in character”. From which the conclusion was drawn that those arrangements complied with paragraph 1 of Article 7 of the Ruanda-Urundi mandate.

In the previous year, the accredited representative had stated<sup>2</sup> that there had not hitherto been any case in which an aeroplane had been refused permission to fly over the territory. From page 126 of the report it appeared that the situation had not changed in 1935.

He would like to know whether the Ordinance of January 27th, 1934, was, in the accredited representative's opinion, in accordance with paragraph 2 of Article 7 of the mandate, and whether there had been any refusal of permission to fly over the territory since the previous year.

The Chairman himself viewed the situation thus : The question had nothing to do with economic equality ; it concerned a police measure. Being responsible for order in the territory, the Administration took suitable police measures. They were not aimed at the nationals of a particular nation—they only affected nationals of countries which were not parties to the Convention on Aerial Navigation.

M. HALEWYCK DE HEUSCH approved that explanation and, with reference to the two questions put to him, replied to the first one in the affirmative and to the second one in the negative : permission to fly over the territory had not been refused.

M. RAPPARD asked whether the same treatment was extended to Belgian nationals as to non-Belgians, provided their country was a signatory of the Convention.

M. HALEWYCK DE HEUSCH replied in the affirmative.

M. VAN ASBECK pointed out that it was stated in the report for 1934 (page 223) that, according to Article 145, paragraph 3, of the Convention, aircraft registered in countries with reciprocity agreements with Belgium had free access to the colonies and mandated territories. Was a State that had ratified the Convention on Aerial Navigation also required to conclude a special reciprocity agreement with Belgium ?

M. HALEWYCK DE HEUSCH replied in the negative. In the case of such a State, the General Convention on Aerial Navigation served as a reciprocity treaty : it had been signed both by Belgium and by that State.

(b) *Case of States ceasing to be Members of the League of Nations.*

The CHAIRMAN pointed out that imports from Germany in 1935 amounted to 1,790,529 francs (tables on pages 179 and 180 of the report). He asked whether the mandatory Power was of opinion that a State that had ceased to be a Member of the League of Nations should continue to enjoy the benefit of economic equality.

M. RYCKMANS replied that at present that State did in fact enjoy economic equality. He himself had never considered the question from the legal standpoint.

The CHAIRMAN said he had put the question from the point of view of the mandate.

M. HALEWYCK DE HEUSCH said he could ask his Government to consider the question, with a view to a subsequent reply being made, but he was unable to reply *a priori* on its behalf ; he had received no instructions in the matter.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 200.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 25.

M. RYCKMANS added that the question was of no practical importance. Belgium was bound, in the Belgian Congo, by the Convention of St. Germain-en-Laye and no distinction had ever been made between foreign countries. Whatever the scope of the clauses in the mandate, no distinction had been made in Ruanda-Urundi either.

The CHAIRMAN said that the Commission would be glad to find a reply to the question in the next report.

(c) *Relation between the Terms of the Mandate and the Convention of St. Germain-en-Laye.*

The CHAIRMAN asked whether, in a mandated territory included in the economic equality zone provided for by the Convention of St. Germain-en-Laye, the provisions of that Convention took precedence over those of the mandate.

M. HALEWYCK DE HEUSCH was not competent to express an opinion. A reply could be given in the next report, but he was in some doubt as to whether the Belgian Government could be asked to express a theoretical opinion and whether the Commission was entitled to put to it a number of legal questions and theoretical problems which had nothing to do with the facts and acts of the Administration which alone were under its supervision.

The CHAIRMAN thought that the Commission could put such questions, because the mandatory Power must have an opinion as to the extent of its rights and obligations.

AMENDMENT TO THE ORDINANCE OF 1932 CONCERNING THE RULES APPLICABLE TO ORDERS AND THE TAKING-OVER OF WORKS AND SUPPLIES.

The CHAIRMAN observed that on page 243 of the report would be found an Ordinance amending the 1932 Ordinance concerning the rules applicable to orders and the taking-over of works and supplies. What was the reason for that amendment to the earlier Ordinance?

M. RYCKMANS replied that the Ordinance had become necessary because of the creation of the post of Chief District Commissioner, assistant to the Governor. The holder of that post had been called upon to preside over the Council for the awarding of contracts.

MAINTENANCE OF ORDER IN THE TERRITORY.

The CHAIRMAN referred to the table on page 36 of the report, relating to "Offences committed by Natives", which contained the following two headings: "Rebellion or Outrages and Violence used against the Authorities or Public Forces: 48 Convictions" and "Attacks on the Safety of the State: 23 Convictions". He asked whether the sentences under the first heading had been rendered on the occasion of the incidents at Ndora, and would like to have further details as to the character of the offences described as "Attacks on the Safety of the State".

M. RYCKMANS replied that, in the case of the first category of convictions, the persons concerned were sentenced in connection with two clashes that had taken place in the Nyanza and Kitega territories. Particulars were given on page 30 of the report. Such occurrences, even when they merely consisted of insubordinate conduct on the part of the natives towards their chiefs, were punished under the Penal Code as "attacks on the safety of the State". The term "rebellion" might simply denote the resistance offered by a drunken man when he was arrested.

M. RAPPARD, referring to the incidents to which an erroneous report concerning a native chief had given rise,<sup>1</sup> asked whether the appearance before the natives of the Governor-General had been sufficient to restore calm.

M. RYCKMANS replied that it had only been necessary for the troops to appear. Tranquillity had been restored at the time of his visit, the sole object of which was to remonstrate with the natives, who were ashamed of their behaviour.

Lord HAILEY said that, after comparing several passages in the report, one gained the impression that the Administration frequently had recourse to military occupation and maintained a fairly large armed force.

M. RYCKMANS pointed out that that force consisted of 600 men to 3½ million inhabitants (page 30 of the report) and was actually a police force. The following anecdote was typical of the mentality of the inhabitants. On the occasion of a certain festival, some American

<sup>1</sup> See page 134.

scientists were at a place to which the natives had flocked in large numbers. To amuse the latter, bow and spear competitions had been organised. The following conversation had taken place between one of the Americans and a local administrator: "How many soldiers have you here?" — "One corporal and fifteen privates." — "And how many natives have come to the feast?" — "About 20,000." — "Are you not frightened?" — "No, because if my men rebel I shall still have the natives".

The system of military occupations appeared to be essential. As soon as any insubordination occurred, the authorities sent soldiers to the spot at once, and their mere presence was sufficient to restore order.

#### ECONOMIC DEVELOPMENT OF THE TERRITORY : IMPORTS AND EXPORTS.

M. MANCERON considered that economic questions were of special importance in so densely populated a territory, where the increase in the population might cause some apprehension.

He was very much impressed by the great effort which the mandatory Power had made, especially with a view to developing the equipment of the country at the same time as improving the social condition and well-being of the natives. He could not but admire the results already achieved—for instance, the 5,000 kilometres of roads referred to by the accredited representative in his general statement; school attendance by over 200,000 pupils; the creation of welfare institutions to enable the natives to live through bad years without starving, thanks to drainage works and new crops, and so on; further, there was the very interesting development, in a country that was still at an early stage of civilisation, of laboratories, experimental stations, dispensaries, etc. That was already a remarkable achievement in social equipment in a country to which civilisation had come so recently.

He had very few questions to ask after the statement made by the Governor-General. It appeared from page 251 of the report that the total volume of trade was about 83 million francs in 1935, as compared with about 60 millions in 1934. It was mainly exports that had increased—namely, from about 29 to about 45 million francs. There was, however, some disproportion between the weight and value of goods exported and imported, owing to the devaluation of the franc (pages 144 and 147 of the report). Thus, the increase in exports to countries other than the Congo was 55.7% in weight and 62.4% in value. The increase was mainly due to the export of cowhides, ores and agricultural products. According to the report, the favourable trade balance was mainly due to the development of mining.

A very interesting comparative table on the movement of trade would be found on page 147. The figures were as follows:

	Exports (In millions of francs)	Imports
1931 . . . . .	14	60
1932 . . . . .	13	23
1933 . . . . .	15	27
1934 . . . . .	29	30
1935 . . . . .	45	38

Thus the balance, after being markedly adverse, was now quite favourable.

M. Manceron was under the impression that there was a marked and continuous development and that, without undue optimism, it could be regarded as lasting. He was also impressed by the increase in exports of mineral products, particularly gold and tin. There, also, the highest hopes could be entertained.

The report contained very full and instructive material from the economic standpoint. It was interesting to see from page 135, in the chapter on native industries, that the authorities were encouraging native handicrafts.

M. RAPPARD presumed that the improvement in the economic situation had been reflected in an improvement in the situation of the natives. The Governor-General had spoken of the prosperity of certain undertakings which had received mining concessions. In other territories, exports had largely increased, while imports had remained stationary. The conclusion was that dividends had been paid to the undertakings and that the natives had derived little benefit. How, then, was the native being given a share in the territory's prosperity? At the previous meeting, the Governor-General seemed to have definite and indeed optimistic views on the subject;<sup>1</sup> in connection, for instance, with an increase in the taxation of the prosperous undertakings, which would increase the territory's revenue.

M. RYCKMANS said that the basic principle of the mining system was that the territory owned the subsoil and its riches. Accordingly, in all the undertakings which had received a mining concession, the territory had reserved a large part of the shares, which it received gratis. The income from these shares amounted to 2,212,000 francs during the last financial period. Further details would be given in the next report.

<sup>1</sup> See page 131-132.



M. RAPPARD wondered whether this system, which worked very well in the case of mining undertakings, was capable of more general application—for example, in the case of big plantations working for the export trade.

M. RYCKMANS replied in the negative. In that case, the Government's contribution was small and the value of the land entirely consisted of the work put into it.

M. RAPPARD observed that the State constructed roads and provided other facilities by which the planters benefited.

M. RYCKMANS replied that the expenditure involved could be met out of the yield from the income tax. For instance, the profits of joint-stock companies were liable to a tax amounting to 12%. Individual planters were also taxed on the basis of their profits.

The CHAIRMAN pointed out that M. Rappard was anxious to know how the territory and its population could benefit from an improvement in the economic situation. The three sources of revenue were the income on securities, the mining royalties and, most important of all, the income tax.

#### LEGISLATIVE MEASURES CONCERNING CUSTOMS TARIFFS.

Lord HAILEY observed that, according to the statement made by the accredited representative, changes of tariffs introduced by the Governor-General's ordinance had been repeated six months later by another similar ordinance.

M. RYCKMANS explained that the Governor-General had emergency legislative powers. In that case, there had been an emergency, and immediate measures were necessary to forestall the effects of devaluation, while protecting legitimate interests. That was why the Belgian Government had requested the Governor-General to act by means of legislative decrees. Such decrees had to be approved within six months by a legislative enactment, otherwise they lapsed. There could be no question of allowing the decrees to which Lord Hailey had referred to lapse. The time-limit had, however, expired during the vacation period, and the Colonial Council had not had an opportunity of taking a decision. In those circumstances, the Governor-General had met the situation by issuing new legislative decrees which had this time been approved within the legal time-limit. There had therefore been two successive groups of legislative decrees, each covering a period of six months, and the second group of legislative decrees had been finally sanctioned by the legislative enactment.

Lord HAILEY wondered whether this procedure was quite legal.

M. RAPPARD was also doubtful on the point. If there were a legislative rule that a legislative decree should be approved within six months and if that provision could be evaded by issuing a new legislative decree towards the end of that period, that was contrary to the Legislature's intentions.

M. RYCKMANS replied that, if the Legislature in the home country considered that a legislative decree was not urgent or expedient, or if it did not approve its provisions, it had recourse to a legislative enactment, against which the Governor-General could not pronounce a decree.

#### PRODUCTION OF AND TRADE IN COTTON AND COFFEE : COMMERCIAL TRANSACTIONS BETWEEN NATIVES AND NON-NATIVES.

M. VAN ASBECK referred to the information given in the report (pages 135 and 142) on the trade between natives and non-natives. Commercial transactions took place almost exclusively between natives and Asiatics. Were the purchases of cotton and coffee by companies (page 182) an exception to that general rule ?

M. RYCKMANS replied that it was a question of locality. Petty trade in the minor stations was usually in the hands of Asiatics. The European companies bought the goods in their turn from the Asiatics. The latter did not generally engage in wholesale trade, but in retail trade in the bush.

M. VAN ASBECK asked whether the natives sold their cotton to the Asiatics who re-sold it to the companies.

M. RYCKMANS replied that that was not the case for cotton. The cotton was bought by a company which had specialised in the cotton industry and undertook agricultural propaganda, the distribution of seed, etc., among the natives.

As regarded coffee, there were no direct relations with any specific firm : the planters sold to anyone who offered to buy.

M. VAN ASBECK asked whether any arrangements existed between the producers and the European purchasers giving the latter a monopoly.



M. RYCKMANS did not think so. In the case of cotton, the Ruzizi Company had what was virtually a *de facto* monopoly, inasmuch as a special licence was required to buy in the cotton zone and that licence had been granted to the company in question. It should be added, however, that the natives were free to sell their products outside the zone.

In reply to other questions put by M. van Asbeck, M. Ryckmans gave the following explanations : It had not been considered necessary to fix a minimum price for the sale of coffee. As regarded cotton-growing, no penalties were inflicted on natives who, it was considered, did not produce enough. The Administration fixed a minimum price for the sale of cotton ; that was at present 80 centimes per kilogramme of ginned cotton ; it was not true that part of the 80 centimes was paid in salt, but the buying company gave salt as a free bonus to encourage the natives to bring in a larger quantity of cotton. The cost of transporting the cotton purchased was borne by the company.

M. VAN ASBECK asked whether fuller information could be given on this point in the next report.

M. RYCKMANS replied that to do so might not be very useful, as the agreement concluded between the Administration and the Ruzizi Company was about to expire and might not be renewed : he could not say anything definite about the matter for the moment. In any case, steps would have to be taken to see that the coexistence of three or four ginning factories did not bring about the bankruptcy of them all. The ideal might be to replace the present system by complete and absolute freedom for buying, with a *de facto* monopoly for ginning.

M. VAN ASBECK observed that this would be the opposite of the present situation—freedom with a maximum price, instead of monopoly with a minimum price.

M. RYCKMANS repeated that he could not say anything definite yet. The Ruzizi Company might have weighty technical and economic arguments to put forward. If any decision were reached prior to the publication of the next report, particulars of the system adopted would be given.

#### DEVELOPMENT OF THE ROAD SYSTEM.

The CHAIRMAN recalled that the Governor-General had mentioned in the previous meeting the great efforts that had been made by the mandatory Power to develop the road system. According to information given in the Press, the Usumbura Chamber of Commerce, while recognising that fact, had asked that the road from Usumbura to Uvira, the principal means of communication with the Congo, should be repaired, since, during the rainy season, it was impassable. Had the Government endeavoured to meet the wishes of the Chamber of Commerce ?

M. RYCKMANS replied that tenders had now been invited for the road works.

#### SEASONAL EMIGRATION OF LABOURERS.

M. SAKENOBE, referring to the subject of emigration, observed that this gave rise to labour problems. There was a large number of seasonal workers who went from the territory to Uganda and Tanganyika. In 1933, there had been 20,876 and, in 1934, 16,788—a high figure, considering that the Tanganyika frontier was closed at the time owing to sleeping-sickness—and 39,287 in 1935 (page 120 of the report). The report stated that the Administration neither encouraged nor discouraged this movement of the population outside the territory, which was purely voluntary. Obviously, the labourers were attracted by the higher wages paid in the two areas in question. It made one wonder whether these natives did not find it very difficult to earn a living in the mandated territory, and whether it was not really a case of shortage of land on which they could work in Ruanda-Urundi.

M. RYCKMANS replied that the very rapid growth of the population made it really difficult for the natives to find work within the territory. They had protested against the opening of a carriage road which was needed for the working of the mines and had threatened to leave for Uganda if they were no longer able to earn wages as porters.

Furthermore, in certain districts, the land was very much cut up, and was likely to be even more so, where family plots had to be divided between a number of children ; the younger members of the family were then compelled to look for work elsewhere. That was why attempts were made to find work for them in the mines and in the coffee plantations.

M. SAKENOBE asked the Governor-General if he considered that the territory was already overpopulated.

M. RYCKMANS replied that the territory was certainly very densely populated. Certain districts had over 200 inhabitants per square kilometre. There was no question that the improvement in methods of cultivation would make it possible to support a larger number of natives. An outlet for the population in the shape of a certain amount of emigration was a necessity for the territory.

M. SAKENOBE said that this state of things constituted a very serious issue for the future.

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### SIXTEENTH MEETING.

*Held on Saturday, November 7th, 1936, at 10 a.m.*

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#### **Ruanda-Urundi : Examination of the Annual Report for 1935 (continuation).**

M. Ryckmans and M. Halewyck de Heusch came to the table of the Commission.

#### QUESTION OF THE CODIFICATION OF CUSTOMARY LAW.

M. VAN ASBECK asked that the next report might contain particulars of the codification of customs.

M. RYCKMANS said that certain codification work had already been published, for example in the *Revue du Congo*. It related to customs in connection with the ownership and transfer of cattle, etc.

#### JUDICIAL ORGANISATION : RIGHT OF REPRIEVE.

M. VAN ASBECK asked what were the disputes which could be brought before the frontier courts (page 79 of the report).

M. RYCKMANS replied that the courts in question, presided over by the administrators of the neighbouring territories, were held alternately on either side of the frontier to settle disputes the parties to which were domiciled in one or other of the territories. They were not official in character. They sought to settle disputes by conciliation. Criminal cases were referred to the ordinary competent courts.

In reply to a question by M. Sakenobe, M. Ryckmans said that the laws made no provision for meetings presided over jointly by the administrators of Ruanda-Urundi and the countries under British authority, but that they were intended to settle by friendly means disputes that might arise in the frontier region.

M. SAKENOBE drew attention to the great difference from one year to the next between the number of cases brought before the frontier courts. In 1934, for example, no cases had been judged.

M. RYCKMANS replied that, as regards the frontier court mentioned by M. Sakenobe, the absence of cases in 1934 was due to the fact that the frontier between Urundi and the Congo was closed during that year to prevent the spread of cattle plague. The cases before the frontier courts related almost exclusively to the detention of cattle.

In reply to a question by M. van Asbeck regarding a sentence of death pronounced in the territory, which had been commuted into a sentence of penal servitude for life, M. Ryckmans explained that the right of reprieve was exercised for the territory by the King of the Belgians, who had not delegated his right to the Governor. Applications for reprieve had therefore to be forwarded to Europe, which necessarily involved some delay in the application of the sentence.

Lord HAILEY mentioned that, in certain colonies—for example, in British India and the Netherlands Indies—the right of reprieve was delegated to the Governor of the territory, which made it possible to avoid delays in the execution of the sentence, such delays being undesirable in cases of murder or important riots. It was essential in such cases that the sentence should be executed soon after the judgment, the natives having a tendency to think, when several months elapsed between the judgment and the execution, that the sentence had not been applied.

M. HALEWYCK DE HEUSCH, in reply to a question of M. van Asbeck, said that the 1935 report (page 35) had made a mistake in mentioning again the death sentence pronounced in 1934. The mistake was due to the fact that the reprieve had been granted in 1935.

M. VAN ASBECK noted that the report contained (page 78), in reply to the questions put to the accredited representative in the previous year,<sup>1</sup> particulars of the courts of conciliation and examples of the disputes judged by the native jurisdiction. He hoped that the next report might include an account of the progress made by the courts of conciliation. He also asked whether appeal was often made against the judgments of those courts.

M. RYCKMANS replied that, at first, the natives did not dare to complain of their chiefs, either when a wrong had been personally done to them or when a dispute had been unfairly settled. The chiefs had a tendency to regard any complaints against them as a crime of lese-majesty. Hence, at the beginning of the Belgian occupation, there were practically no appeals against verdicts given by the native courts of first instance. But when the natives had found that they could, on occasion, win their cases against the chiefs, the courts of appeal had begun to receive applications. The chiefs had thus found themselves obliged, if they did not wish to lose their prestige owing to the considerable number of their judgments quashed by the court of appeal, to modify their methods of judgment and to take decisions carefully and fairly. In consequence, the number of appeals had diminished.

M. VAN ASBECK had read in the newspaper *Le Soir*, of February 9th, 1936, that the Usumbura Chamber of Commerce had shown great agitation at the news that the court of first instance of Ruanda-Urundi might be attached to the area of the Costermansville court. He asked whether that news was correct, and if so what it implied.

M. RYCKMANS replied that he had also read that news in the papers, but had no other information on the subject.

Lord HAILEY noted, on page 78 of the report, that "the decisions of native courts are communicated to the territorial administrator, who examines them closely. . . . Territorial administrators on their own authority quash any decision which they consider to be contrary to established order or morality." Was the appeal system in the mandated territory the same as that in the Belgian Congo? Further, what was the procedure for the revision of sentences by territorial administrators? There were three possibilities—the sentence of the native court might be automatically reviewed by the administrator; it might be revised on the appeal of one of the parties or on the appeal of the Public Prosecutor. Were sentences reconsidered by the territorial administrator or by the representative of the Public Prosecutor as in the Belgian Congo?

M. HALEWYCK DE HEUSCH replied that appeal procedure was not the same in the Congo as in Ruanda-Urundi. The legislative act governing it in the Congo was not applicable to the mandated territory. The Public Prosecutor's Office, moreover, was not yet fully organised.

In the mandated territory, the administrator could attend the session of the court which passed the sentence and could guide the native judge; he could also have the sentence sent to him and review it either on appeal or on his own initiative. In the latter case, he could also refer the case to the sole court which he considered competent.

Lord HAILEY observed that there was then some similarity with the system applied in British possessions under indirect government; sentences were referred to the administrator and directly reviewed by him without any intervention by professional magistrates, such as the Public Prosecutor's representative in the Belgian Congo.

The question had often been asked, particularly in the Congo, whether the normal development of native custom was better guaranteed by the intervention of the administrator or by that of professional magistrates revising the sentences passed. The question was not unimportant, more especially when the court had to decide whether an offence was or was not contrary to public morality.

M. RYCKMANS thought that the system applied in Ruanda-Urundi gave excellent results, both from the standpoint of the persons brought into court and from that of the court itself. No rigid official code of regulations had been put into force. Customary rules had been taken as the starting-point. The cases brought before the chiefs' courts were judged by them in accordance with customary law. The latter had developed under the influence of Europeans, but, at the same time, the chief passing judgment derived his authority from custom.

Lord HAILEY asked further what were the powers of the native chiefs.

M. HALEWYCK DE HEUSCH replied that their powers were unlimited in civil cases. Criminal cases, however, were heard by European judges, as there was not complete confidence in the integrity of the native judge, who, moreover, was inclined to pass excessively severe sentences

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 35.

out of proportion to the gravity of the offence. The difference between the treatment of civil and criminal cases was, however, somewhat theoretical, for the native judge did not distinguish properly between disputes under private law and criminal cases.

Lord HAILEY remarked that, in his study of the question, M. Sohier had pointed out that, in the Belgian Congo, there was a tendency not to leave criminal cases in the hands of the native judges. But if the natives had not the habit of discriminating between criminal and civil cases, they must often be trying what were really criminal cases, though apparently civil, and applying a system of fines, compensation, etc. Could a start not be made by giving them some powers in criminal cases?

M. RYCKMANS replied that the system now applied tended to develop in the direction of a complete native courts organisation with wider jurisdiction in criminal matters.

The CHAIRMAN understood that the part played by the territorial administrator was generally that of a silent witness. He intervened in two cases: first, to lead the native court back to its proper functions, if it tended to assume those of a criminal court, and, secondly, if the sentence conflicted with the rules of universal morality. In the latter case the Administration had, as a matter of course, to veto the application of the customary procedure.

Lord HAILEY suggested that the system might tend unduly to control custom, since the only criterion was the administrator's own discretion. He mentioned as an example the following case, which had come under his observation; a wife had secured her divorce because her husband refused to marry a second wife whom she thought essential for her own comfort. The administrator had quashed the sentence as being contrary to public morals. Would it not be simpler, Lord Hailey suggested, to draw up, perhaps not a code, but at any rate a body of instructions to guide administrators in such cases.

M. RYCKMANS replied that he had himself been dealing with the question. So far, he had not been able to find any treatise on law that gave a satisfactory definition, and, above all, description, of the fundamental rules of universal morality. He had been working for two years on a body of instructions for administrators, but the question was complicated.

The difficulties were even graver when Christian civilisation and primitive native civilisation had to be reconciled. Many natives regarded the work of missionaries as revolutionary and, when it was a question of applying the principles of the Convention of St. Germain-en-Laye for the protection of the native Christian, in order to enable him to live according to his beliefs, social complications sometimes arose.

M. MANCERON referred to M. Ryckmans' remark that it was not always possible fully to rely on the integrity of native judges, which made it impossible to entrust them with criminal cases. Was there not a greater risk that the parties might bring pressure to bear on judges in civil than in criminal matters? In a criminal case, the ordinary offender had little means of influencing the judge, whereas, in a civil case, the plaintiff could more readily do so.

M. HALEWYCK DE HEUSCH replied that, in order to reduce the powers of native courts in criminal matters, insistence must be placed not so much on the integrity of the judges constituting them as on the difficulty of accustoming the native mind to the principle that the severity of the punishment must be determined by the gravity of the offence. Prior to the Belgian occupation, it was common to see persons sentenced to be impaled for stealing cattle.

M. RYCKMANS added that only an act of law could empower the native judge to pass sentence of imprisonment. Native custom gave the native court the right to inflict very varied penalties, some of which would be regarded in Europe as against public order: confiscation, mutilation, etc. But the penalties applied by the Europeans, such as imprisonment or flogging, were not provided for by custom, and a decree would be necessary to enable the native courts to employ them and to substitute them for the customary penalties. It must, on the other hand, be admitted that the police courts, which were themselves European in type, were very accessible to the natives and supplied what was necessary in the way of repressive action.

Probably, as soon as legislation was adopted on the subject, native courts, subject to certain guarantees, would be given rights of punishment which they did not yet possess.

Mlle. DANNEVIG drew attention to other cases where there was a clear conflict between native custom and Christian morality—for instance, where a native became a Christian and wanted to repudiate his various wives. What would be the fate of such repudiated wives?

M. RYCKMANS replied that no rules had been adopted on that subject, as the missions were expected to see that a native settled his matrimonial affairs before being baptised.

Lord HAILEY asked whether it was true that the native courts sometimes passed sentence of flogging in civil cases.

M. RYCKMANS replied that this sometimes happened in the Congo, but not in Ruanda-Urundi.

The CHAIRMAN wondered whether recognition of native jurisdiction was not the best way of promoting civilisation, since the natives were called on to discharge functions which enhanced their dignity and their sense of responsibility.

#### PENITENTIARY SYSTEM : PRISONS.

Mlle. DANNEVIG observed that in the Governor's Decree of February 1st, 1935, modifying certain provisions of the Decree of October 15th, 1931, on the penitentiary system (page 201 of the report), coloured convicts were divided into three categories. It said: "In the absence of an exemption, justified by the nature of the work, convicts of the third category shall be chained when they move about outside the prison". Farther on, it was stated that prisoners could be sentenced to flogging. Article 46 of the decree said that, "if a wound or fainting occur, flogging must immediately cease". That seemed to indicate that very violent flogging might occur. She would like to have information on the application of those two penalties, chaining and flogging, and to know whether flogging could be applied to prisoners sentenced to a light penalty.

M. RYCKMANS explained that Article 46 of the Decree of 1935 relating to wounds and fainting was a relic of an old decree which allowed flogging penalties of as many as twenty-five strokes. When only three to eight strokes were inflicted, as was now the case, wounds and fainting did not occur. Penalties of eight strokes, which were now the maximum applicable, were reserved for the gravest breaches of discipline.

Only dangerous convicts were chained when outside the prison. When they had a choice between work outside, in chains, and confinement without chains, prisoners did not hesitate to choose the first alternative, as chains were not regarded by them as a serious matter. The Governor-General personally considered that it was preferable to let prisoners move about in chains rather than allow them to move about freely but under the supervision of a sentry, who might have to intervene with serious consequences.

M. VAN ASBECK noted, on page 37 of the report, that "no special prisons have been created for delinquent children, as their numbers are extremely small". He supposed that delinquent children were nevertheless kept separate from the other prisoners.

M. RYCKMANS said that the prison guards put the children in a separate place, probably with the women. Their numbers were very small. They were employed on petty work such as sweeping, peeling vegetables, etc.

M. VAN ASBECK also noted, on page 37 of the report, that the number of escaped prisoners was comparatively high, as it amounted to forty-three in Urundi and fifty-eight in Ruanda. Was that high number to be attributed to lack of supervision?

M. RYCKMANS supposed it must be due to the escape of a group of prisoners sent out to work. As a rule, those sentenced to light penalties had very little reason for escaping: the supervision was thus less strict and, in isolated cases, they might have taken advantage of that fact. Only prisoners who were a social danger were very closely supervised.

M. VAN ASBECK noted that the number of deaths among prisoners was considerable (page 37 of the report). On page 86, there was mention of a prisoners' camp, which, in itself, raised the question whether it would not be preferable to keep those prisoners in camps away from the town, and thus place them in healthier surroundings.

M. RYCKMANS pointed out that it would not be very practicable in the case of those prisoners—constituting the majority—who were sentenced to light penalties, and whose health conditions were, moreover, better. Such prisoners could not be placed in camps at a distance, for they were too often needed in the towns, in particular, for matters connected with procedure and trials.

The CHAIRMAN said that it was noted once again that there was a high death rate among prison occupants. That was a general feature in tropical African colonies, the responsibility for which rested with well-meaning but ill-informed public opinion, which, having insisted on the abolition of corporal punishment, would not allow it to be reintroduced.

Primitive peoples found difficulty in reacting when deprived of their liberty. Moreover, serious practical difficulties were encountered in those countries in maintaining prison establishments fulfilling the conditions of hygiene that were imperative wherever a large number of individuals were confined within a limited space. In such places, where everything still remained to be done or where improvements were still to be carried out, it was conceivable that administrations might attach more importance to the establishment of hospitals, dispensaries or schools, for example, than model prisons.

The result was that imprisonment, and particularly solitary confinement, too often ended in the death of the prisoner or his irreparable moral degradation, notwithstanding what was done in practice to attenuate the severity of these penalties. The sentences were thus out of all proportion to the gravity of the offence, with the further consequence that the judge hesitated to inflict them and showed unnecessary clemency.

Corporal punishment, provided that it did not lead to lasting physical injury, was undoubtedly less cruel and of much greater value as an example.

The question was deserving of the Commission's attention.

M. VAN ASBECK wished, nevertheless, to point out that officials from the Netherlands Indies had often told him that, in the case of primitive peoples, there was a great difference between corporal punishment inflicted by Europeans and by native justice, and that, for the educated class of natives, corporal punishment was degrading.

M. RYCKMANS said that, in his opinion, flogging, if the governing authorities in Europe could be induced to agree to it, would be more humane than imprisonment, since illness often accompanied imprisonment and constituted an aggravation of the penalty. Formerly, flogging had been allowed for serious offences in Ruanda-Urundi. Criminals were flogged in the public square. Since the introduction of the prison system, he had several times received complaints from native chiefs informing him that prisoners sentenced for cattle-stealing—that was to say, for an offence to enable them to procure meat—were delighted to find that they were given meat on certain days in prison.

In reply to M. Manceron, who asked whether escaped convicts were usually recaptured and what penalty was inflicted on them, M. Ryckmans replied that the penalty was a disciplinary one; escaped convicts were generally recaptured when they returned to their chefferie; they were then surrendered by the chief.

M. MANCERON said that, in other parts of Africa, he had seen prisoners handed over to private undertakings for which they worked; those prisoners went to the workshops without any supervision and came back to prison of their own accord.

Referring to page 35 of the report, he drew attention to the great disproportion existing between the number of cases brought before the different police courts in Ruanda, amounting to 510, and in Urundi, amounting to 1,328. In Usumbura, for example, there had been 678 cases, whereas in similar districts of Ruanda the figure was only one-sixth or one-seventh of that.

M. RYCKMANS replied that the larger number of cases brought before the Urundi police courts, particularly in Usumbura, was due to the fact that the district contained a numerous population which was not under the chiefs, and offenders were therefore brought before the police courts, instead of before the native courts.

M. MANCERON pointed out that the same disproportion existed in the number of prisoners in the prisons (page 37 of the report). This applied to convicts sentenced under both regimes.

M. RYCKMANS said he would ask for information on that subject.

In reply to a question by Lord Hailey, he said that the superintendent of the prison was an administrator, a territorial agent or a police commissioner.

M. Ryckmans added that, if a disciplinary penalty such as flogging were inflicted in the prison, it was always by the superintendent's orders.

In reply to another question by Lord Hailey, he said that the maximum term of solitary confinement was thirty days.

Lord HAILEY said that solitary confinement was much more severe in the case of certain prisoners than any other penalty. He would like to have information in the next report on the various types of penalties inflicted.

M. SAKENOBE understood that the Usumbura prison was to be rebuilt (page 86). Had that decision been taken because the sanitary condition of the building was unsatisfactory, or were all the prisons in the territory to be rebuilt for health reasons ?

M. RYCKMANS replied that the prison in question had been built at the beginning of the enforcement of the mandatory regime and was situated inside the European quarter. Moreover, it had become too small, and it had been thought advisable to remove it.

#### PUBLIC FINANCE.

M. RAPPARD thanked the mandatory Power for the information given in the chapter on public finance (pages 38 *et seq.* of the report), a chapter which was easy to read and gave the Commission full information. The clear way in which it was set out showed that order prevailed in that department.

He had, however, been surprised to find that, in a populous territory which had regained prosperity and where the natives paid large taxes, the budget nevertheless still showed a deficit and had only been balanced in 1935 by grants and advances amounting to 12 million francs (page 38 of the report). In view of that chronic maladjustment, one could not help asking whether the revenue was not insufficient, and, on comparing it with the revenue of other territories, it would be seen that indirect revenue—as, for instance, from Customs—was low. Without being a zealot for balanced budgets, M. Rappard nevertheless thought that that point called for attention, more particularly as the debt service was already a heavy debit item in the budget.

M. RYCKMANS replied that the Administration had already looked into the matter. The first report of the Belgian Government, drawn up in 1921, showed that the territory then had a budget of ordinary expenditure amounting to 4 million francs. It was now close on 40 millions. This growth was due to the fact that Ruanda-Urundi had been occupied more intensively than any other similar country of the same area. In the beginning, there had only been a Resident in each sultanate, and scattered stations comprising a few officials and soldiers; the country had had few resources to assist its development. There had, of course, at that period been the trade in hides, but the taxes imposed—which were, indeed, still imposed—yielded only a small revenue. There had been no means of inducing the natives to take up such forms of agriculture as would have brought them in an appreciable income; foodstuffs had been exported to the Congo, but with indifferent results. Later, fortunately, it had been found that the country was very well suited to coffee-growing. Further, the discovery of big mineral deposits should prove an important source of revenue. It might be said that coffee and mining were the two large sources of revenue on which the Government could now count.

M. RAPPARD asked what were the future prospects of the territory. Was the development of the mines the only means contemplated for ensuring a balanced budget? The question was not without interest, in view of the steadily increasing public debt of the territory.

M. RYCKMANS replied that the Administration also hoped to develop live-stock breeding and its sub-products, particularly by supplying meat to certain parts of the Belgian Congo where it was scarce.

M. RAPPARD said that, personally, he could not see how the territory could ever pay back in full the sums which had been advanced to it.

Count DE PENHA GARCIA asked whether the building of a railway would not, to a certain extent, ease the transport problem.

M. RYCKMANS replied that this solution could not be contemplated, owing to the nature of the products to be transported. Those products were of cheap quality and would have to be transported in very large quantities to cover the inevitable cost of building a railway.

In reply to questions by Lord Hailey, M. Ryckmans explained that the interest on the territory's public debt amounted to 7,361,250 francs, or about 4.52% (page 61 of the report). The charges on the debt had been reduced by about a million francs by conversion. In 1935, the territory had received an extraordinary subsidy from Belgium amounting to 8 million francs. In addition to that advance, a subsidy of 160 million francs had been appropriated by the Belgian Government to the Belgian Congo. The interests of the Belgian Congo and Belgium were so closely bound up with one another that it was quite intelligible that the subsidy paid by Belgium to the Congo should not be regarded as recoverable. The case was not the same with the mandated territory, and the 8 million francs paid to the latter were regarded as a recoverable advance. Apart from that advance, Belgium and the Congo paid part of the interest on the public debt each year. After 1951, however, according to the agreements concluded in 1932, Ruanda-Urundi was to be solely responsible for the service of that interest.



M. HALEWYCK DE HEUSCH explained, in reply to a further question, that, in 1932, the Administration had proposed to issue its loans by public subscription, but as circumstances had proved unpropitious, it had subsequently decided to adopt provisionally the issue of Treasury bonds. Consequently, the Ruanda-Urundi debt at present consisted of Treasury bonds held by Belgium and the Belgian Congo. In virtue of the 1932 agreements, the service of that debt was assured by Ruanda-Urundi, Belgium and the Congo. The participation of the two last-named countries was, however, decreasing year by year and would cease altogether in 1952.

M. RAPPARD said he felt some apprehension in respect of the system of extraordinary budgets as described on pages 53 *et seq.* of the report. Had that system proved satisfactory?

M. RYCKMANS explained that the present extraordinary budget of expenditure, which covered a period of three years (it had formerly covered a five-year period), made it possible to use the credits granted over a fairly long period, without their being cancelled. It was impossible to complete big works in the space of a year. If it were borne in mind that credits included in the budget must be voted by Parliament, it would be realised that it was preferable not to be obliged, at the end of each year, to stop works in process of execution, pending a further decision by the legislature.

M. RAPPARD asked whether the total credit could not be inscribed in a capital account and an instalment thereof be included in the extraordinary budget of the Administration every year. That would surely be an advantage from an administrative and an accountancy point of view.

M. RYCKMANS replied that that was the system in force.

#### TAXATION.

M. MANCERON asked what was the difference between the *impôt personnel*, shown in the table of taxes and dues (page 40 of the report), and the *impôt sur le personnel*, mentioned in the table on page 50.

M. RYCKMANS replied that *impôt sur le personnel* mentioned on page 50 was a tax on the employed personnel and belonged to a group which included a tax on buildings, a tax on areas not built over, etc. All the taxes in that group constituted what, in virtue of an old tradition, were known as personal taxes, and came under the first head on page 40.

In reply to a question by Lord Hailey concerning the assessment of taxes, M. Ryckmans explained that the census was taken by the Administration with the aid of the chiefs. The system applied was the same as that applied in the Belgian Congo. In most of the chefferies of Ruanda-Urundi, the chiefs could be relied upon to help in making a fairly reliable census. Each individual received a tax card.

Lord HAILEY said that if the annual census for tax purposes was conducted on the same lines as in parts of the Belgian Congo, it was perhaps one of the most exact systems applied in Africa. Were the taxes levied by the chiefs?

M. RYCKMANS replied that the taxes were levied by the chiefs when it was certain that there would be no abuses. That certainty usually existed because, when, as was the case, natives knew beforehand what they would have to pay, the chiefs could hardly extort further money.

Lord HAILEY suggested it was a good thing that the taxes should be collected by the chiefs because, if the administrator became tax collector, his prestige would suffer.

M. RYCKMANS said that his experience in that connection had been quite different. He had found that, in Ruanda-Urundi, Europeans did not lose their prestige by collecting taxes. Personally, he had formerly learned a lot when travelling about the country doing that work. It would be regrettable, he thought, if the administrator ceased to be responsible for taxes.

Lord HAILEY noted that large numbers of workers migrated to the neighbouring territories, mainly Uganda and Tanganyika (page 120 of the report). If these persons went abroad to earn money, was that not partly due to the fact that taxation was too heavy? If the taxes had been lighter, they would probably have preferred to remain at home and grow what was necessary for their livelihood.



M. RYCKMANS replied that the collection of taxes was not adversely influenced by emigration, because a list was kept at the frontier of natives who left the country and they paid when they came back. Those natives did not proceed abroad for the special purpose of earning money to pay their taxes. They did so for various reasons and came back after spending most of the money they had earned on goods, mainly cloth.

#### CUSTOMS REGIME.

M. RAPPARD said that, at its twenty-fourth session,<sup>1</sup> the Commission, in an observation submitted to the Council, had expressed a wish to be kept informed of the development of Customs policy and its repercussions on the mandated territory. Since that date, the mandatory Power had every year supplied information to the Commission on that point.

The present report (page 60) showed that, in 1935, the balance of Customs receipts had been unfavourable to Ruanda-Urundi to the small amount of 6,532 francs, whereas, in 1934, it had been favourable to the mandated territory. The report said that this change was due mainly to the exportation from the Belgian Congo to Ruanda-Urundi of large quantities of mineral oils.

The report concluded, as in the past, that, generally speaking, the territory continued to benefit by the Customs union.

M. Rappard would be glad to know, from an economic and financial standpoint, how the Customs union with the neighbouring territory worked. Was it possible, in particular, to supervise the movements of goods over an unguarded frontier? In the absence of supervision, the estimates given in the report would appear to be more or less guesswork.

M. RYCKMANS replied that the present system of Customs union was working satisfactorily. The Customs service would cost a great deal more if a Customs line had to be maintained along the frontier separating Ruanda-Urundi from the Congo. The administrative services kept under observation the movement of goods, thereby replacing the supervision exercised elsewhere by the Customs. The advantages of the Customs union, from the point of view of Ruanda-Urundi, had been pointed out in several reports. The accredited representative added that the levying of Customs duties on cattle crossing the frontier would discourage a very valuable frontier traffic.

#### DEFENCE OF THE TERRITORY.

M. SAKENOBE noted that (page 30 of the report), in 1935, about 600,000 francs less had been spent on the public forces of the territory than in 1934. The amount had fallen from 2,351,513 francs to 1,783,185 francs. The reduction was largely due to decreased expenditure on European staff (about 300,000 francs), on native staff (about 200,000 francs) and on war material and munitions (about 60,000 francs). As the number of European members of the public forces was the same, how had those economies been effected?

M. HALEWYCK DE HEUSCH explained that, in the case of the European staff, account must be taken of certain absences on leave, which affected the budgetary expenditure in certain years. Staff received a much smaller salary when on leave than when actually serving. Moreover, the renewal of armaments was an item of expenditure that did not recur annually. The differences in the accounts from year to year were to be explained in that way. The native staff of the public forces had been smaller than in the previous year, during which reinforcements had had to be brought from the Congo to form sanitary cordons with a view to preventing the spread of typhus, and the territory had had to defray the cost of transferring those troops.

M. SAKENOBE noted (pages 30 and 31 of the report) that, on four occasions during the year, the troops had had to intervene to maintain order. Had their conduct been satisfactory?

M. RYCKMANS replied in the affirmative.

M. SAKENOBE noted (page 30 of the report) that the expenditure on war material, armaments and munitions had fallen from 88,915 francs in 1934 to 20,374 francs in 1935. The accredited representative had explained, in 1935, that the higher sum in the 1934 budget was due to the special expenditure on the renewal of armaments.<sup>2</sup>

<sup>1</sup> See Minutes of the Twenty-fourth Session of the Commission, page 136.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 36.

He also noted (page 122 of the report) that the number of guns in the territory had fallen, at the end of 1935, from 559 to 531, only a slight decrease. There was no mention of any infraction of the ordinance on the traffic in arms on page 36 of the report. Similarly, on page 232 of the report, it was said that the regulations governing firearms and ammunition had been amended by an Ordinance of January 26th, 1934. What were the reasons for those changes?

M. HALEWYCK DE HEUSCH explained that the ordinance in question had merely modified certain provisions of the regulations concerning gun-licences without affecting the basic rules.

#### NATIVE CULTIVATION OF FOODSTUFFS.

Lord HAILEY noted that, in Ruanda-Urundi, there was an ordinance under which natives could be compelled to grow foodstuffs. Of what size was each compulsory area and did the obligation include the growing of cotton, coffee, etc.?

M. RYCKMANS replied that each area for compulsory cultivation was fifty ares. The obligation did not include the growing of anything but foodstuffs. In the case of coffee, cotton, etc., the Administration merely made suggestions and gave advice.

#### LABOUR.

Mr. WEAVER asked whether the Administration was satisfied with the system of labour inspection in the mines and whether specially trained inspectors were employed.

M. RYCKMANS replied that, in the present year, a mining engineer had been employed to carry out the technical inspections.

Mr. WEAVER thanked the mandatory Power for the information given in the report regarding the compensation paid for accidents incurred in the course of work.<sup>1</sup> He noted that there had been thirty-three accidents, of which twelve had been fatal (page 120 of the report). Had those accidents occurred in the mining region?

M. RYCKMANS said he could not give any information, but had noted the point for the next report.

Mr. WEAVER asked whether the accredited representative did not agree that it would be desirable now to promulgate a graduated scale of compensation payments for labour accidents. The present moment seemed to be a favourable one.

M. RYCKMANS thought, on the contrary, that, both in the Congo and in Ruanda-Urundi, it would be better not to complicate the situation at present. The only point regarding which rules might be useful was that of setting up the proportion of invalidity. That proportion had already been drawn up by the Miners' Union and the Magistrature. In Ruanda-Urundi, in particular, compensation was granted in accordance with the customary rule of blood-money. The contractor was regarded as having deliberately killed or injured the victim of an accident and was obliged to pay compensation in consequence.

Mr. WEAVER observed that the question of accidents occurring in the course of work was one of the main subjects of labour laws.

What measures were taken to supervise the health of the labourers who migrated seasonally? Had it been noticed that the stay of labourers in British territory had in any way affected their health?

M. RYCKMANS said that he had gone into that question personally. He had been assured that in Uganda, there was a special service dealing with seasonal workers. These were not therefore abandoned to their own devices and, when they arrived in British territory, they were placed under satisfactory sanitary conditions. Generally speaking, they worked for the natives. The death rate was not excessive. Nevertheless, some of those labourers were ill when they returned to Ruanda-Urundi. That was why they were examined on their return. Moreover, shelters had been erected for them along the main roads leading to the frontier. This question had also received attention in the Belgian Congo. In particular, an enquiry had been instituted there into the state of health of seasonal workers, more especially from the standpoint of malaria.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 37.

Mr. WEAVER asked whether native farmers employed labourers and what supervision was exercised over such employment.

M. RYCKMANS replied that, when he was in charge in Ruanda-Urundi, native labourers were fairly frequently employed by native farmers. Natives, fleeing from famine, left their district when food began to be scarce, and went to a more favoured region, where they worked in order to buy foodstuffs. At present, they left for the native plantations for other reasons. In no instance, however, did native farmers maintain natives permanently on their farms. Perhaps, with the development of coffee-growing, such cases might arise in future.

M. MANCERON asked what were the consequences, from the point of view of the development of the race and the family, of these large migrations of labourers, particularly when the absences were long (page 120 of the report).

M. RYCKMANS did not think that migration had any adverse effect on family life. The chiefs took care to see that the men did not leave before they had set their hut and fields in order. Supervision was exercised in that respect. The accredited representative expressed the hope that, with the development of coffee-growing it might be possible to retain a fair number of seasonal workers in their own localities. But, at the present time, if they wished to earn money in order to buy certain goods, such as cloth, they were obliged to work outside the country for a certain time.

#### FREEDOM OF CONSCIENCE : MISSIONS.

The CHAIRMAN felt obliged to put two questions to enable the accredited representatives to refute charges which had gained a certain amount of credence in some quarters. It had been alleged that, in virtue of an agreement between the Holy See and Belgium, privileged treatment had been granted to the Catholic missions in the Congo, especially in regard to education, and that that system had been extended to the mandated territory.

M. RYCKMANS replied that there existed, in fact, a Convention of 1906, concluded between the Vatican and the independent State of the Congo, giving certain advantages to Catholic missions to induce them to settle and teach their religion in the territories of the State. That Convention, which did not contain any clause reserving for the Catholic missions a monopoly of the advantages it accorded had not been extended, and did not apply, to the mandated territory.

Turning to the second question, the CHAIRMAN asked whether the Administration actually reserved educational grants for the Catholic missions.

M. RYCKMANS said that that was not so. He added that, where it was a question of establishing schools at considerable cost, the missions were not generally prepared to embark on the expenditure involved in return for a temporary grant; they were anxious to secure permanent resources, and, for that reason, Conventions covering a considerable period had been concluded in the Congo, and even in Ruanda-Urundi, with the Catholic missionary societies. In Ruanda, a periodical subsidy was granted, without any such contract, to the Belgian Protestant Missions Society, which had taken over part of the land and buildings of the former German Protestant missions (page 108 of the report).

In reply to a further question by the Chairman, M. Ryckmans said he knew of no application for a subsidy on the part of other Protestant missions.

The CHAIRMAN asked whether grants were reserved for the Belgian missions only.

M. RYCKMANS repeated that a subsidy was granted each year to the Belgian Protestant Missions Society and that no other Protestant institution had applied for one.

M. PALACIOS said that, in putting his question, which dealt in a concrete way with a specific point, the Chairman had in fact gone to the root of the matter. The question had not been settled last year, as was implied by an observation submitted by the Commission to the Council; <sup>1</sup> this year it had again cropped up on various occasions during the examination of the report, and had been referred to in particular by M. van Asbeck.<sup>2</sup> The problem was whether it was compatible with religious freedom, which should be interpreted as equivalent, for the various missions, to religious equality, to grant to a single order the monopoly of official teaching, especially if the cost of that teaching was borne on the budget of the territory. M. Ryckmans himself, in his very interesting statement, had referred to the problem.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 200.

<sup>2</sup> See page 145.

M. Palacios would also like to have certain other explanations. Was not the superiority of the Catholic religion in Ruanda-Urundi—for instance, in the matter of education—possibly due to the importance of Louvain? Was not the distinction between the terms “advantages” and “grants of subsidies” used by the accredited representative in his reply to the Chairman perhaps rather too subtle?

M. RYCKMANS replied that it clearly was no part of the Administration's duties to award efficiency diplomas as between the different confessions. The only criteria for the Administration must be the length of their sojourn in the country, their importance and the extent of their activities. The Catholic missions had been settled in the country for more than thirty-five years. He did not doubt that, thirty-five years hence, the Protestant missions would have reached the point at which the Catholic missions now stood. But, to-day, such a large proportion of the Christian population belonged to the Catholic missions that preference must be given to them in the matter of the teaching at the official school of Astrida. That had been explained at length in the report.

The Convention with the Holy See, which moreover, did not extend to Ruanda-Urundi, did not exclude the Protestant missions, and if similar or even more generous advantages than those provided for under that Convention were granted to the Protestant missions, the Holy See would have no ground for complaint: no privilege for Catholics was implied in the Convention.

M. PALACIOS pointed out that pages 62 and 91 of the report contained replies to the questions put to the accredited representative the year before on the subject of the grant of land to religious missions.<sup>1</sup> It was stated that new orders had been issued in this matter of the grant of land to the missions, and had been welcomed by the latter. He would be glad to know whether the orders in question had been published and, if so, whether the Commission could be supplied with a copy.

M. RYCKMANS answered that the particulars given in the report reproduced almost textually the contents of the orders in question. The orders were purely administrative, and had not been published.

Lord HAILEY asked whether it could be regarded as strictly consonant with the principle of liberty of the natives' conscience to give the latter to understand that missions had a right to occupy certain pieces of land in the villages.

M. RYCKMANS replied that the refusal of a native chief to allow land to be granted to a mission was an abuse of power, as the land was not his personal property.

M. PALACIOS remarked that the Commission had always adhered to the principle that the missions ought to have full equality and as complete independence as possible.

It was stated, on page 91 of the report, that, in future, the distance between the principal stations of the missions belonging to different denominations would be five kilometres. He would like to know what the distance had formerly been, and what was the reason for the change?

Mlle. DANNEVIG asked whether the competition between missions for the right to settle on particular pieces of land did not sometimes give rise to trouble.

M. RYCKMANS replied that that was sometimes the case. It was to avoid such trouble, and in particular to avoid disputes between the faithful, that distances had been fixed between the missions—namely, five kilometres between the chief stations and two kilometres between the church schools.

M. VAN ASBECK asked what would happen if the owner of land under cultivation refused to comply with a mission's demand for the land for the purpose of building a chapel. In that case, it would not be the chief who was refusing to grant the land, but the owner himself. Would the owner be expropriated in such a case?

M. RYCKMANS replied that this demand was for land under cultivation, in regard to which the missions made their arrangements direct with the native in whose possession it was. In some cases, however, the chief had tried to oppose the grant of the land because the mission applying for it was of a different confession from his own. The chiefs had been given to understand that their opposition in such cases was an abuse of power.

Negotiations for the acquisition of plots of land under cultivation for the establishment of their catechists were carried out by the missions with the natives. When the missions wished to build church schools, for which a larger area was required, they usually tried to find pastureland for the grant of which they had to apply to the representative of the native community—namely, the chief.

In no case would there be expropriation.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 42 and 45.

The CHAIRMAN remarked in that connection that only a very small part of the land under a chief's jurisdiction would be privately held, so that the granting of a plot of land for the building of a school would not as a rule interfere with any individual interests.

M. RYCKMANS added that the missions had declared themselves satisfied with the arrangements he had made in October 1935, and that no natives had complained.

M. PALACIOS observed, from the tables on pages 93-98 of the report, that, generally speaking, the number of missionaries and Christians had increased in 1935. But it was clear from the table on page 98 that the Moslem population had also increased. Was this a case of conversions?

M. RYCKMANS replied that that was partly the reason. Non-Christians under an obligation to perform service who were in contact with Moslems tended to adopt their convictions.

M. PALACIOS said that the table showing the effect of evangelisation (page 97 of the report) on the chiefs and sub-chiefs was particularly interesting. There were 1,211 Catholics, 21 Protestants, 4 Adventists and 337 pagans.

Could the accredited representative tell the Commission whether the larger number of Catholic chiefs and sub-chiefs was due to recent conversions? He would also like to know what had happened in that connection under German rule.

M. RYCKMANS replied that, in the early days of German rule, the only missions in the territory were Catholic missions.

M. RAPPARD, referring to the tables on pages 93 and 94, asked whether there was competition between the jurisdictions of the two vicars apostolic of Ruanda-Urundi? He observed that the number of the faithful was approximately the same in both jurisdictions, and showed a marked increase. On the other hand, the Protestant missions appeared to be relatively inactive. He felt that conversions on such an extensive scale would only be in the nature of social, rather than religious, movements.

M. RYCKMANS replied that the Protestant missions, which had only settled fairly recently in the territory, could clearly not yet have obtained many results. It was only after twenty years that the missions began to reap the fruits of their efforts. As to the increasing number of Christians, he would point out that, henceforward, the newborn babies of Christian families would account for a large part of the increase. Nevertheless, the natives were flocking in crowds to join the Christian religion. The missions at the present time were overrun.

The CHAIRMAN was glad to note that M. Ryckman's explanation of the grant of land to missions, in conformity with the terms of the mandate, confirmed the explanation given by the accredited representative in the previous year in reply to a question by Lord Lugard:<sup>1</sup>

“When the Protestant missions wished to establish church schools on land belonging to native communities, the Catholic chiefs sometimes refused to grant their request, either to avoid dissension and difficulties in their groups or because of their zeal as new converts. They were the representatives of their communities—as it were, the trustees of the property of those communities—and were thus entitled to refuse the land. The Government of the mandatory Power had absolutely nothing to do with their refusal. It could not be expected to resort to expropriation for public utility purposes and to evacuate compulsorily any physical or moral entity owning a piece of land which refused to place it at the disposal of a religious denomination. Such a course would be very dangerous.”

It might have been supposed from that explanation that the mandatory Power proposed to leave it to the goodwill of the native chiefs to fulfil the obligation devolving on it under Article 8 of the mandate.

M. HALEWYCK DE HEUSCH said that he had spoken from a strictly legal standpoint and had himself pointed out that the strictness of the law might lead to regrettable consequences. He had added that, during his visit to Ruanda-Urundi, the Governor-General would endeavour to find a remedy for them. The Governor-General, who had considered the matter in the light of native policy, had succeeded.

M. RYCKMANS said that, while the legal interpretation was that given by M. Halewyck de Heusch, the *de facto* situation must also be taken into account. The mandate gave the missions the right to acquire land which they needed. Efforts had been made to arrive at a solution by means of discussions with the chiefs, and satisfaction had been given to the missions without sacrificing the interests of the natives.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 38.

The CHAIRMAN remarked nevertheless that, if the zeal of "new converts" was sufficient to prevent the execution of an obligation laid down in the mandate, it might interfere with the missions' right to acquire the land they needed. Referring to the paragraph (on page 252 of the report) with regard to liberty of conscience, the Chairman understood that the mandatory Power would regard itself as under an obligation to introduce religious teaching in official schools. In the Chairman's view, that interpretation of Article 3 of the mandate went too far. There was a corresponding article in other mandates, but no mandatory Power had given that interpretation to the articles in those mandates corresponding to Articles 3 and 8 of the Ruanda-Urundi mandate.

M. HALEWYCK DE HEUSCH thought it would, in fact, be going too far to say that the mandate involved an obligation on the mandatory Power to introduce religious teaching in its official schools. But there was no statement to that effect in the Belgian Government's report, the terms of which were very clear. It was merely stated that religious teaching was one of the most practical means of introducing and developing civilisation in backward countries.

The CHAIRMAN wished to make it clear that, in his view, no obligation in that sense was contained in the mandate.

M. HALEWYCK DE HEUSCH repeated that there was no intention of deducing from the stipulations of the mandate that there was an obligation on the mandatory Power to give religious teaching in an official school.

M. RYCKMANS observed that it could not be maintained that the mandatory Power was going beyond the terms of its mandate in introducing religious teaching in the schools of the territory, since the rapid conversion of Ruanda-Urundi to Christianity had considerably facilitated the civilising work of the mandatory Power.

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#### SEVENTEENTH MEETING.

*Held on Saturday, November 7th, 1936, at 4 p.m.*

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#### **Ruanda-Urundi : Examination of the Annual Report for 1935 (continuation).**

M. Halewyck de Heusch came to the table of the Commission.

#### EDUCATION.

Mlle. DANNEVIG said that the information with regard to education was scattered over the report and difficult to find. She would be glad if it could be grouped together in the next report, or a reference given to the chapters in which it was to be found.

Mlle. Dannevig asked whether the total expenditure on education had increased or decreased in 1935.

M. HALEWYCK DE HEUSCH explained that, in 1935, the reduction of the appropriations for and expenditure on education was merely an apparent one; it was due to changes in the form of the budget. Previously, expenditure on education and public worship had appeared in the same chapter, but in 1935 they had been placed in separate chapters (pages 45 and 46 of the report). The expenditure in those two chapters should therefore be added together for purposes of comparison with the figures for previous years.

The expenditure on education and the expenditure on public worship used to appear in the same chapter because it was not always possible to draw a hard and fast line between the two items; for instance, the Association of Belgian Protestant Missions was not complying fully in its schools with the official educational programme on the basis of which subsidies were granted, and the subsidy of 75,000 francs assigned to that Association was accordingly entered under the head of expenditure on public worship.

Mlle. DANNEVIG noted, from page 51 of the report, that 438,820 francs had been spent on the vocational schools of the religious missions, whereas, on page 46, a sum of 436,543 francs was shown under the head "Assistance to the missions". Were these the same sums which, added to 1,492,000, made up the 1,941,000 which was given on page 58 under the heading "subsidised education and work of missions", or what was the explanation?

M. HALEWYCK DE HEUSCH replied that the figures, though similar, related to two entirely different items of expenditure—education and public worship.

Mlle. DANNEVIG asked that these appropriations might be arranged in the next report in such a way as to make it easier for the Commission to obtain a comprehensive view of the matter.

It appeared from the table on page 251 that ordinary expenditure on native education had increased from 1,701,446 francs to 1,974,618 francs in 1935, whereas, in 1934, there was a decrease as compared with 1933. According to the report for 1935 (page 39), the increase was due mainly to subsidies to religious missions, as well as to the opening of new schools and an increase in the number of pupils attending the existing schools.

According to the recapitulatory table on page 113 of the report, there had been a general increase in the number of schools, teachers and pupils of both Protestant and Adventist mission schools and Islamic schools. The number of pupils in Catholic mission schools, as shown in the table, was 181,219 in 1934, and 163,635 in 1935—a decrease, whereas the number of schools had increased from 1,439 to 1,684 and the number of teachers from 1,713 to 1,985.

Could the accredited representative explain the point concerning the Catholic missions ?

M. HALEWYCK DE HEUSCH first of all explained that the decrease in ordinary expenditure on education in 1934, as compared with the preceding years, was due to the reduction of subsidies, owing to the fact that closer observance of the syllabus had been required. It had been felt that some schools, particularly the country schools known as " Church Schools ", were not providing sufficient education to warrant subsidies, which had therefore been withdrawn. Since then, the missions had improved their education and, in 1935, had opened new schools which met the required conditions. They had therefore been given new subsidies, which explained the increase in ordinary expenditure on education in 1935.

The fall in attendance at the Catholic schools only existed if, as Mlle. Dannevig had done, one took the total number of pupils of both sexes in all schools, whether aided or non-aided Church schools and subsidised primary schools in which the teaching was well organised. What was important was the number of pupils attending those last-named schools. As the tables showed, the number there had risen from 26,644 in 1934 to 29,671 in 1935 (page 113 of the report).

In reply to another question by Mlle. Dannevig, the accredited representative confirmed, as appeared from page 108 of the report taken in conjunction with the general heading on page 101, that the Belgian Protestant mission schools were subsidised to the extent of 75,000 francs.

Mlle. DANNEVIG asked for particulars of secondary and technical school education.

M. HALEWYCK DE HEUSCH replied that the Astrida boys' school provided an intermediate education, which would be supplemented by technical education. The latter had still to be organised. Apart from the seminaries, it was the only school in the country which provided secondary education. Thorough primary education of two different grades was, however, given for five years in the central schools. In the country schools, it was much more rudimentary, covering only two years ; the subjects were reading, writing and elementary arithmetic.

In reply to a further question, the accredited representative said that the syllabus of the Astrida girls' school covered five years in principle, but the fifth-year class had not yet been organised, as the school had only been opened in 1934.

Mlle. DANNEVIG had noted that very few chiefs' sons attended the Astrida schools. As there were many chiefs throughout the territory, their sons probably attended the secondary schools of the missions in their own districts. On page 99 of the report were mentioned special technical courses which the Administration intended to provide in the near future at Astrida. Was it also its intention to open supplementary education at Astrida for the training of sons of chiefs from all the different parts of the territory ?

M. HALEWYCK DE HEUSCH replied that the courses in question would be open to all without distinction.

Mlle. DANNEVIG was surprised at the importance attached to the Astrida school examinations, judging by the composition of the Examination Board (page 99 of the report).

M. HALEWYCK DE HEUSCH said that great hopes were placed in the Astrida school. The authorities were therefore anxious themselves to ensure that a high standard of education was maintained.

M. VAN ASBECK pointed out that page 94 of the previous report contained a paragraph on the Islamic schools. Nothing was said about that question in the report for 1935. His attention had, however, been drawn to the table on page 113 of that report, from which it would be seen that the number of pupils in the Islamic schools of Usumbura had increased from 80 in 1934 to 223 in 1935. Some explanation should be given of so surprising an increase, and he asked that the next report might contain a paragraph on the development of education in Moslem schools.



M. HALEWYCK DE HEUSCH pointed out that it was stated in the 1934 report that, in certain parts of the territory, Moslems seemed to have acquired a desire to emulate others. There had in fact been a real craze for education, which explained the increase in the number of pupils, even among the Islamic population.

M. VAN ASBECK asked whether both subsidised and non-subsidised schools were inspected.

M. HALEWYCK DE HEUSCH explained that there was a general inspector of education in the Belgian Congo whose competence extended to Ruanda-Urundi. This was not shown in the accounts of the last-named country as the whole of the inspector's salary and the accessory expenses were borne on the budget of the colony.

M. VAN ASBECK wondered whether there were not sufficient schools in the territory to justify the appointment of an inspector specially for this work.

M. HALEWYCK DE HEUSCH replied in the negative, as only the subsidised schools were inspected. The Administration was not entitled to send an inspector to the non-subsidised schools.

M. MANCERON was somewhat surprised at this reply and asked why the free schools were not subject to supervision.

M. HALEWYCK DE HEUSCH explained that it was the granting of a subsidy to obtain which certain conditions had to be fulfilled, that alone justified inspection. In the subsidised schools, the programme drawn up by the Government had to be carefully followed and carried out, and the inspectors were responsible for seeing that that was done. There could be no inspection of free, non-subsidised education, because it was not under the Government, either directly or indirectly.

M. MANCERON asked whether it was not the right as well as the duty of the State to exercise supervision over all schools which exercised a social function.

M. HALEWYCK DE HEUSCH replied that, according to the fundamental principles of Belgian public law, that was not the case. Naturally, the competent authorities would duly punish any cases of infringement of public order or good conduct. As far as he was aware, they had never received the slightest complaint. Moreover, as non-subsidised education was mainly given by small Church schools, there would be very little to inspect.

Lord HAILEY said he believed that only in one territory in the British colonies in Africa were non-subsidised schools visited by State inspectors. Everywhere else, the right of inspection was dependent upon the granting of a subsidy. In some territories, however, such as Uganda, where there were a good many missions, those missions had their own inspectors. Was it not the same in the Belgian Congo?

M. HALEWYCK DE HEUSCH replied in the affirmative.

M. VAN ASBECK asked that the next report might contain a paragraph on the inspection of schools and the results achieved.

M. MANCERON said he would like to know how the schools were inspected.

M. HALEWYCK DE HEUSCH replied that they were inspected by the Inspector-General of Education whom he had already mentioned. That official resided in the Belgian Congo, and made tours of inspection in the mandated territory. The inspectors belonging to the missions also paid regular visits.

#### ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA noted that there had been a considerable fall in imports of spirits and in the number of offences against the decree on drunkenness (page 122 of the report). It might be supposed that the improvement was due to decreased consumption. What had decreased, however, was the import duty on spirits, as a result of the devaluation of the Belgian franc (page 249 of the report). In that connection, there was one sentence in the financial survey on page 60 of the report which gave food for thought: "Import duty has been reduced appreciably. The goods which are of particular importance to the natives have benefited most from this measure." As the import duty on spirits, among other imports, had been reduced,



the sentence quoted seemed to indicate that, according to the Administration, liquor was one of the goods " which are of particular importance to the natives ". Count de Penha Garcia drew the accredited representative's attention to that point, and asked whether it was advisable to lower the duty on spirits.

M. HALEWYCK DE HEUSCH replied that the duties on imported goods not of importance to the natives had also been reduced. As regarded the products first mentioned, the Governor-General had merely desired to make certain readjustments.

Count DE PENHA GARCIA thought it would have been wiser to make no changes.

He noted from page 123 of the report that the stocks of alcoholic beverages were far higher in Urundi than in Ruanda. What was the reason ?

M. HALEWYCK DE HEUSCH replied that there were at Usumbura, which was in Urundi, warehouses and factories which supplied alcoholic beverages, not only to Ruanda-Urundi, but also to part of the eastern Congo as well. There was no centre of that kind in Ruanda.

#### DRUGS.

Count DE PENHA GARCIA drew attention to the reply to his question asked in 1935<sup>1</sup> with regard to the use of Indian hemp (page 36 of the report). It was said that the use of Indian hemp was not spreading among the natives, and that the persons sentenced for infringing the legislation were inhabitants of Swahili villages or other extra-tribal centres, inhabited for the most part by non-natives.

According to the table of offences by natives (same page of the report), the number of persons sentenced for offences connected with Indian hemp for smoking purposes had risen from 2 in 1934 to 14 in 1935. Was the use of Indian hemp for smoking purposes spreading among the natives, or were the smokers to be found among the foreign population in the territory ?

M. HALEWYCK DE HEUSCH replied that the Governor of Ruanda-Urundi had confirmed that the use of Indian hemp was not spreading among the natives : the only smokers were foreigners, and these were the only offenders.

Count DE PENHA GARCIA thought it important, nevertheless, to draw attention to this surprising increase in the number of offences committed by natives against the decree on the use of Indian hemp.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA noted that the Medical Aid Service for Natives appeared to be giving excellent results since its creation in 1933. The table on page 87 of the report showed that the total number of the natives examined had been 1,498,952. The work was carried out by four medical officers aided by five sanitary assistants ; a total staff of nine (page 86). A simple calculation showed, however, that 462 natives had been treated per day and per person. It was unlikely that that figure could be correct, so that there must be some other explanation. Had some sort of census been taken, or did the figure represent a total for the years 1933-1935 inclusive ? Even in the latter case, more than 150 natives would have been examined per day per person. For these reasons, he would be glad if the next report could contain information as to the manner in which this new service was functioning and how the census was taken.

M. HALEWYCK DE HEUSCH reminded Count de Penha Garcia that the whole working of the system applied by the Medical Aid Service for Natives had been explained at length in the report for 1933.

Lord HAILEY asked if the explanation was not that the figure in question referred to examinations carried out by an *équipe de prospection*, a system followed in other countries, which made it possible to examine a large number of persons each day.

M. HALEWYCK DE HEUSCH said that that was, in fact, the explanation. The new system had been first applied in 1933. In addition to native doctors and assistants, the *équipes* comprised specially trained European assistants. In order to ensure that no one in the " prospected " area was overlooked, the Administration required all natives to present themselves for a medical examination. Those who were found to be ill were obliged to submit to treatment. Any native who failed to present himself for inspection was guilty of an offence against the Regulations and liable to a penalty.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 43.

M. MANCERON noted on page 84 of the report that, in the course of the year, there had been more than 3,300,000 consultations given by medical officers not belonging to the Medical Aid Service. That figure had been confirmed by the Governor-General. If there were fourteen medical officers, this made an average of 950 consultations per medical officer *per diem*. The medical officers had, moreover, other duties to perform. There had, for instance, been more than 139,000 surgical cases alone (page 86 of the report). For those reasons, M. Manceron was as perplexed as Count de Penha Garcia.

Furthermore, what difference was there between the information given in the table on page 87 of the report and the figures under the heading "Morbidity and Mortality" on pages 84 *et seq*? Were these two distinct systems, and if so, how did they differ?

M. HALEWYCK DE HEUSCH explained that, besides the medical officers just mentioned by Count de Penha Garcia there were, for the whole territory, several others attached to the Administration, four mission doctors and two doctors working for industrial concerns.

With regard to M. Manceron's last question, the data on page 84 of the report referred to all the consultations of all the medical services in the territory, including those of the missions and industrial concerns, whereas the table on page 87 referred only to the work of the official Medical Aid Service for Natives.

M. MANCERON noted that that would give a total of 4,835,455 consultations, which seemed to him to be enormous.

Count DE PENHA GARCIA recalled that, in the previous year,<sup>1</sup> the accredited representative had told the Commission that there were in all twenty-three medical officers in the territory. On page 81 of the report, it was stated that the European lay medical service consisted, at the end of 1935, of fourteen doctors, not including two doctors employed by the two mining companies (page 87). How was this decrease to be explained?

M. HALEWYCK DE HEUSCH replied that it was due to temporary circumstances, absence, on leave and the unforeseen return of doctors to Europe. The report for 1936 would show that the staff had been brought up to its former strength.

Count DE PENHA GARCIA noted (page 84 of the report) that, towards the middle of the year, there had been very serious outbreaks of cerebro-spinal meningitis, which had almost assumed the form of an epidemic. A special chapter was devoted to the campaign against this disease (pages 87 and 88 of the report). The graph on page 88 showed that the incidence had considerably decreased at the end of 1935. Had the situation still further improved since the drafting of the annual report?

M. HALEWYCK DE HEUSCH replied in the affirmative, but added that fresh cases occurred periodically, often after several years: up to the present, it had not been possible to stamp out the disease entirely. The graph on page 88 showed that, by the end of 1935, remarkable progress had been made. The next report would contain more recent information and would state whether still greater progress had been made by the end of 1936.

Count DE PENHA GARCIA made similar observations with regard to sleeping-sickness (pages 88 to 90 of the report). He asked that the next report might contain details concerning the positive results given by a new remedy, Trystibine, and the effects of bush-clearing as a means of combating the disease.

Finally, it would be interesting to receive more details concerning the work of the accredited medical officers of the Church Missionary Society (page 86 of the report) and on native child welfare work (page 90). Did the white population participate in that work, and to what extent? Outside the missions were any measures being taken, such as the establishment of milk dispensaries and so on?

M. HALEWYCK DE HEUSCH, with reference to the first point, said that there were in all four missionary doctors, three working for the Church Missionary Society and the fourth for the Adventist Missions. He did not know whether the latter had been approved by the Administration, as had the first three. There were milk dispensaries in the chief centres, which were carried on with the help of ladies of the European community.

Count DE PENHA GARCIA noted (page 187 of the report) an ordinance concerning the organisation of schools for native-helpers in the medical service. The second paragraph of Article 14 of that ordinance provided for a very mild form of military training, such as drill without arms, a knowledge of the various ranks and disciplinary rules, and a general outline of Army Medical Corps organisation in war-time. The last item of that programme was fairly comprehensible, but he found the other items less easy to understand. If, for instance, drill without arms simply meant physical culture, why not describe it by that term?

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 44.

M. HALEWYCK DE HEUSCH explained that the Ordinance had been promulgated in the Belgian Congo and had been made applicable to Ruanda-Urundi. That decision must obviously apply to the whole Ordinance, certain provisions of which had to be maintained, although, while they were not open to any serious objection, they might perhaps be less suited to the mandated territory than to the Belgian Congo.

#### LAND TENURE.

M. VAN ASBECK had duly noted the rule limiting free concessions to 25 hectares each (page 62 of the report). He had before him, however, an extract from the *Bulletin du Conseil colonial belge* giving an account of the meeting on May 25th, 1934, at which a report by M. Bertrand had been examined concerning the draft decree approving the cession by Ruanda-Urundi, free of charge, of 246 hectares of land to the office of the Vicar Apostolic of Ruanda. The extract said that "missions received gifts of vast tracts of land: 100, 200 or 400 hectares, which were not always used for the furtherance of purely spiritual objects".

On the other hand, it was stated on page 93 of the report for 1935 that the lands granted to works of evangelisation were not of an extent which would allow them to be exploited for "non-spiritual" purposes or to make it possible for the missions to engage in lucrative farming or live-stock breeding on a large scale. There seemed to be some contradiction between this passage and the table on page 182 of the report, which showed that the extent of the land owned by the missions was much greater than that of the land owned by private individuals.

M. HALEWYCK DE HEUSCH, with reference to M. Bertrand's report, wondered whether there had not been some confusion and whether M. van Asbeck had not interpreted the remarks in that report relating to the Belgian Congo as applying to Ruanda-Urundi. To his knowledge, no estate of 400 hectares had ever been conceded to a mission station in the territory, for the simple reason that such a concession would be an impossibility in the densely populated places where the missions were established.

He failed to see that there was any contradiction between the contents of pages 93 and 182 of the report. It had been stated that the total area of the land owned by the missions was greater than that owned by private individuals. That was not the case if companies were included among the latter, but only if the isolated colonists were taken separately. The number of the latter was nineteen, while there were seventy missions. As stated on page 93 of the report, they possessed only small plots of land which they used, after erecting their buildings, for establishing experimental gardens, training their pupils in agriculture and producing the foodstuffs required for the station. None of the plots was large enough to grow crops for sale.

M. VAN ASBECK said that, on page 182 of the report, there was no mention of experimental gardens, but "crops grown by religious missions". That wording gave the impression that the missions were engaging in economic activities in the same way as individuals. It would perhaps be desirable to make the point clear, so as to leave no misunderstanding in the minds of readers.

According to another extract from the *Bulletin du Conseil colonial belge*, of April 27th, 1934, one of the lots to be ceded free of charge to the Vicar Apostolic of Ruanda was situated within an urban area, and so was to be regarded as unencumbered with any native rights. Was that always so?

M. HALEWYCK DE HEUSCH replied in the affirmative as regards the urban centres, and in the negative as regards areas outside those centres. When in country districts, there were native rights applicable to the land which it was proposed to transfer, the holders of those rights were asked to renounce them on payment of compensation. The accredited representative added that the urban districts had, in many cases, been mapped out at the time of the German occupation, so that the question of the extinction of native rights, where those existed, had been settled by the German authority.

M. VAN ASBECK quoted another extract from the *Bulletin du Conseil colonial belge*. It referred to "what amounted to" an expropriation at the expense of six native families which had been occupying land ceded to a religious association. That seemed to imply that liberties were taken with native land rights. Was that so?

M. HALEWYCK DE HEUSCH had no knowledge of the facts mentioned. He recognised that abuses might occur in the administration of Ruanda-Urundi as in any human undertaking. Assuming that an abuse had been committed in that particular case, it should not be concluded that acts of that kind were general.

M. VAN ASBECK hoped that the next report might contain explanations on those points.

#### CLOSE OF THE HEARING.

The CHAIRMAN requested M. Halewyck de Heusch to be good enough to convey the Commission's thanks to the Belgian Government for its happy inspiration in sending the Governor-General of the Belgian Congo, whose very interesting observations had enabled the members of the Commission to become better acquainted with the administration of the mandated territory. The Commission had warmly appreciated the help of M. Halewyck de Heusch, who had given valuable information.

M. HALEWYCK DE HEUSCH thanked the Chairman for his kind remarks concerning himself. He would not fail to convey the Commission's message to the Belgian Government.

M. Halewyck de Heusch withdrew.

**Palestine : Question of an Extraordinary Session of the Commission (continuation).**

After an exchange of views, *the Commission adopted the text of the passage on this subject to be inserted in its report to the Council (Annex 12).*

**Question of the Participation of Mandated Territories in Measures taken by the Members of the League of Nations under Article 16 of the Covenant (continuation).**

After an exchange of views, *the Commission adopted the text of the passage on this subject to be inserted in its report to the Council (Annex 12).*

**Western Samoa : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning Western Samoa (Annex 12).*

**Togoland under British Mandate : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning Togoland under British mandate (Annex 12).*

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EIGHTEENTH MEETING.

*Held on Monday, November 9th, 1936, at 10.30 a.m.*

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**Islands under Japanese Mandate : Examination of the Annual Report for 1935.**

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

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed His Excellency M. Ito, with whom the Commission had often had the pleasure of co-operating in the past.

FORM OF ANNUAL REPORT.

M. ITO pointed out that there were a good many printing mistakes in the report. The corrections would be found in a note distributed to the Commission.

M. RAPPARD noted that the column in the introduction which should contain the pages relating to the various chapters had been left blank. As there were a good many printing mistakes in the text of the report, was it to be concluded that the document had been prepared hastily, or had difficulties in translation or printing been encountered, rendering it impossible to draw up a faultless text in time ?

M. ITO was sorry if the report gave the impression of having been drawn up in a hurry. It was prepared each year regularly on a fixed date, but translators sufficiently familiar with the subject were not always available : that was one difficulty which would not arise if the mandatory Power were able to submit the report in Japanese.

The CHAIRMAN noted that, on some subjects or points, the annual report referred to, but did not repeat, information already given in previous reports. The study of the annual report would be facilitated if footnotes could be inserted giving the references to preceding reports. Could future annual reports be supplemented in that way ?

## STATISTICAL INFORMATION REGARDING TERRITORIES UNDER MANDATÉ.

The CHAIRMAN said that, in accordance with a suggestion made by the Commission at the twenty-third session<sup>1</sup> and approved by the Council on September 28th, 1933,<sup>2</sup> the Secretariat had issued a document in 1933 containing statistical tables relating to trade, public finance and population in the mandated territories (document C.565.M.272.1933.VI—1933.VI.A.2).

It would assist the Secretariat to keep this document up to date if the mandatory Power would include each year in the annual report a table similar to that relating to the islands under Japanese mandate in the document mentioned. This course, the advantages of which were obvious, had already spontaneously been adopted by the authors of the annual report on Ruanda-Urundi and to some extent by the authors of the reports on Western Samoa and Togoland under British mandate.

### STATUS OF THE TERRITORY.

M. PALACIOS pointed out that, at the twenty-eighth session,<sup>3</sup> the accredited representative had said that the expressions used in the 1933 report as regards the status of the territory were preferable to those used in the 1934 report, where it was stated that : " The territory is administered as an integral portion of the Empire of Japan, the South Seas Bureau being its administrative organ ". A chapter entitled " Status of the Territory " would be found on page 3 of the annual report for 1935, in which the original text was restored and the Treaty of Versailles and the mandate's charter again mentioned.

M. VAN ASBECK pointed out that there were very persistent rumours in the Far East and America to the effect that the mandated territory was to be linked up with the general Government of Formosa. Was the accredited representative in a position, if he thought fit to do so, to deny such rumours or to give any information with regard to them ?

M. ITO could neither confirm nor deny the rumours because he knew nothing of them. If the Commission desired, he could ask his Government for information.

The CHAIRMAN took note of that promise.

### NATURALISATION.

M. PALACIOS thanked the mandatory Power for the information on naturalisation given on pages 3 and 4 of the report.<sup>4</sup>

Count DE PENHA GARCIA noted that the three Kanaka women referred to on page 3 had acquired Japanese nationality, not by naturalisation, but by marriage.

### INTERNATIONAL CONVENTIONS : EXTERNAL RELATIONS.

The CHAIRMAN recalled that the annual report for 1934 contained a list of international Conventions applicable to the mandated territory (pages 94 *et seq.*). The 1935 report contained no information on that subject. Had any new international Conventions been made applicable to the territory ?

M. ITO replied in the negative.

M. RAPPARD noted the following expression in the passage entitled, " Exterior Relations of the Territory ", on page 5 of the report : " The territory has no special foreign relations . . . . The expression " foreign relations " usually referred to official relations between countries. He understood it to mean, in the present case, that the mandated territory had no special regime as regarded external relations, and that the Imperial Government concluded Conventions on behalf of the territory.

The CHAIRMAN was not sure whether the expression was not used in this section of the report simply to mean maritime relations with the exterior.

M. ITO agreed with M. Rappard's remarks. The part of the report in question referred to actual contact between the territory and the rest of the world.

<sup>1</sup> See Minutes of the Twenty-third Session of the Commission, page 188.

<sup>2</sup> See *Official Journal*, November 1933 (Part I), page 1323.

<sup>3</sup> See Minutes of the Twenty-eighth Session of the Commission, page 126.

<sup>4</sup> See Minutes of the Twenty-eighth Session of the Commission, page 142.

## RULES RELATING TO THE CONTROL OF SHIPPING IN TERRITORIAL WATERS.

Lord HAILEY, referring to page 257 of the collection of "Laws and Regulations" annexed to the 1934 annual report, said he would be glad of some explanation as to the control of shipping in territorial waters by the Naval Department. Did that measure apply to all countries? It was somewhat unusual that only shipping permitted to do so by the Naval Department could enter territorial waters.

M. ITO pointed out, in the first place, that the rules applied only to territorial waters. For the rest, he would obtain information, but he pointed out at once that the rules referred to dated back to 1917. The control of shipping had then been in the hands of the naval authorities. As the rules were already somewhat old, perhaps they had remained in existence by an oversight and, when a collection of laws and regulations had had to be made, they had been included.

M. RAPPARD asked whether the rules were still in force.

Lord HAILEY said he had merely desired to draw the mandatory Power's attention to the point. It could be stated in the next report whether the rules were still in force and whether they were the outcome of an international Convention.

M. ITO thanked Lord Hailey for drawing his attention to the point, which he would not fail to refer to his Government.

The CHAIRMAN added that the date of the rules showed that they had been promulgated during the war—that was to say, at a time when they were fully justified. They were no longer necessary under present conditions.

## RELIEF WORK IN CONNECTION WITH THE TRUK ISLANDS DISASTER.

The CHAIRMAN noted from page 92 of the report that the Truk Islands had been visited by a violent storm in December 1935. The authorities had at once taken the necessary measures to assist the population and an investigation had been begun to ascertain the extent of the damage. He would be glad to have additional information about the disaster and the results of the investigation?

M. ITO understood that the mandatory Power intended to give the necessary information in the next report.

## ADMINISTRATIVE REGIME: RECRUITMENT AND QUALIFICATIONS OF OFFICIALS.

Lord HAILEY, referring to Lord Lugard's request for information at the twenty-eighth<sup>1</sup> session, said he would be glad of information, in the same connection, about the administrative staff in the territory, particularly how it was appointed and its size. Were there any officials with special training in colonial administration in the islands?

M. ITO said that, in theory, there should be such officials. For his part, he had always urged that officials should be specially trained for the administration of the mandated territory. As a matter of fact, the officials were usually chosen from among members of the general administration, particularly those who had served in the extreme north and extreme south, so that, as far as possible, they would know something of the conditions peculiar to the mandated territory.

One practical consideration should be borne in mind: the administration of the territory did not require a very large staff and special officials did not seem to be called for. In those circumstances, while no special officials were trained for service in the territory, the special needs of the administration were born in mind, and staff with somewhat similar experience to that required in such a territory was sent to the islands.

Lord HAILEY asked what precise method was adopted. Japan had vast interests in areas outside her own territories. Was there any colonial administration from which the necessary staff could be drawn? In the British Empire, the necessary administrative staff for mandated territories such as Tanganyika, the Cameroons, and so on, was drawn from the general colonial service.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Committee, page 128.

M. ITO regretted that this was not the case in Japan, where there was no special service for colonial administration. Personally, he would be glad if there were.

Lord HAILEY, referring to the table showing the personnel of the South Seas Bureau on page 7 of the report, asked what was to be understood by the various ranks of officials described as "chokunin", "sonin" and "hannin".

M. ITO replied that these terms were not peculiar to the colonial services, but covered all the officials of the Empire. Under the Japanese administrative system, officials were divided into different categories. In the first place, there were the higher officials of "sonin" rank, who had studied at the university and entered the Administration after a State examination. Below them were officials of "hannin" rank, who had, as a rule, no university training, but only a secondary or higher elementary education, and had passed no State examination. When officials of "sonin" rank had particularly brilliant service records, they were promoted to "chokunin" rank, which entitled them to certain social privileges: to be received at Court, for instance, and so on.

Lord HAILEY said that this explanation was somewhat more satisfactory than the explanation given in the 1933 report (page 14), where it was stated that these officials were classified according to military rank. The impression given at that time was that officials of "hannin" rank, for instance, were something like corporals. Was it not to be presumed that they were not police officers who had been promoted, but a personnel that had received a fairly advanced education?

M. ITO explained that assimilation to military rank was common to Japan. At Court receptions, for instance, questions of precedence arose. While soldiers were easily distinguishable by the number of stripes, the same could not be said of officials, who had therefore to be given special rank.

As to the intellectual equipment of officials of "hannin" rank, were no legal requirements, but only differences in practice. They passed an examination arranged by each Ministry. In practice, the standard from this point of view depended upon the general economic situation. When it was flourishing, young people went into business and very few became officials in the lower categories. During a depression, on the other hand, as at the present time, it was difficult for a good many young people who had had some education to find business appointments, and they then entered the Administration. Consequently, officials who entered the Administration during a period of economic depression were usually far more highly qualified than officials engaged during a normal period. For the past three or four years, in particular, many young people leaving the Faculty of Law had become police officers.

Lord HAILEY, referring to the explanations given by the accredited representative in 1935,<sup>1</sup> noted that the Japanese Government had then considered that the police officers in the territory had acquired considerable experience of local conditions and were qualified to serve satisfactorily as officials. He had raised the question because he believed that every administrator would agree that success in colonial affairs was more a question of satisfactory recruitment than of good legislation. He had no intention whatever of underestimating the worth of the police officers; but, pointing to the fact that the table on page 7 of the report showed that there were thirty-three officials of the administrative class and 373 of lower rank, he suggested that circumstances required that the lower officials, no less than the administrative class, should be filled by persons who had had a special training for the purpose.

Mlle. DANNEVIG, reverting to the question of the classes of officials, enquired whether the conclusion should be drawn from the list on page 7 of the report that there was not in the islands a single official who had received university training, even amongst the officials concerned in the education of Japanese children.

M. ITO said he had not made any enquiries on that point. He could only refer the Commission to his previous explanations. When the labour market was overcrowded in other fields, youths who had had a university education became school-teachers, policemen, etc. No formal distinction could be drawn between all those officials. There were only *de facto* differences.

#### NATIVE ADMINISTRATION: AUTHORITY AND COMPETENCE OF THE CHIEFS.

Lord HAILEY said there was a very interesting account of the village officials on page 9 of the report. Chapter II of the collection of "Laws and Regulations" did not show clearly the extent of their jurisdiction, whether they played any part in the fixing and levying of taxation and so on. All those questions naturally arose in the examination of a report on a mandated territory.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 128.



M. ITO said no special section in the report was devoted to the competence and jurisdiction of these native officials. On the other hand, all the necessary information would be found in the various chapters—for instance, on page 16 as regarded the levying of taxation, for which these officials received a fixed salary, and on page 23 as to their jurisdiction.

Lord HAILEY enquired whether there were very many village chiefs to whom that power was delegated.

M. ITO pointed out that, on page 10, the report gave a list of village chiefs in service at the end of June 1935.

Lord HAILEY said that this did not show how many had powers delegated to them, and that it would be interesting to the Commission to have a statement of the executive powers given to the chiefs in question, more particularly in regard to police powers.

M. ITO said he understood that what the Commission would be interested to have was an account of the participation of natives in the administration in any form whatsoever, and that it would like that participation to be shown in respect of the numbers of native staff, their duties and powers, etc. He would ask his Government to include a little study or a table on that matter in the next report.

M. SAKENOBE said he would also like to know whether the principal chiefs could receive periodical tribute or presents from those under their administration and whether, when it was found necessary to change them, the new chiefs were appointed by the Administration. He understood that the principal chiefs were given powers of punishment only when there was no official of the Branch Bureau on the spot. A distinction should, perhaps, be drawn in that connection between islands such as Palau, Saipan and Yap and the other islands.

M. ITO hoped that it would be possible to give all that information in a future table. There was no law or decree authorising the giving of presents by the natives to their chiefs, but there might perhaps be secret practices of that kind. The chiefs were chosen from the same families and in accordance with custom. The Administration did not have to intervene.

In regard to the power to punish, explanations were given in Chapter V of the report (page 21). If they did not appear to be sufficient, M. Ito might ask for supplementary information.

M. MANCERON, also, would be greatly interested to have information as to the part played by native chiefs and the use made of them.

On page 33, the report stated that, when the Germans had taken possession of the islands, they had endeavoured to strip the native chiefs of their power as much as possible and transfer it to the Government, and that, when the mandatory Power had taken over the administration, it had endeavoured, on the contrary, to re-establish the authority of the chiefs, in accordance with the best colonial practice. Had the chiefs been able, after that transitory period, to regain their earlier authority without difficulty, or had not their prestige suffered from the lack of respect with which they had been regarded for a certain time?

M. ITO agreed that the question raised would be very interesting to study from the sociological standpoint. Nevertheless, such a study would demand a considerable time, for historical research would be required and M. Ito could not promise that it would be completed in time for the next session.

COUNT DE PENHA GARCIA desired to raise a question, to which, however, he did not expect that the accredited representative would be able to reply immediately. He understood that, in different islands, there was a fairly marked difference in the status of the chiefs in relation to the natives. The report might create the impression that relations between the chiefs and the natives were the same everywhere, and that was not the case.

M. ITO thought it would be difficult to make any classification in that connection. On page 10 of the report, an attempt had been made to specify the various categories of chiefs. He would ask his Government whether it was possible to meet the wishes of Count de Penha Garcia. M. Ito knew personally that the three thousand inhabitants of Yap were divided into ten social classes, but it would be difficult to describe their relations with the various chiefs.

M. VAN ASBECK noted, with reference to the judicial powers of the chiefs (page 23 of the report), that there was no appeal in the case of police offences, which were dealt with by the village chiefs. Did the officials of the Branch Bureaux exercise no supervision or control in that respect? Were registers kept and examined by them? Was there no kind of appeal even though it was not formal in character?



M. ITO pointed out that the village chiefs dealt only with offences against the police regulations. Their jurisdiction did not extend to criminal matters. For such slight offences there was no need to create an appeal system, which would be complicated. In any case, no such system had existed hitherto. Moreover, the village chiefs made reports to the chiefs of the Branch Bureau on the number of offences dealt with by them, their classification and the penalties which had been imposed.

M. VAN ASBECK explained that he did not press the need for a formal appeal, but merely the need for some form of control. From the explanations given by the accredited representative, it was clear that registers, in which the cases were recorded, were kept, so that it was possible for the heads of the Branch Bureaux to be aware at any time of what was going on.

M. ITO explained that that was the case in theory, although perhaps the situation might not be the same in the case of a small and distant island.

Lord HAILEY thought that there was at any rate one offence to which attention should be paid—namely: "disobeying orders issued by a village chief" (page 24 of the report). Some control should be exercised in the case of this category of offences as regarded the punishments inflicted by the chiefs.

M. ITO said that among a population of primitive tribes, if the native chiefs were granted a certain power, they should be allowed a certain liberty; otherwise, their authority would be ruined. The Administration should not constantly interfere in their work.

M. VAN ASBECK drew attention to the following paragraph on page 24 of the report: "The necessity of making certain modifications in the delegation of the punitive power has been recognised with the coming into force of the 'Regulations for Police Offences'. But the matter is still under investigation, since it is inexpedient to introduce any sudden and drastic changes in the practice that has so long been maintained."

On referring to the report for 1934 (page 24), a passage drafted in almost identical terms would be found. M. van Asbeck asked whether this enquiry, which had been carried on for two years, had as yet given any results?

M. ITO replied that the investigation was not yet completed. As soon as it was concluded, the mandatory Power would gladly communicate the results to the Commission.

M. VAN ASBECK noted, with regard to the participation of the natives in the administration (page 7 of the report), that there were forty-nine natives in the police, an increase of two, twenty-four assistant teachers in the public schools, and one interpreter in the Court of Justice. Could the accredited representative say whether the mandatory Power was following a definite policy in this matter, and whether it contemplated allowing more or less educated natives to take part in the administration of their own territory? Were native subordinate officials being trained?

M. ITO said he had already had an opportunity of explaining his Government's view. The Government asked for nothing better than to allow the natives to take part in the administration of the territory in which they lived, and there had been no change in that policy. Efforts were being made to attain that object as far as possible, but the main difficulty of the Administration was to find persons suited for any administrative work. The tribes of the territory had had a social organisation in the past which did not fit them for the special duties inherent in administrative work.

In pursuit of its policy, the mandatory Power had already had recourse to the authority and competence of the village chiefs in police matters, and this was already a considerable step. To go farther would be to overtax the capacities of the chiefs. It should also be mentioned that the police powers conferred on the chiefs were much appreciated by them. Recourse was also had to natives as agricultural advisers. In short, the mandatory Power still maintained its views regarding the advisability of giving the native population a share in the administration of the territory, and it would continue to do everything possible in that direction.

M. VAN ASBECK was still uncertain as to the method contemplated by the mandatory Power in order to train natives for administrative duties. He hoped that the next report would give some information on the subject.

M. ITO did not think that information could be contained in the next report, since the mandatory Power was not for the moment following any particular procedure in the matter. As he had stated previously, the officials serving in the territory were the same as those in the mother-country.

M. VAN ASBECK observed that it was a question, for the moment, of native officials.

M. ITO could merely refer to the explanations which he had given regarding the difficulty of recruiting native staff.

Mlle. DANNEVIG thought that the first step to take with a view to the administrative training of the natives was to extend the duration of school attendance, which was, at present, three years, plus two additional years for a small number of the best pupils.

M. ITO replied that that was a theoretical solution. He also would prefer to see an extension of the education of the natives, but account should be taken of the material difficulty of making native children attend school, in spite of the efforts of persuasion and kindness of the Administration.

Mlle. DANNEVIG supposed that the fact that instruction was given in the Japanese language increased the difficulty experienced by the native population in following the school teaching and decreased their interest in receiving education at school. The difficulty would be less if the instruction were given in a vernacular.

M. ITO wondered whether a system of instruction given in the vernacular could exist. Moreover, in speaking of the vernacular, it should be remembered that a number of different dialects were used in the islands.

Mlle. DANNEVIG explained that she had merely desired to point out some of the difficulties encountered by the natives and also by the mandatory Power in lifting the natives to a higher form of life so that they might be able to assert themselves and to take some part in the administration of their territory.

IMPORTS AND EXPORTS : ECONOMIC DEVELOPMENT OF THE TERRITORY : PARTICIPATION OF THE NATIVES IN THE PROSPERITY OF THE TERRITORY.

M. MANCERON noted (page 19 of the report) that the volume of trade of the territory in 1934 had been about 31,300,000 yen, showing an increase of 13% as compared with 1933. In 1934, there had been, in particular, an increase in imports of about 3,981,000 yen, and a decrease in exports of 315,000 yen. The latter was due, according to the report, to the fall in the price of sugar and copra.

For the first six months of 1935, the volume of trade had increased by about 8,000,000 yen as compared with the same period of 1934. The very interesting table containing these figures (page 20 of the report) only related to the trade of the first six months of 1935.

One could not but be struck by the vast increase in the volume of trade, since, on adding together the exports and imports for six months in 1935, it would be noted that they almost reached the total of the entire year 1934. He asked whether this enormous and sudden increase had been maintained since 1935 ?

M. ITO had not the necessary data at his disposal in order to reply in regard to 1935. He would endeavour to furnish statistics for the second half of that year as soon as possible.

M. MANCERON noted the increasing volume of exports to countries other than Japan (page 20 of the report). The exports to Japan had regularly increased every year for six years, but, at that time, the exports to other countries had been almost nil—for example 9,677 yen in 1931. Those exports had developed very rapidly, and amounted to 2,568,868 yen in the first half of 1935. They had continued to increase by leaps and bounds.

Japan retained her supremacy in the matter of imports, and the imports from other countries had tended to decline for some years.

M. ITO said that, according to information supplied to him, although he had no figures at his disposal for the moment, the increase in question related particularly to the trade with Guam, which belonged to the United States of America, and the Gilbert Islands (page 19 of the report).

M. RAPPARD thought the figures given contradicted the following passage in the report (page 19) : " Nearly all the exports go to Japan, the exports to foreign countries being very small quantities, etc." . Were the figures furnished quite reliable ?

M. ITO had no reason to think they were not.

M. MANCERON understood that the sugar exports represented a considerable proportion of the total. They had almost doubled in the last five years (see table, page 20 of the report).

M. ITO agreed that sugar-growing had expanded, more particularly near the new port of Rota.

M. RAPPARD, referring, first, to the figures in the chapter on trade and, secondly, to the comments made on those figures in the report, had the impression that the writers had merely copied more or less what was said in previous reports without really considering the new figures entered in the tables.

M. ITO admitted that the observation was justified.

M. MANCERON pointed out that, as its twenty-eighth session,<sup>1</sup> the Commission had made the following observation to the Council on the economic system of the territory :

“ The Commission noted the information contained in the annual report concerning the trade balance of the territory. It welcomed a statement by the accredited representative to the effect that it was intended that natives should benefit to an increasing extent from the favourable economic situation. It hopes to find information on the subject in future annual reports (pages 130, 131, 177). ”

On page 94 of the report for 1935, it was stated that a portion of the profits accruing to the capital invested went back to Japan in the form of dividends, but the rest remained in the islands to be reinvested in the expansion of various enterprises.

It was of interest to the Commission to know to what extent the social position of the natives had benefited by the progress recorded in the economic field. The Commission had felt that the favourable trade balance should show itself in an improvement of that position. On the same page, the report in fact said that the mandatory Power intended to perfect, within the spirit of the mandate, the measures and organs of administration ; but it added that, in the pursuance of that policy, it was necessary to take into consideration the level of existence of the natives as it actually was, and it indicated the disadvantages that might result from any attempt to force at once into a modern mould the life of the natives. M. Manceron thought that everyone would agree with the mandatory Power on that point ; but that was not the question which had been raised.

M. RAPPARD felt sure that an economist like M. Ito would understand the Commission's concern. A study of the chapters on exports and imports showed that there was a very large export surplus every year : in the first six months of 1935, the figures were 20 millions and 7 millions respectively. The result was that considerable sums left the territory year after year for other parts, probably Japan. If economic progress enabled the Administration to spend more in the territory, it would seem that such expenditure should necessarily result in increased imports. If it were spent on wages paid to workmen, there should be an influx either of gold, or of consumers' goods which did not seem to be the case, or investments in machinery which would mean a corresponding increase in imports, which was not the case either. Consequently, a larger quantity of wealth was exported from the territory annually without any corresponding advantage to the population. M. Rappard believed that M. Ito himself would only feel fully reassured on the point when the margin between exports and imports was found to be narrowing. So long as no larger amounts of commodities were imported for the use of the natives, the conclusion was inevitable that the native population was not sharing in the benefits in question, unless some of the natives were accumulating current accounts in Japan, which seemed very unlikely.

M. VAN ASBECK thought that, to enable it to ascertain the exact amount of the excess of exports, it should be possible for the Commission to consult a balance of payments which would show what funds had been sent from the territory to Japan by the officials or other inhabitants and the amount of the retirement pensions paid by the mandatory Power either in Japan or elsewhere outside the territory, representing the proceeds of payments made in the islands, etc. Was there any means of drawing up a balance of payments of that kind ?

Lord HAILEY observed that the conditions in the territory were unusual. One-half of the population consisted of Japanese, so that it was to be assumed that the whole or the greater part of the sums received by them in the form of wages or otherwise went to Japan itself and did not return to the territory in the form of imports. If the mandatory Power could give the Commission some idea of the sums sent to Japan by means of postal orders, etc., the amount reverting to the natives in the territory could then be deduced.

M. ITO said that the question had already been raised last year.<sup>2</sup> The official reply of his Government was given on page 94 of the 1935 report. He would give the Commission his personal opinion and would point out that the question with which the Commission was concerned was now under consideration. He wished to emphasise that the mandatory Power was anxious at all costs not to allow the impression to be created that it was making undue profit out of the territory and its population.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 201.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, pages 130 and 131.

M. RAPPARD thanked M. Ito for his statement. The problem was a complex one. He did not think that any misunderstanding existed between the accredited representative and himself. The constant excess of exports represented either dividends accruing to Japanese shareholders, funds accumulated with a view to the payment of pensions to Japanese officials, or payments made by Japanese workers in the islands, which would constitute deposits on their behalf in the Japanese banks, but in no case was it of any advantage to the native. M. Rappard hoped that the mandatory Power would allay the Commission's misgivings and at the same time remove the unfortunate impression that had been created.

The only solution was to raise the native workers' wages. If their purchasing power were thus increased, they would be able to import a larger quantity of consumers' goods. The desired equilibrium would then soon be restored.

M. ITO thought that M. Rappard's observations dealt with two aspects of the question : the interpretation of the facts and concrete proposals. As regarded the first point, he by no means agreed with those remarks, and M. Rappard would understand why without the necessity for explanations. As regarded the second point, the solution advocated by M. Rappard was possibly one of the appropriate remedies, but others could be contemplated. Nevertheless, the accredited representative duly noted the suggestion.

M. MANCERON said that, last year<sup>1</sup>, the accredited representative had stated that a request for a credit of 35 million yen in order to carry out an economic plan spread over a period of five to ten years for the purpose of developing means of communications, ports, etc., had not yet been accepted by the Government. The periodical, *Pacific Islands Monthly*, for June 17th, 1936, also had referred to a plan for the development of the islands. According to that periodical, the South Seas Development Company and the South Seas Exploitation Society were to amalgamate with another new company, the Formosa Development Company, with a capital of 30 million yen, for the purpose of forming a big semi-official company—the Oriental Development Company—which, under the proposed scheme, would arrange for the migration to the islands from Japan of twenty thousand families in the next ten years. The Oriental Company would also endeavour to promote closer contact between Japan and the Philippine Islands.

He would like to know whether the request for the credit in question had been examined and whether the Imperial Government was prepared to give effect to those proposals.

M. ITO knew, with regard to the scheme as a whole, that negotiations were in progress, but he had no definite information on the details.

M. MANCERON asked whether it was not proposed to reach a decision in 1936.

M. ITO replied that a solution would be reached.

M. VAN ASBECK, referring to M. Rappard's last observations to the effect that the only means of enabling the natives to benefit by the excess of exports was to increase their purchasing power, wondered whether there was not another solution—namely, the levying of a tax on exports, the yield from which would be used for carrying out general administrative measures designed to improve the social position of the natives. As an example, he referred to the paragraph relating to agriculture on page 72 of the report, which stated that, "since the islands came under Japanese administration, the authorities have been endeavouring in various ways to instruct and lead the natives in this branch of industry (agriculture), but their efforts have so far been rewarded with poor success". The position of the natives might perhaps be improved by this means with the help of agricultural advisers, of whom, however, there was no mention in the list of personnel given on page 7 of the report. Those advisers would teach the natives more up-to-date methods of cultivating the soil, would encourage them to grow more profitable crops, etc.

M. RAPPARD pointed out that heavy taxes were already levied on exports. Moreover, M. van Asbeck's suggestion was fundamentally very similar to his own, because, if the Administration increased its revenue by raising the tax on exports and used that additional revenue for the purpose of raising the wages of the natives, it would increase their purchasing power.

M. VAN ASBECK observed that that would be an indirect consequence.

M. RAPPARD agreed that it was possible that by that means the purchasing power of the islands and not of the natives might be increased. In any case, so long as the abnormal difference between exports and imports existed, the obvious conclusion was that the native did not participate fully in the prosperity of the mandated territory.

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<sup>1</sup> Minutes of the Twenty-eighth Session of the Commission, page 129.

Count DE PENHA GARCIA thought that, although the problem under discussion was of great interest, it had to be admitted that the phenomenon in question was common to all countries which were just beginning to develop, as had formerly been the case in North America and more recently in South America. Moreover, it was obvious that an increase in the volume of imports was one of the signs of an improvement in the welfare of the population. In the islands under Japanese mandate, the problem was a particularly difficult one, because one-half of the population was Japanese and the proportion of capital sent home by them had to be taken into account and was difficult to estimate.

Nevertheless, the conclusions that emerged from the present discussion should be borne in mind. If the reports for the last few years were re-read, it would be seen that one of the mandatory Power's objects was to raise the standard of living and improve the position of the inhabitants of the territory, not only of the natives. Many things were still lacking, particularly means of communication, adequate housing accommodation, etc. But the mandatory Power had already done a great deal and had established a large number of services which benefited the territory.

M. van Asbeck had made a very interesting suggestion. It would, no doubt, be undesirable that the duties on exports should reduce the productive capacity of the territory, but the suggestion that had just been made would have the advantage of enabling an improvement in the position of the natives to be brought about immediately. The accredited representative was, he felt sure, concerned about the problem, and he hoped that M. Ito would be able to give the Commission further information on the subject very shortly.

M. RAPPARD agreed that, if the cost of production increased, exports would probably decline, but he would prefer slightly smaller exports from which the natives would obtain greater benefit to the present situation.

Turning to Table 4 inserted after page 20 of the report, which gave the figures of the various imports from 1931 to June 1935, he picked out certain important items, such as cereals, which were doubtless intended for feeding the inhabitants in general, vegetables, tobacco and beverages, which were probably intended more especially for the Japanese, etc. The most important item was "Clocks, apparatuses for scientific purposes, fire-arms, wagons, vessels and machines", amounting in value to more than 1,000,000 yen from January to June 1935; the 1934 figure exceeded 2,600,000 yen. It was stated in a footnote that these were intended for the technical equipment of the territory. What was the essential element of that item?

M. ITO replied that they were capital goods, mainly intended for the use of the South Pacific Development Company, which was chiefly engaged in the sugar industry and needed to import a large quantity of machinery. A considerable part of the equipment imported had also been used to extend or improve the ports of Saipan, Palau and Yap. The imports in question had therefore indirectly improved the economic situation of the territory, but their chief use was to enable the company in question to run its business.

M. RAPPARD said that, not until an increase in the imports of cereals, foodstuffs and textiles had been noted, would he agree that the material situation of the natives had improved.

M. ITO pointed out that, for the last two or three years, the natives had begun to modify their diet. After living side by side with the Japanese, they had now begun to eat vegetables, rice, etc., which they did not do before. Consequently, the imports of cereals and vegetables mentioned in the table in question were intended partly for the natives, which was not formerly the case.

M. SAKENOBE wished to draw the Commission's attention to the fact that, in reality, certain products were exported exclusively by the natives, and that fact should be taken into account: copra (nearly 1,000,000 yen during the first half of 1935, whereas, previously the figure for the whole year had barely exceeded one million), various products of the sea, etc. The purchasing power of the natives had increased by so much every year.

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#### NINETEENTH MEETING.

*Held on Monday, November 9th, 1936, at 3.30 p.m.*

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#### **Cameroons and Togoland under French Mandate: Observations common to Both Territories.**

*After an exchange of views, the Commission adopted the text of its observations common to Cameroons and Togoland under French mandate (Annex 12).*

#### **Togoland under French Mandate: Observations of the Commission.**

*The Commission adopted the text of its observations concerning Togoland under French mandate (Annex 12).*

### **Date of the Next Ordinary Session of the Commission.**

*The Commission decided, in principle, that the opening date of its next ordinary session should be Thursday, June 17th, 1937. The extraordinary session would take place at about the beginning of April.*

### **Representation of the Commission at the Council Session of January 1937.**

Seeing that the Marquis Theodoli, Chairman of the Commission, had not been able to attend the session and that he could not, in those circumstances, be asked to undertake the duty of presenting the report, *the Commission decided that it would be represented before the Council by the Vice-Chairman or, if he was unable to attend, M. Rappard.*

### **Publication of the Minutes of the Commission.**

*The Commission decided to publish its report and the Minutes of the present session without waiting for the Council to take cognisance of these documents.*

### **Allocation of Work between the Members of the Commission.**

After an exchange of views, *the Commission decided that the allocation of the various subjects between the members, for the examination of the annual reports of the mandatory Powers, should be maintained*, Lord Hailey taking over the questions dealt with by Lord Lugard (social condition of the natives and labour—the latter with the assistance of Mr. Weaver), Count de Penha Garcia dealing with international relations and M. Orts with economic equality, alcoholic liquor and drugs.

This arrangement did not affect the three-yearly allocation for which the Commission had provided.

### **Islands under Japanese Mandate : Examination of the Annual Report for 1935 (continuation).**

M. Ito came to the table of the Commission:

#### **SUBSIDISED INDUSTRIES.**

M. SAKENOBE asked how the sum of 607,805 yen, mentioned on page 15 of the report as grants-in-aid to industries, had been employed. He would be glad if the next report could include a list of these subsidised industries and, in particular, how many natives and non-natives were in receipt of subsidies on this account.

M. ITO said he had no information on the subject. He would ask that the required details should be included in the next report.

The Japanese Government had furnished him with some data concerning the benefits which those subsidies conferred upon the natives. Obviously, it was difficult to express such benefits as a percentage, but the increase in the number of natives employed in the various undertakings necessarily meant an increase in the amount of wages paid to the natives. Indirectly, therefore, the subsidies were being used for their advantage.

#### **MUTUAL CREDIT SOCIETIES.**

M. SAKENOBE noted (page 31 of the report) that there were mutual credit societies in the islands. Could natives join these societies, and how were they organised ?

M. VAN ASBECK was surprised to note that mutual credit societies were only mentioned in the chapter on police. Would it be possible also to give in future reports some information as to the social aspect of their work ?

M. ITO replied that Chapter V of the volume entitled "Collection of Laws and Regulations" contained a full explanation of the organisation of those societies. They were mainly utilised by the Japanese residents. He had no information as to the extent to which natives availed themselves of the societies. Propaganda was being conducted among them and it appeared that they were participating to an increasing extent. He would ask for information on the subject.

#### **ORGANISATION OF THE PORTS.**

M. RAPPARD noted (page 18 of the report) that a distinction was drawn between "open ports" and "ports of communication", the latter being the ports in which trade with Japan and her colonies was authorised, and the "open ports" being those through which trade with all foreign countries was allowed to pass. Further, why was the importation of certain goods prohibited in certain ports ?

M. ITO replied that the Phosphates Company undertook itself to distribute goods to its workmen. The company had been granted the monopoly for selling certain goods which were not allowed to be imported by traders in the island.

M. RAPPARD observed that justification for the prohibition to import certain goods seemed to be found in the fact that there was no demand.

M. ITO said he would endeavour to ascertain the reason for the measure.

#### PUBLIC FINANCE : TAXATION.

M. RAPPARD noted that the financial situation of the territory was particularly favourable, since the year 1934, which was the last financial year for which closed accounts were available, showed a surplus of receipts over expenditure of 2½ million yen—a very large surplus when it was borne in mind that the total revenue only amounted to 8 millions (pages 12 and 15 of the report). One of the principal resources of the territory seemed to be the “ port clearance dues ” and the sale of phosphates. The report stated (page 18) that the “ port clearance dues ” were not harbour dues, as might be thought, but dues levied in compensation for the excise dues that had to be paid in Japan.

A sum of 2,970,000 yen—that was to say, one-third of the budget—had been carried as assets from 1934 to 1935. Why was that surplus not used, either in the form of increased expenditure or for the purpose of reducing taxes, or reducing the debt, though; as a matter of fact, the debt was not a heavy one ?

M. ITO explained that, in drawing up the budget, it was customary to provide for an amount of income which was less than the actual amount, as a safeguard against possible decrease in revenue in the future. There was therefore a tendency to underestimate budgetary revenue. The surplus was not used to increase expenditure, as up to the present it had been thought preferable to proceed only gradually in that direction. As a matter of fact, there was no debt in the islands. The funds of 4,000 yen indicated in the report had been provided to pay officials' pensions.

M. RAPPARD asked whether it would not be possible to pay the budgetary surplus into a reserve fund, in order to meet possible contingencies in the future. How was the budgetary surplus of 3 million yen employed ?

M. ITO said that, up to the present, the budgetary surplus had been administered by the Japanese Minister for Finance, who thus administered the territory's claim upon the mandatory Power.

M. RAPPARD said that, in that case, the territory would have granted a non-interest-bearing advance to the home country. That would amount, therefore, to a free advance from the ward to its guardian. This advance without interest would thus be, indirectly, a charge on the territory and a benefit to the Japanese Treasury.

M. ITO replied that the advance had not, up to the present, been regarded as a charge on the territory. It was a mere budgetary surplus which was not the result of increased taxation.

M. RAPPARD pointed out that, up to the present, the Commission had noted, in other territories, cases in which home countries made advances to mandated territories, but never the contrary.

On page 13 of the report, a credit of 1,500 yen was mentioned as travelling expenses for “ tours to Japan of natives ”—a very small sum. It was true, from the information given on page 92 of the report, that the Government was really more generous in that respect, since the sum entered under this head was 22,300 yen.

M. ITO admitted that the item was not very clear. He thought that the sum of 1,500 yen mentioned on page 13 of the report was really a special subsidy in addition to the larger credit granted for tours to Japan of natives.

M. RAPPARD pointed out that a subsidy of 689,500 yen had been granted for shipping (page 14 of the report). Why, in so prosperous a country which exported much more than it imported, had it been found necessary to subsidise shipping ?

M. ITO replied that, at the beginning, it had been difficult to establish sea communications between the islands and Japan. It had been necessary to grant subsidies to the shipping companies. The profits earned by those companies were not always sufficient to ensure the satisfactory operation of the line.

M. RAPPARD thought it rather astonishing that a mandated territory should be required to pay subsidies to shipping.

Passing to the question of taxation, he noted (page 17 of the report) that direct taxes were paid partly in kind. How did that system work ?



M. ITO replied that poll tax was only paid in kind in the Marshall Islands. Tribute in those islands had always been paid in copra and it would be difficult to obtain payment in cash. It was not a case of double taxation.

M. RAPPARD noted that the taxes paid in kind had amounted to 235.5 tons of copra in 1934 (page 17 of the report). To what extent was that contribution made up of payments by small taxpayers?

M. ITO replied that, in the matter of payments in kind, the chiefs were responsible for allocating the taxes between their people. The only figure that could be given, therefore, was the average amount per inhabitant.

The CHAIRMAN had been rather surprised to hear the accredited representative state that, as the payment of tribute in kind had always existed, it was still being levied in that form. Payment in kind was the primitive method of paying taxes; but, in view of the objections to which it gave rise, all colonial administrations endeavoured to replace payments in kind by money payments.

M. ITO replied that the authorities had continued to levy the tax in kind because no other possibility was open to them.

In reply to Lord Hailey, he explained that, since 1934, the Japanese Government had ceased to grant a subsidy, as the budget showed a surplus.

Lord HAILEY asked whether there had not been a surplus for several years, and whether the mandatory Power did not feel that, as a result of that surplus, it might usefully lighten taxation.

M. ITO said he thought that that might be a wise step. He pointed out that there was only the poll tax, representing a fairly small sum. It might perhaps be desirable to recommend that the surplus should be used to decrease taxation.

Mlle. DANNEVIG pointed out that, if the natives came into possession of larger sums of money, there would certainly be a demand in the islands for a large number of products, resulting in a rise in the standard of living of the natives, which seemed to be very low (page 36, paragraph 4, and page 62, paragraph 1, of the report), especially as regards housing.

M. MANCERON, laying stress upon the large budgetary surplus, asked whether it would not be advisable to use this money to begin the realisation of the economic plan referred to at the previous meeting. It constituted extraordinary revenue, which ought to be reserved for extraordinary expenditure.

M. ITO said that that was an interesting suggestion, which he would duly submit to his Government.

#### METHOD OF FIXING THE PRICE OF SUGAR-CANE.

Mlle. DANNEVIG, referring to page 74 of the report, in which mention was made of difficulties which had arisen between the South Seas Development Company and cultivators with regard to fixing the price of sugar-cane, asked what were the "ordinary profits" of the natives mentioned in that paragraph.

M. ITO replied that there was no fixed criterion. The decision depended largely on the season and local conditions. The authorities had endeavoured to fix as reasonable a rate as possible. It was a question in which he had taken a personal interest during his tour, and was connected with the question of the fixing of prices, which caused certain difficulties in other countries as well.

In reply to Mlle. Dannevig, he said that, in fixing the terms for the purchase of sugar-cane from the cultivator, the world price of sugar was also taken into account.

Lord HAILEY said that, in the Fiji Islands, cultivators were paid according to the sucrose content of the sugar-cane.

M. ITO said that that was an interesting suggestion, which he would bring to the notice of his Government.



JUDICIAL ORGANISATION : POLICE.

M. VAN ASBECK had been struck by the terms used in Chapter II of the report (page 7), where, for the first time—the term previously used had been “Offices in connection”—the expression “Subordinate Offices” had been used even for the judiciary. Was the judiciary really subordinate to the executive in the mandated territory? What exactly were the powers of the judiciary? Was it independent of or subordinate to the executive?

M. ITO replied that the terminology employed in this part of the report was somewhat ambiguous. The reference was simply to an administrative hierarchy. In point of fact, the Courts of Justice were independent.

M. VAN ASBECK asked whether there was any hierarchic connection between the judiciary and the Director of the South Seas Bureau.

M. ITO replied that the judiciary was independent.

M. VAN ASBECK noted (page 27 of the report) that the number of offences against the Spirituous Liquors Laws had considerably increased during 1935. Moreover, the table annexed to page 24 showed that the number of criminal cases dealt with by the court had increased in 1934—from 535 in 1933 to 755 in 1934. Was there any special reason for that increase?

M. ITO said it would be difficult to reply to that question, as he had no other statistics than those available in the report.

M. VAN ASBECK noted that the judicial statistics given in the report did not go beyond 1934 and asked whether, in the annual report, it would not be possible already to give the figures relating to the year under review. In view of the rather striking increase in the number of offences, he would have been glad to have some explanations of the reason for the increase, and not merely the figures without any remarks.

M. ITO said he would ask for information on the point. He observed how difficult it was to base an opinion on incomplete statistics.

Mlle. DANNEVIG noted (page 23 of the report), in the list of offences which could be dealt with by village chiefs, the act of “concealing oneself without legitimate reason in an uninhabited house or a vessel”. She also noted (pages 27 and 28 of the report) the increased number of prosecutions for offences by natives against the liquor laws, partly due to hunting—up of drinkers—even those drinking in the greatest secrecy. Surely the natives were in rather a difficult position, because, whereas Japanese might drink as much as they liked, natives were only allowed to do so on festival days and with special permission.

M. ITO explained that the section on page 23 might quite well refer to offences which never occurred. It had been thought desirable to make provision for all possibilities.

NEWSPAPERS.

M. VAN ASBECK asked whether, during 1935, there had not been any requests to start newspapers.

M. ITO replied that there were six daily newspapers in 1935 and seven in 1936 (page 28 of the report). They were of very small importance.

LAND TENURE.

Lord HAILEY noted that a good many Japanese settled in the islands. How could they be given land for cultivation without a considerable reduction in that available for the natives?

M. ITO replied that the land cultivated by newly arrived Japanese had not been cultivated by the natives. It could therefore be said that, up to the present, there had been no reduction in the area of land cultivated by natives because of the arrival of the Japanese.

Lord HAILEY asked whether all the land on which sugar was now grown was formerly vacant.

M. ITO replied in the negative. It had been planted, not with agricultural products, but with fruit trees, and so on.

Lord HAILEY asked how the land had been obtained from the natives. Were they thought to have any rights over it?

M. ITO said the islands concerned were very sparsely populated. The land was not considered as belonging to the natives.

Lord HAILEY asked by what laws or Government declarations the question of the Government's right to these various pieces of land was settled.

M. ITO said that all the regulations would be found in Chapter VIII of the "Collection of Laws and Regulations."

Lord HAILEY said he had not found the information he wanted in that chapter.

The CHAIRMAN put the question as follows: What is the main legislation on land tenure in the islands under Japanese mandate?

M. ITO replied that there was no legislation on the matter.

Lord HAILEY noted, from page 72 of the report, that an investigation had been begun in 1923 for the purpose of enquiring into the demarcation of private property owned by people other than the natives and land considered as Government property. He suggested that it was not enough to regard as private property only that which could be shown to be individually owned; and, therefore, in applying the ordinances appearing in Chapter VIII of the "Collection of Laws and Regulations", it should be remembered that, among primitive peoples, land tenure was collective rather than individual. He would be glad to have a survey, in the next report, of the mandatory Power's policy with regard to vacant and communal land.

M. ITO took note of the request, which he would communicate to his Government.

In the islands under Japanese mandate, it was thought that land not legally recognised as native property should be regarded as belonging to the State. In order to decide what land was private property, the investigation mentioned had been begun precisely with a view to confirming property rights. That investigation would show whether there was any private or communal property. The idea of private property had only been held in the islands for about thirty years. There was no trace of communal property, but only of rights to the communal use of land.

Lord HAILEY felt bound to draw special attention to the fact that considerable trouble had been caused in Africa by the tendency to press the legal distinction between property and use. He urged that, when the Japanese Government promulgated legislation on land tenure in the islands under Japanese mandate, it should see that the natives were not deprived of their land on the ground that they were not owners but were only entitled to the use of the land.

M. ITO said that, being concerned at this situation, the Japanese Government had made a rule that, until the legislation in question was adopted, the sale of land should be subject to permission from the Director of the South Seas Bureau. No sales could be made without his permission.

M. VAN ASBECK asked what would happen when the service responsible for delimitation declared a piece of land to be private property belonging to a non-native, or Government property, whereas a native chief claimed that it was communal land.

M. ITO said that, in that case, the native chief would have to advance proofs of his right to the property. He could appeal, if necessary, to the courts.

M. VAN ASBECK was surprised that the land was to be delimited by a Commission belonging to the South Seas Bureau. When that Commission's decision was questioned, the matter had to be referred to the South Seas Bureau. It was then settled by a Commission consisting of the Director of the Bureau, as President, and some of the officials of the Bureau itself, appointed by the Director. This, it would seem, amounted to saying that an appeal against a decision reached by a Commission of the South Seas Bureau was considered by the Director of the South Seas Bureau, who settled the matter.

M. ITO pointed out that a survey was an administrative matter. Claims against administrative decisions had to be judged administratively; care should be taken not to confuse administrative and judicial matters.

M. VAN ASBECK said that a land survey was a truly administrative operation based on a state of affairs which could be established by the legal authorities. In general, a land survey created no rights, but only recorded facts. But the texts in the collection of laws of the islands under mandate and the comments given in the report (pages 71 and 72) gave rise to doubts; in particular, it might be concluded therefrom that delimitation not only established existing rights, but also created new ones. As regards appeals, it might be asked whether, while admitting that they were administrative in character, the operations were carried out with the necessary impartiality.

M. Ito replied that, if the natives thought they had a right to any land, they could always appeal to the courts.

The CHAIRMAN said that appeal to the courts appeared to be excluded by Imperial Ordinance No. 263, which stated that any claims with regard to the delimitation of the land by the Special Commission should be referred to the Director of the South Seas Bureau (page 181 of the "Collection of Laws and Regulations").

M. Ito replied that claims were referred to an administrative court consisting of several members.

M. VAN ASBECK added that, according to the texts, appeal against A's decision was referred to A himself, assisted by some of his own officials. All the authorities called upon to decide those matters were very closely connected with the same branch of the Administration. There did not seem to him to be a proper guarantee that decisions would be impartial. It was a question of primary importance in colonial administration.

Lord HAILEY agreed that a survey was an administrative operation, but M. Ito had said that any dispute could be referred to the courts. A court could only reach a decision on the basis of legislation as to what conferred a right to the land; and, in the absence of such legislation, decision as to rights remained with the executive authorities. He suggested that, as had been done in the Belgian Congo, there should be a small commission, including a magistrate, which should examine the claims of natives. When the Commission differed from the Administration, the case should be referred to the Governor himself. Lord Hailey thought the Government might also rule that the right to the use of the land did not extend solely to the land occupied by a man, but to any land that might be needed for meeting the requirements of his family in the near future. In many cases, ordinances had provided that heads of families should be given at least three times the area they occupied.

M. Ito said he would transmit those suggestions to his Government and would urge, in particular, that there should be an independent member on all commissions adjudicating on disputes as to the delimitation of land, in order that decisions should be as impartial as possible.

The CHAIRMAN said the Commission was not making pressing recommendations, but merely drawing attention to the matter. The protection of the natives would be safeguarded if there were a magistrate on such commissions.

#### LABOUR.

Mr. WEAVER noted that it was stated (page 39 of the report) that there was not a relationship of cause and effect between the demographical situation of Yap Island and the recruitment of labourers. He hoped, however, that the mandatory Power would continue to give attention to the question.

He noted on page 41 of the report that the number of workers employed in the sugar industry was increasing. He would be glad of information as to the conditions in which these workers lived—the accommodation provided for them, whether they lived with their families or in quarters, and so on.

M. Ito said he would transmit that request to his Government.

Mr. WEAVER understood that there were company stores in Angaur Island for the sale of goods to the natives. He would be glad to know whether the Government had laid down any regulations to prevent workers from being exploited and falling into the company's debt.

M. ITO had had an interview on the matter with the Director of the South Seas Bureau, during which it had been proved to M. Ito that the stores were necessary because there were no traders in the islands concerned. The stores were private undertakings and had no legal or juridical standing. He would pass on Mr. Weaver's request for information.

M. RAPPARD asked whether women were employed in the Angaur mines, as might be supposed from the information on pages 38 and 39 of the report.

Mr. WEAVER understood that, although there were regulations concerning the employment of women, no women were, in fact, employed.

M. ITO confirmed that statement.

Mlle. DANNEVIG asked whether children worked on the sugar plantations.

M. ITO had no information.

Mlle. DANNEVIG asked whether women received the same wages as men. If not, what were their wages? According to information already received, they were more useful in the sugar plantations than men.

M. ITO replied that they received lower wages than the men. Wages varied a good deal, however, from one place to another. In some, women did more work than men.

#### MISSIONS.

M. PALACIOS said it would be seen from page 45 of the report that the number of churches and missionaries was almost the same in 1935 as in 1934. The number of the faithful had increased by about 3,400 in 1935, however, whereas in 1934 there had been an increase as compared with 1933 of 20,000. The increase in 1935 seemed to be explained by the increase in the number of Buddhists (26,150) (page 45 of the report). The total number of native believers (Catholics, Protestants and Buddhists) was said to be 41,872. As the total native population amounted in 1935 to 50,540, there were only about 8,600 natives who did not belong to one of these three religions. He would like to know in what part of the territory the latter natives belonged.

The report contained no information as to the activities of the missions apart from their spiritual work. Were the missions engaged in any other work besides evangelisation? He hoped to find adequate information in the next report.

M. Palacios said that, in the allocation of subsidies between the missions of the various beliefs, the report always reproduced *mutatis mutandis* the same criterion; it seemed that the subsidies were divided according to the resources of the missions. The Catholic mission, although it had the largest number of missionaries, all Spanish, as well as a very considerable number of initiates, had only received 7,000 yen in 1935, or 1,000 yen less than in the previous year, whereas the South Seas Mission, from Japan, had continued to receive 22,000 yen, out of a total sum allotted to subsidies of 31,700 yen (page 46 of the report). It was added that "7,000 yen is the amount that originally used to be given to the mission prior to the political disturbances in Spain, on account of which an additional 1,000 yen was granted in the preceding years". In view of that explanation, it was to be hoped, unfortunately, that the subsidy for next year would be considerably increased.

M. MANCERON noted that the various religions had 67,673 supporters (page 45 of the report) out of a population of 102,238 (page 80). He asked what religion was held by the rest of the people.

M. ITO replied that they were very primitive peoples. They were probably animists.

#### EDUCATION.

Mlle. DANNEVIG thanked the mandatory Power for the information given with regard to the health examination undergone by school-children (pages 53 and 54 of the report).

She found that, according to the table on page 13, the sums devoted to the education of the natives amounted, in 1934, to 224,376 yen, whereas in 1933 they amounted to 225,355 yen. The previous year, however, the accredited representative had stated that larger sums could be devoted in future to the education of the natives.<sup>1</sup> She therefore asked what was the reason for this reduction, and whether the Government intended to increase the credits granted for the education of the natives. She thought that much of the information given in the report must lead to the conclusion that the natives were in great need of education, especially as regards hygiene and health matters.

M. ITO thought that the reduction referred to a sum set aside for the construction of school buildings. The other sums devoted to education had not been reduced.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 140.

Mlle. DANNEVIG noted on page 53 of the report that each month the school-children were examined by a doctor. She asked whether any progress had been observed in the health of the children, the previous reports having suggested that they were generally underfed.

M. ITO said he had no information on the subject, and it was difficult to give any, for no previous statistics were available.

Mlle. DANNEVIG noted on page 62 of the report that, in certain Government hospitals, natives were given a year's course in medicine and pharmacy at the Government's expense for the purpose of training them as medical practitioners. She thought that a year's course was rather short.

M. ITO said that they were not doctors but auxiliary health staff capable of giving first-aid. The steps in question had been taken to improve public health.

#### ALCOHOL AND SPIRITS : DRUGS.

Count DE PENHA GARCIA observed that a large quantity of alcoholic beverages was consumed in the islands under Japanese mandate (page 60 of the report). At the same time, he noted that the provisions of the decrees governing the consumption of alcoholic beverages were strictly applied to the natives (page 58 of the report). The report stated, moreover, that it was quite wrong to assume from the increased number of the violations of these regulations that drinking was prevalent among the natives. On the contrary, the increase in the number of offenders dealt with was stated to be due to stricter control (page 95 of the report). In the previous year<sup>1</sup> he had suggested that the Government should adopt certain methods practised in other territories to induce the natives to consume less harmful beverages. He thought he ought to repeat his suggestion.

As regarded narcotics (page 61 of the report), Count de Penha Garcia observed that the report did not mention any offences in this connection.

M. ITO replied that it was difficult for him to give more information on these questions than was contained in the report. Offences relating to narcotics were certainly very rare in the islands, for the Japanese, although they consumed alcoholic beverages, were not opium-smokers. Nor were the natives addicted to narcotics. He would, however, ask for additional information on this point. He would also convey to his Government the suggestions made regarding alcoholic beverages.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA observed that the report contained on pages 65 and 66 certain particulars on the steps taken to improve health conditions in the territory. It stated that a large number of natives received no medical attention and that the Administration was endeavouring to strengthen the medical staff. It appeared, however, from page 62, that the medical staff had remained the same in 1934 as in 1933—that was to say, that it consisted of sixty-eight persons, including twenty-four doctors. He was sure the mandatory Power would make a further effort to improve the health conditions of the natives, for there was a great deal to be done in that field.

M. ITO replied that there were practical difficulties in the way. An endeavour had been made to inculcate hygienic principles among the natives, but a great deal remained to be done.

Count DE PENHA GARCIA observed in the table accompanying page 69 of the report that 27% of deaths were indicated as due to causes which could not be diagnosed. This proportion seemed to him very high, since for the Japanese and Europeans it only amounted to 2%. Was this due to the fact that the medical service was not yet sufficiently well organised or that it had not exact information?

M. ITO explained that the natives did not ask for hospital treatment and that consequently it was difficult to obtain information on the causes of death. Moreover, material difficulties stood in the way of studying the question closely in the distant islands.

Count DE PENHA GARCIA asked if the figures given for hospital attendance (page 68 of the report) referred to the number of persons admitted or the number of days' treatment. In the former case, the proportion would be a very high one.

M. ITO replied that he would ask for information on the subject.

Count DE PENHA GARCIA noted that the Administration did not know the number of lepers in the islands (page 64 of the report) and could not say whether tuberculosis was on the decline. He would be glad to have supplementary information on the subject.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 141.

DEMOGRAPHIC STATISTICS : JAPANESE IMMIGRATION : MEASURES TAKEN TO CHECK THE DECREASE IN THE NATIVE POPULATION.

M. RAPPARD recalled that, in the previous year,<sup>1</sup> the Commission had submitted the following observation to the Council :

“ The Commission again observed with concern that the native population of the territory appears to be stationary and even in some islands to be decreasing. It trusts that the efforts of the Administration to check the depopulation of the territory may prove successful in the near future ” (pages 142-143, 177 of the Minutes).

It was stated on page 80 of the report that, in 1935, a census had been taken in the territory and that, so far as the provisional results were known, the population amounted to 102,238 (51,606 Japanese, 92 foreigners and 50,540 natives). It could be seen from the table attached to page 80 that the increase in the native population since 1920 had been about 2,000, while that of non-natives—that was to say, chiefly Japanese—had increased during the same period from 3,700, to about 51,000.

On page 66, the report contained information taken from the enquiry on the causes of the decline in the number of natives and of the measures taken to stop it. The reader was referred for details to the annual report for 1932.

In the previous year, the accredited representative had stated<sup>2</sup> that a scientific mission had been sent to the island of Yap to study the question of the decline in births and the high infant mortality. He had also stated that the work was still only in the stage of research.

Could the accredited representative give the Commission an account of the measures taken up to the present to stop the depopulation of the islands—a question which had engaged the Commission's attention since 1924 ?

M. ITO replied that the enquiry undertaken a long time ago by the Government on the causes of the depopulation of the island of Yap had resulted in the previous year in the publication of eight articles summarising the results of the enquiry which had been conducted for two years. M. ITO had not had time to make a written summary of the publications ; if the Commission wished, he could send one.

The investigators had first of all sought to determine the causes of death, and, secondly, to ascertain the causes of the decline in the population. They had reached the conclusion that the greatest number of deaths in the islands were due to tuberculosis. The investigating doctors had proceeded, with the assistance of the Catholic missions and of the authorities, to a special study of the spread of venereal diseases among the population of the islands. Despite the difficulties encountered in persuading the natives to submit to medical examination, and thanks, in a large degree, to the help of the Catholic missions, the enquiry had been brought to a successful conclusion. The doctors had observed a very high percentage of venereal diseases in the population, especially among the women. The enquiry had covered 90% of the population. The investigators had attributed the considerable decline in births to this wide dissemination of venereal diseases among women. The conclusion, therefore, was that the natives died chiefly of tuberculosis, and that venereal diseases were the cause of the decline in the birth rate.

The investigators had made a study of the customs of the population and had observed that certain of them were unfavourable to repopulation. Suggestions had been made for combating the two above-mentioned evils. If the Commission wished, M. ITO could supply it with fuller details on the results of the Medical Commission's enquiry.

The CHAIRMAN thanked M. ITO for this information. The Commission would be glad, he was sure, if the mandatory Power could ascertain the causes of the demographic phenomena observed in the island of Yap ; he hoped that the information might be given in the next report.

M. ITO said he would send the Commission a more detailed summary of the report of the Commission of Enquiry.

M. RAPPARD recalled that the previous year the report had mentioned that Japanese immigration had reached its maximum. The present report being silent on the question, he asked what inference was to be drawn. Had immigration still further increased ?

M. ITO said he had no information on the subject. He would transmit M. RAPPARD's question to his Government.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. ITO for the valuable assistance he had given the Commission in the examination of the annual report.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 201.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 143.

TWENTIETH MEETING.

*Held on Tuesday, November 10th, 1936, at 10.30 a.m.*

**Petitions rejected under Article 3 of the Rules of Procedure in respect of Petitions : Report by the Chairman.**

*The Commission noted the Chairman's report (Annex 3).*

**Syria and Lebanon : Petition, dated November 14th, 1935, from M. Sami Slim, Beirut.**

*After an exchange of views, the Commission adopted the conclusions of M. Sakenobe's report (Annex 9).*

**Syria and Lebanon : Petition, dated February 21st, 1936, from M. Ahmed Zaki Afouni, Beirut.**

*After an exchange of views, the Commission adopted the conclusions of M. Orts' report (Annex 8).*

**Syria and Lebanon : Petition, dated October 15th, 1935, from M. F. Jourdain, President of the "Ligue française contre l'Impérialisme et l'Oppression coloniale", Paris.**

*After an exchange of views, the Commission adopted the conclusions of M. Orts' report (Annex 4).*

**Syria and Lebanon : Petition, dated January 20th, 1936, from M. R. Chambour, Tripoli.**

*After an exchange of views, the Commission adopted the conclusions of Mlle. Dannevig's report (Annex 10).*

**Cameroons under French Mandate : Petition, dated November 3rd, 1935, from M. Albert Ganne, Vaux (Creuse), France (continuation).**

*After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 11), on the understanding that, in doing so, it was not expressing an opinion on the reasons for non-receivability advanced by the mandatory Power.*

**Syria and Lebanon :**

**(1) Petition, dated April 9th, 1936, from M. Abdallah Mahmoud Akkari, Safita.**

**(2) Petition, dated April 13th, 1936, from M. Ahmed El-Fil, Journalist, and Other Inhabitants of Massiaf.**

M. RAPPARD, Rapporteur, thought that these petitions should be adjourned for the two following reasons : (1) they should not be considered before the representative of the mandatory Power had had an opportunity of communicating his views ; (2) they were not urgent enough to justify summoning the accredited representative.

*The Commission approved the Rapporteur's proposal.*

**Syria and Lebanon : Petition, dated February 4th, 1936, with Annex, from Dr. Chichakli, Hama.**

*The Commission decided to postpone the examination of the petition.*

**Ruanda-Urundi : Observations of the Commission.**

*After an exchange of views, the Commission adopted the text of its observations concerning Ruanda-Urundi (Annex 12).*

TWENTY-FIRST MEETING.

*Held on Wednesday, November 11th, 1936, at 10.30 a.m.*

**Commemoration of Armistice Day.**

At 11 a.m., the Commission, on the motion of the Chairman, observed one minute's silence as a tribute to the memory of those who fell in the great war.

**Palestine : Question of an Extraordinary Session of the Commission (continuation) : Communication to the Press.**

After a short exchange of views, the Commission, noting that rumours were current concerning its decision to hold an extraordinary session next spring to consider the Palestine disorders and deeming it desirable to forestall any erroneous information on the subject, *decided that a communiqué should be issued to the Press explaining succinctly the reasons for this, decision.* It should also be made clear that this decision had been taken subject to the approval of the President of the Council of the League of Nations.

**Islands under Japanese Mandate : Observations of the Commission.**

After a short exchange of views, *the Commission adopted the text of its observations concerning the islands under Japanese mandate (Annex 12).*

**Syria and Lebanon : Petitions, dated March 28th, 1936, from the Emir Ahmed Chehabi, Damascus and March 19th, 1936, from M. Salah Labaki, Avocat à la Cour, Beirut.**

After an exchange of views, *the Commission adopted the conclusions of Mlle. Dannevig's report (Annex 6).*

**Examination of the Draft Report to the Council.**

After an exchange of views, *the Commission adopted the draft report to the Council on the work of its thirtieth session (Annex 12).*

**List of Annexes to the Minutes of the Session.**

*The list of annexes was adopted.*

**Palestine : Question of an Extraordinary Session of the Commission (continuation) : Convocation of the Accredited Representative of the Mandatory Power.**

On the proposal of the CHAIRMAN, *the Commission decided that the accredited representative of the mandatory Power should be asked to be present on the day following the opening of the proposed extraordinary session to be held in the spring of 1937.*

**Programme of Work for the Next Ordinary Session of the Commission.**

The CHAIRMAN said that the system applied for the last two years, which provided for the drawing-up of a programme of work for the session, had proved most satisfactory. If the Commission thought that this system should be continued, the Secretariat would prepare for the next ordinary session a programme of work which would first be submitted to the Chairman, then to the mandatory Powers concerned, and subsequently communicated in due course and in its final form to the members of the Commission.

The Commission might also decide that the first two or three meetings of the ordinary session should be devoted to a preliminary exchange of views between the members of the Commission, prior to the examination of the annual report with the assistance of the accredited representatives of the mandatory Powers.

*The Chairman's proposals were adopted.*

**Close of the Session.**

The CHAIRMAN said that it had been a pleasure to him to preside over the session. It was easier, from the Chair, to gather a complete idea of the high quality of the Commission's work; so full of instruction. He ventured to congratulate his colleagues on the conscientiousness and inspiration with which they carried out their work. He thanked the official who directed the work of the Mandates Section and all his assistants.

COUNT DE PENHA GARCIA, speaking on behalf of his colleagues, thanked the Chairman and congratulated him on the admirable way in which he had presided over the work of the session.



ANNEX I.

LIST OF DOCUMENTS FORWARDED TO THE SECRETARIAT BY  
THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE  
REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| A. Cameroons under British Mandate. | E. Togoland under French Mandate.  |
| B. Cameroons under French Mandate.  | F. Islands under Japanese Mandate. |
| C. Ruanda-Urundi.                   | G. Western Samoa.                  |
| D. Togoland under British Mandate.  |                                    |

A. CAMEROONS UNDER BRITISH MANDATE.

*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 1935.
2. Supplementary Financial Statement, showing the Revenue and Expenditure of the Cameroons under British Mandate, for the Financial Year ending March 31st, 1936.
3. The Laws of Nigeria. Legislation enacted during :  
1934 ;  
1935.
4. Orders and Orders-in-Council, Nos. 1-56 of 1936.
5. Ordinances, Nos. 1-17 of 1936.
6. Regulations, Nos. 1-25 of 1936.
7. Rules, Nos. 1-9 of 1936.
8. Bye-Laws, Nos. 1 and 2 of 1936.
9. Resolutions and Orders, Nos. 1 and 2 of 1936.
10. Rules of Courts (Supreme Court, High Court), Nos. 1-6 of 1936.
11. Legislative Council Debates (Nigeria) :<sup>2</sup>  
Thirteenth Session 1935 :  
(December 2nd and 3rd, 1935) ;  
Fourteenth Session 1936 :  
(March 2nd and 5th, 1936) ;  
(May 18th and 19th, 1936).

*Various Official Publications.*

1. Photographs from the Cameroons Province.<sup>2</sup>
2. Nigeria Official Gazette.<sup>2</sup>

B. CAMEROONS UNDER FRENCH MANDATE.

*Annual Report and Legislation.*

Annual Report by the French Government to the Council of the League of Nations on the Administration under Mandate of the Cameroons Territory for the Year 1935 (legislation annexed hereto).

<sup>1</sup> (a) The documents mentioned in this list have been sent to the Secretariat for the use of the Permanent Mandates Commission. Unless otherwise indicated, the members of the Commission should have received a copy of all these documents.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

(b) The petitions forwarded by the mandatory Powers, together with their observations on those 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.

<sup>2</sup> Kept in the archives of the Secretariat.

*Various Official Publications.*

1. Budget of Income and Expenditure. Financial Year 1936.
2. Special Budget of Large-scale Works and Sanitary Expenditure from Loan Funds. Financial Year 1936.
3. Railways Operation Budget (annexed to the Special Budget). Financial Year 1936.
4. Special Budget and Annexed Budget. Closed account of revenue and expenditure. Financial Year 1934.  
Special Budget 1934.  
Railways Operation Budget (annexed to the Special Budget). Financial Year 1934.
5. Official Gazette of the Cameroons Territory. <sup>1</sup>

*Document handed in by the Accredited Representative to the Commission at its Second Meeting of the Thirtieth Session on October 27th, 1936.* <sup>1</sup>

Decree of August 4th, 1935, annulling, in so far as it affects the Cameroons and Togoland under French mandate, the Decree of December 13th, 1932, which put into force in these territories the Act of May 16th, 1930, reserving passenger and goods traffic for French aircraft, except as may be otherwise provided.

C. RUANDA-URUNDI.

*Annual Report and Legislation.*

Report by the Belgian Government to the Council of the League of Nations on the Administration of Ruanda-Urundi during 1935 (legislation annexed hereto).

*Various Official Publications.*

Official Bulletin of Ruanda-Urundi. <sup>1</sup>

D. TOGOLAND UNDER BRITISH MANDATE.

*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 1935.
2. Legislative Council Debates (Gold Coast Colony): Session 1936 — Issue No. 1. <sup>1</sup>
3. Ordinances of the Gold Coast, Ashanti, Northern Territories and Togoland under British Mandate, 1935.

*Various Official Publications.*

1. Gold Coast Colony: Report on the Audit Department for the Year 1934/35. <sup>1</sup>
2. Gold Coast Colony: Trade Report for the Year 1935. <sup>1</sup>
3. Gold Coast Colony: Report on the Gold Coast Survey for the Year April 1935 to March 1936. <sup>1</sup>
4. Gold Coast Colony: Report on the Police Department for the Year 1935/36. <sup>1</sup>
5. Address delivered by His Excellency the Governor, Sir Arnold Wienholt Hodson, K.C.M.G., on the occasion of the Opening of the 1936 Session of the Legislative Council, February 20th, 1936. <sup>1</sup>
6. The Gold Coast Gazette. <sup>1</sup>

E. TOGOLAND UNDER FRENCH MANDATE.

*Annual Report and Legislation.*

Annual Report 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 1935 (legislation annexed hereto).

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<sup>1</sup> Kept in the archives of the Secretariat.

*Various Official Publications.*

1. Final Accounts of the Local Budget and Annexed Budgets : Financial Year 1934.
2. Local Budget.  
Annexed Budget for Railways Operation and Wharves.  
Annexed Budget from Loan Funds :  
Financial Year 1935 ;  
Financial Year 1936.
3. Official Gazette of the Territory of Togoland under French Mandate. <sup>1</sup>

*Document handed in by the Accredited Representative to the Commission at its Second Meeting of the Thirtieth Session on October 27th, 1936.*<sup>1</sup>

Decree of August 4th, 1935, annulling, in so far as it affects the Cameroons and Togoland under French mandate, the Decree of December 13th, 1932, which put into force in these territories the Act of May 16th, 1930, reserving passenger and goods traffic for French aircraft, except as may be otherwise provided.

F. ISLANDS UNDER JAPANESE MANDATE.

*Annual Report and Legislation.*

Annual Report to the League of Nations on the Administration of the South Sea Islands under Japanese Mandate for the Year 1935 (legislation annexed hereto).

G. WESTERN SAMOA.

*Annual Report and Legislation.*

1. Sixteenth Report of the Government of New Zealand on the Administration of the Mandated Territory of Western Samoa for the Year ended March 31st, 1936.
2. No. 1/1935. — The Companies Repeal Ordinance.
3. No. 2/1935. — The Land for Water Supply Purposes Ordinance.
4. The Samoa Companies Order, 1935.
5. The Samoa Registration of Europeans Regulations Amendment, 1935.
6. The Samoa Law Practitioners Order, 1935.
7. The League of Nations Sanctions (Enforcement in Samoa) Order, 1935.
8. The Samoa Treasury Regulations Amendment Order, 1935.

*Various Official Publications.*

1. Trade, Commerce and Shipping Report of the Territory of Western Samoa for the Calendar Year 1935.
2. Estimates of Revenue and Expenditure for the Year 1936/37.
3. The Western Samoa Gazette. <sup>1</sup>

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ANNEX 2.

C.P.M.1842(1).

AGENDA OF THE  
THIRTIETH SESSION OF THE PERMANENT MANDATES COMMISSION

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- I. Opening of the Session.
- II. Examination of the Annual Reports of the Mandatory Powers :  
Cameroons under British Mandate, 1935.  
Cameroons under French Mandate, 1935.  
Togoland under British Mandate, 1935.  
Togoland under French Mandate, 1935.  
Ruanda-Urundi, 1935.  
Islands under Japanese Mandate, 1935.  
Western Samoa, 1935/36.

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<sup>1</sup> Kept in the archives of the Secretariat.

III. Petitions :

A. Petitions rejected by the Chairman as not deserving the Commission's attention :  
Report by the Chairman (document C.P.M.1859(1)).

B. Petitions to be examined :

1. Palestine :

- (a) Petition, dated April 12th, 1936, from Abdul Latif Bey Salah, President of the National League, Nablus, transmitted on June 12th, 1936, by the United Kingdom Government with its observations (document C.P.M.1810).<sup>1</sup>
- (b) Petition (undated) from the Arab Committee of Nablus, transmitted on June 22nd, 1936, by the United Kingdom Government with its observations (document C.P.M.1813).<sup>1</sup>
- (c) Petition, dated June 8th, 1936, from the Committee of Exiles of Auja Hafir, transmitted on July 30th, 1936, by the United Kingdom Government with its observations (document C.P.M.1818).<sup>1</sup>
- (d) Petitions, dated April 20th and 23rd, 1936, from the National Committee, Nablus, and April 21st, 1936, from M. Taher Hannun, M. Farid Hamdallah and others, Tulkarm, transmitted on August 11th, 1936, by the United Kingdom Government with its observations (document C.P.M.1820).<sup>1</sup>
- (e) Petition, dated June 20th, 1936, from the Supreme Arab Committee, Jerusalem, transmitted on August 20th, 1936, by the United Kingdom Government with its observations (document C.P.M.1824).<sup>1</sup>  
Supplementary observations from the United Kingdom Government, dated September 10th, 1936 (document C.P.M.1837).
- (f) Petition (undated) from the Arab Women's Committee, Jerusalem, transmitted on August 27th, 1936, by the United Kingdom Government with its observations (document C.P.M.1826).<sup>1</sup>
- (g) Petition, dated June 27th, 1936, from the Supreme Arab Committee, Jerusalem, transmitted on August 20th, 1936, by the United Kingdom Government with its observations (document C.P.M.1830).<sup>1</sup>
- (h) Petitions :
  - (a) (undated) from Said Said Sabbah and others, Telfit ;
  - (b) (undated) from the Mukhtars of certain villages in the Nablus sub-district ;
  - (c) dated May 6th, 1936, from the representatives of labourers of Baqa Gharibiya ;  
transmitted on August 1st, 1936, by the United Kingdom Government with its observations (document C.P.M.1831).<sup>1</sup>
- (i) Petition, dated June 27th, 1936, from the Supreme Arab Committee, Jerusalem, transmitted on September 11th, 1936, by the United Kingdom Government with its observations (document C.P.M.1836).<sup>1</sup>
- (j) Petition, dated July 15th, 1936, from the Supreme Arab Committee, Jerusalem, transmitted on September 10th, 1936, by the United Kingdom Government with its observations (document C.P.M.1838).<sup>1</sup>
- (k) Petition, dated March 1936, from the World Union of Zionist Revisionists, London, transmitted on March 23rd, 1936, by Mr. Berchin, member of the Executive Committee of the Union (document C.P.M.1761).<sup>1</sup>  
Observations, dated July 28th, 1936, of the United Kingdom Government (document C.P.M.1817).
- (l) Petition, dated May 28th, 1936, from the Executive Committee of the World Union of Zionist Revisionists, London (document C.P.M.1811).<sup>1</sup>  
Observations, dated August 24th, 1936, of the United Kingdom Government (document C.P.M.1825).
- (m) Petition, dated April 29th, 1936, from Dr. Weinshall and other members of the New Zionist Organisation in Palestine, Tel-Aviv, transmitted on August 31st, 1936, by the United Kingdom Government with its observations (document C.P.M.1829).<sup>1</sup>
- (n) Petition, dated March 6th, 1936, from M. Hagop Simonian, Jerusalem, transmitted on September 30th, 1936, by the United Kingdom Government with its observations (document C.P.M.1843).<sup>1</sup>

<sup>1</sup> The examination of this petition was postponed, in accordance with a decision taken by the Commission on November 3rd, 1936 (page 108).

- (o) Petition, dated April 17th, 1936, from M. Mosche Smilansky, President of the Jewish Farmers' Federation of Palestine, and from M. Tolkowsky, General Manager of the Jaffa Citrus Exchange, transmitted on October 16th, 1936, by the United Kingdom Government with its observations (document C.P.M.1845).<sup>1</sup>
- (p) Petition, dated July 20th, 1936, from M. Mohammad Amin Husseini, President of the Supreme Arab Committee, Jerusalem, transmitted on October 16th, 1936, by the United Kingdom Government with its observations (document C.P.M.1846).<sup>1</sup>

2. Syria and Lebanon :

- (a) Petition, dated October 15th, 1935, from M. F. Jourdain, President of the "Ligue française contre l'impérialisme et l'oppression coloniale", Paris (document C.P.M.1718).  
Observations, dated August 31st, 1936, of the French Government (document C.P.M.1827).  
(Rapporteur : M. Orts.)
- (b) Petition, dated March 24th, 1936, from M. Lotfallah Khlab, M. Assad Habib and other members of the "Eglise Orientale", Tripoli, transmitted on August 1st, 1936, by the French Government with its observations (document C.P.M.1819).  
(Rapporteur : Lord Hailey.)
- (c) Petitions, dated March 28th, 1936, from the Emir Ahmed Chehabi, Damascus, and March 19th, 1936, from M. Salah Labaki, "Avocat à la Cour", Beirut, transmitted on August 8th, 1936, by the French Government with its observations (document C.P.M.1821).  
(Rapporteur : Mlle. Dannevig.)
- (d) Petitions dated :
  - (a) April 17th, 1936, from M. Ali Yacoub, M. Mahmoud Safa and other signatories, Beirut ;
  - (b) April 16th, 1936, from M. Ahmed Daher, M. Louis El Haj, M. Abdel Latif Hemade and other signatories, Beirut ;
  - (c) April 17th, 1936, from M. Souleiman Dada, M. Aref Khalil and other signatories, Tyre ;  
transmitted on August 8th, 1936, by the French Government with its observations (document C.P.M.1822).  
(Rapporteur : Count de Penha Garcia.)
- (e) Petition, dated February 21st, 1936, from M. Ahmed Zaki Afouni, Beirut, transmitted by the French Government with its observations (document C.P.M.1828).  
(Rapporteur : M. Orts.)
- (f) Petition, dated November 14th, 1935, from M. Sami Slim, Beirut, transmitted on September 9th, 1936, by the French Government with its observations (document C.P.M.1832).  
(Rapporteur : M. Sakenobe.)
- (g) Petition, dated April 9th, 1936, from M. Abdallah Mahmoud Akkari, Safita, transmitted on September 19th, 1936, by the French Government with its observations (document C.P.M.1833).<sup>2</sup>  
(Rapporteur : M. Rappard.)
- (h) Petition, dated April 13th, 1936, from M. Ahmed El-Fil, journalist, and other inhabitants of Massiaf, transmitted on September 21st, 1936, by the French Government with its observations (document C.P.M.1840).<sup>2</sup>  
(Rapporteur : M. Rappard.)
- (i) Petition, dated February 9th, 1936, from M. Rachid el Houssami, M. Behjat Chehabi, and other Syrian advocates, communicated by Maître Fayez Khoury, President of the Bar Society, transmitted on October 22nd, 1936, by the French Government with its observations (document C.P.M.1848).<sup>3</sup>  
(Rapporteur : M. Palacios.)

<sup>1</sup> The examination of this petition was postponed, in accordance with a decision taken by the Commission on November 3rd, 1936 (page 108).

<sup>2</sup> The examination of this petition was postponed, in accordance with a decision taken by the Commission on November 10th, 1936 (page 192).

<sup>3</sup> The examination of this petition was postponed, in accordance with a decision taken by the Commission on November 3rd, 1936 (pages 107-108).

- (j) Petition, dated February 4th, 1936, with Annex, from Dr. Chichakli, Hama, transmitted on October 22nd, 1936, by the French Government with its observations and one Annex (document C.P.M.1847).<sup>1</sup>  
(Rapporteur : M. van Asbeck.)
- (k) Petition, dated January 20th, 1936, from M. R. Chambour, Tripoli, transmitted on October 22nd, 1936, by the French Government with its observations (document C.P.M.1849).  
(Rapporteur : Mlle. Dannevig.)
3. Cameroons under French Mandate :  
Petition, dated November 3rd, 1935, from M. Albert Ganne, Vaux (Creuse), France (document C.P.M.1752).  
Observations, dated February 24th, 1936, of the French Government (document C.P.M.1760).  
(Rapporteur : M. Rappard.)

C.P.M.1859(1).

ANNEX 3.

PETITIONS REJECTED UNDER ARTICLE 3 OF THE RULES OF  
PROCEDURE IN RESPECT OF PETITIONS.

REPORT BY THE CHAIRMAN.

I have the honour, in conformity with the terms of Article 3 of the Rules of Procedure, to submit the following report on petitions, received since our last ordinary session, which I do not regard as satisfying the conditions of admissibility required by the Rules of Procedure in respect of petitions concerning mandated territories.

PALESTINE.

- (a) *Petitions addressed to the League of Nations in connection with the disturbances in Palestine in 1936.*
1. Letter, dated May 7th, 1936, from M. Kaufmann, President of the Jewish Community of Harbin, transmitting a resolution adopted on May 5th, 1936, by the Council of the said community.
  2. Letter, dated May 25th, 1936, from M. Abdel Hai Amer, President of the "Association des Étudiants arabes de Toulouse".
  3. Petition, dated May 28th, 1936, from the "Union féministe arabe", Beirut, forwarded on June 11th, 1936, by Mrs. Corbett Ashby, President of the International Alliance of Women for Suffrage and Equal Citizenship.
  4. Telegram, dated May 28th, 1936, from the "Colonia Arabe en Bolivia", La Paz.
  5. Telegram, dated May 28th, 1936, from the "Colonia Arabe" of Cochabamba (Bolivia).
  6. Telegram, dated May 31st, 1936, from the "Sociedad Juventud Palestina", Santiago de Chile.
  7. Telegram, dated June 2nd, 1936, from the Arab National League, New York.
  8. Telegram, dated June 6th, 1936, from the New Zionist Organisation, Toronto.
  9. Telegram, dated June 7th, 1936, from the New Zionist Organisation of Canada, Montreal.
  10. Telegram, dated June 8th, 1936, from the New Zionist Organisation of St. Louis and the Alliance of Military Cadets.
  11. Telegram, dated June 8th, 1936, from the New Zionist Organisation, New York.
  12. Telegram, dated June 12th, 1936, from the "Centro Israelita Sociedad Hebrea", Cali (Colombia).

<sup>1</sup> The examination of this petition was postponed, in accordance with a decision taken by the Commission on November 10th, 1936 (page 192).

13. Telegram, dated June 13th, 1936, from M. Cristo Jr., "Comité arabe Pro Palestina", Cucuta (Colombia).
14. Letter, dated June 20th, 1936, from M. Rashid Nawal, President of the "Youngmen Peshawaree Association", Rangoon (Burma).
15. Letter, dated June 20th, 1936, from M. J. K. Kadizi, President of the Public Meeting of the Muslims of Ahmedabad, Ahmedabad, Mirzapur (India).
16. Letter, dated June 23rd, 1936, from the President of the Association of Moslem Youth, Baghdad.
17. Letter, dated June 28th, 1936, from Me. Mouradi Khaled, Advocate of the Court, Damascus.
18. Letter, dated July 2nd, 1936, from M. Salem Beni Slimen and others, Menzel-Temime (Tunis).
19. Letter, dated July 8th, 1936, from M. Mohamed Ben Mohamed El Fékih, Nabeul (Tunis).
20. Letter, dated July 8th, 1936, from M. Mohamed Khelil and others, Korba (Tunis).
21. Telegram, dated July 9th, 1936, from M. Duk, President of the "Sociedad Union Musulmana", Santiago de Chile.
22. Letter, dated July 10th, 1936, from M. Osman Koutaimich, President of the "Union arabe de Beneficencia", Ayacucho (Argentine).
23. Letter, dated July 16th, 1936, from M. A. Altabeb, former Rabbi, Sofia.
24. Letter, dated July 16th, 1936, from M. E. Edersheim, Honorary President of the "Nederlandse Zionistenbond", The Hague, transmitting the text of a resolution adopted at a meeting held at The Hague on July 13th, 1936, by the following organisations: Dutch Jewish Parish, The Hague; Portuguese Jewish Parish, The Hague; Zionist Organisation, section The Hague; "Agoedas Yisraël", section The Hague; "Alliance israélite universelle", section The Hague; Committee for Special Jewish Interests; "Loge Hollandia of the B'nai B'rith"; Dutch Misrachie, section The Hague; "Poalë Zion", section The Hague; "Thora Wetsion", section The Hague; Organisation of Jewish Women, section The Hague; Women's International Zionist Organisation, section The Hague.
25. Letter, dated July 22nd, 1936, from Dr. Abel Herzberg and Dr. Ch. Polak, Amsterdam, forwarding text of a resolution adopted on July 9th, 1936, at Amsterdam by the following organisations: "Agoeda Jisroeil"; "Bond van Joodsche Vereenigen in Nederland"; "Comité van Bijzondere Joodsche Belangen, ingesteld door de Ned. Irs. en Port. Isr. Kerkgenootschappen"; "Nederlandsch Comité van de Alliance israélite universelle"; "Joodsche Vrouwenraad"; "Joodsche Vrouwenvereniging voor Practisch Palestinawerk"; "Nederlandsch Palestina Opbouwfonds 'Keren Hajesod'"; "Nederlandsche Zionistenbond met aangesloten Mizrachistische Vereenigen en het Joodsch Socialistisch Verbond 'Poalë Zion'"; "Pekiediem en Amarkaliem".
26. Letter, dated August 20th, 1936, from M. Sadok Hamida and other inhabitants of Ouerdanine (Tunis).
27. Letter, undated, from the Association of the Moslem Fraternity and inhabitants of El-Samania, Egypt.
28. Letter, undated, from the Association of the Moslem Fraternity of Cairo.
29. Letter, dated October 16th, 1936, from M. Faris Malouf, President of the Syrian and Lebanese American Federation of the Eastern States, Boston.
30. Letter, dated October 26th, 1936, from M. Hermann, "directeur du Fonds de Consolidation et de Sécurité de la Palestine", Paris, forwarding the text of a resolution voted by the Palestinian Conference of France, held on October 4th, 1936, at Paris.

The object of the petitions emanating from Jewish sources and mentioned under Nos. 1, 8-12, 24, 25 and 30 is to sympathise with the cause of the Jews in Palestine and to request intervention by the League of Nations, without giving any particulars.

The purpose of those coming from Arab sources mentioned under Nos. 2, 4-7, 13-22, 26-29 is to sympathise with the aspirations of the Arabs in Palestine, to protest against the mandatory Power's policy, and to ask the protection of the League of Nations, without giving any particulars.

The petitions mentioned under Nos. 3, 4, 13, 14, 15 and 23 protest against the mandate, and those mentioned under Nos. 18, 19, 20 and 26 are couched in violent language.

- (b) *Petition, dated October 1st, 1936, from M. Emir Chékib Arslan and M. Ihsan el Djabri, Geneva.*

The purpose of this communication is to ask for the abrogation of the Balfour Declaration; it is therefore incompatible with the Palestine mandate. The petitioners also make certain allegations concerning the recent disturbances in Palestine which have already been put forward in recent petitions, without adding any new facts.

ANNEX 4.

SYRIA AND LEBANON.

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PETITION, DATED OCTOBER 15TH, 1935, FROM M. F. JOURDAIN, PRESIDENT OF THE "LIGUE FRANÇAISE CONTRE L'IMPÉRIALISME ET L'OPPRESSION COLONIALE", PARIS.

REPORT BY M. ORTS.

The consideration of this petition, which was placed on the agenda of the twenty-ninth session of the Mandates Commission, was postponed pending the receipt of further information which had been promised by the mandatory Power.<sup>1</sup>

The petitioner denounces as contrary to the mandate the recruitment in Syria of workmen for the service of the Italian expeditionary force in East Africa. He also protests against the detention by force of these workmen on board the French ship which was transporting them, although when the ship called at Port Said they are alleged to have asked to be put ashore in order that they might return to their country.

These facts are stated to have occurred in September 1935—that is, previous to the existence of a state of war between Italy and Ethiopia.

\* \* \*

In its observations, the mandatory Power admits that workmen were recruited in Syria, particularly in Alawite territory, to be sent to Massawa, but it states that this recruiting was prohibited as soon as the League of Nations had defined its position in regard to the Ethiopian affair.

In my opinion, it might have added, in so far as these people went voluntarily—which is not disputed—that the mandate contains no provision applicable to the recruitment of workmen in the circumstances prevailing at the time of the recruiting denounced by the petitioner.

As regards the second point, the mandatory Power states that an enquiry has not revealed the slightest trace of the incident alleged to have occurred at Port Said. "It would appear", it adds, "that these workmen, if they really expressed a desire to land, were unable to do so for lack of an Egyptian visa permitting this."

\* \* \*

I propose that the Commission should adopt the following conclusion :

"The Commission,

"Having examined the petition, dated October 15th, 1935, from M. Jourdain, President of the 'Ligue française contre l'impérialisme et l'oppression coloniale', Paris, and the mandatory Government's observations thereon :

"Considers that no special recommendation should be made to the Council regarding this petition."

ANNEX 5.

SYRIA AND LEBANON.

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PETITION, DATED MARCH 24TH, 1936, FROM M. LOTFALLAH KHLAB, M. ASSAD HABIB AND OTHER MEMBERS OF THE "ÉGLISE ORIENTALE", TRIPOLI.

REPORT BY LORD HAILEY.

The petitioners, who represent a dissenting branch of the Orthodox Church at Tripoli, complain that the Administration has not accorded them legal recognition. They state further that the Patriarch, Mgr. Alexandros, is taking advantage of the situation to strike a fatal blow at their rights and liberties and those of their leader, whom they speak of as Mgr. Epiphanius.

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, pages 125 and 165.



The mandatory Power, in its observations, states that, in its exercise of the powers formerly pertaining to the Ottoman Government, it would only recognise dissent from an existing Church after very full consideration and after the lapse of a reasonable period. Such recognition carries with it certain consequences—in regard, for instance, to the use of cemeteries or the share of the temporalities of a church.

The petitioners do not make clear the nature of the actions on the part of the Patriarch, Mgr. Alexandros, of which they complain. As regards the failure of the Administration to recognise their dissent from the main body, it would appear from the comment of the mandatory Power that this involves an executive and not a judicial process. In the absence, however, of any statement by the petitioners as to the circumstances of their dissent, the date from which it commenced, and the strength of the body which they represent, there is no good reason for holding that the failure of the Administration to exercise its discretion on their behalf constitutes in itself an invasion of their religious liberty.

I therefore propose the adoption of the following conclusions :

“ The Commission,

“ Having examined the petition, dated March 24th, 1936, from M. Lotfallah Khlab, M. Assad Habib and other members of the ‘ Eglise Orientale ’, Tripoli, together with the observations of the mandatory Power thereon :

“ Considers that it does not call for any special recommendation to the Council.”

C.P.M.1871(I).

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ANNEX 6.

SYRIA AND LEBANON.

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PETITIONS, DATED MARCH 28TH, 1936, FROM THE EMIR AHMED CHEHABI, DAMASCUS, AND MARCH 19TH, 1936, FROM M. SALAH LABAKI, “ AVOCAT A LA COUR ”, BEIRUT.

REPORT BY MLE. DANNEVIG.

These two petitions, which were communicated by the mandatory Power with its observations on August 8th, 1936, concern the measures taken by the Lebanese authorities to deal with the campaign organised against the independence or territorial integrity of Lebanon.

The Emir Chehabi protests against an order of expulsion from Lebanese territory which he says was served on him on March 26th, 1936, by the Lebanese authorities for having carried on propaganda in favour of Syrian unity at Hasbaya (Lebanon) and having incited the population of that district to ask for annexation to Syria. He was given only one hour's notice and was escorted across the frontier by the police. He asked for a period of from two to three days so that he might give back documents entrusted to him by clients for whom he was pleading in the Lebanese courts, but his request is said to have been refused in spite of the great detriment caused to himself and his clients. He claims that this proceeding was illegal and contrary to individual liberty and the natural rights of his clients. His protest, addressed to the French High Commissioner in Syria and Lebanon, asserts that such methods are likely to destroy the new Syrian feeling of confidence in the goodwill of France inaugurated by the negotiations in Paris, and that they are also contrary to the formal promise made to the Syrian delegation in Paris that the French Government would not oppose Syrian unity. This attitude of the Lebanese Government, he maintains, was not in accordance with the liberal policy of the High Commissioner, who had declared that the people were free to voice their aspirations. A protest was also sent by the petitioner to the Chief of the Lebanese Government refuting the reasons given for his expulsion.

M. Salah Labaki, in his petition, maintains that a majority of the Lebanese are in favour of their country being united with Syria. He claims that the State Secretary, who is of a different opinion, has no right to forbid the journalists to mention the question of unity in their newspapers, which he did by summoning them to a meeting and threatening them in case of disobedience with the suppression of the newspapers. Public liberty was also suppressed by the arbitrary dissolution of societies and parties suspected of being in favour of Syrian unity. In Turkish times the people were not so unjustly silenced.

The French Government, in its covering letter, states, as regards the Emir Chehabi's petition, that he is a Syrian national and a barrister at Damascus. Although he ostensibly came to Lebanon in order to plead in the Lebanese courts, in reality he carried on active separatist propaganda. Though warned by the authorities to stop his anti-Lebanese activities, he persisted and was expelled under normal conditions and with the usual formalities.

As to the petition of M. Labaki, who is a Lebanese and a member of the dissolved “ Parti populaire syrien ”, the French Government asserts that the Lebanese State Secretary did no more than his duty when he had recourse to the Lebanese Decree of April 21st, 1925, warning

journalists not to publish articles against the integrity of the territory and the independence of the State. The measures taken in Lebanon were less severe than those employed in many other countries in the case of similar campaigns.

As to the alleged Lebanese majority in favour of union with Syria, the Government states that it is not in accordance with the facts. On the contrary, the propaganda for unity has called forth as a reaction a movement of public opinion in Lebanon in favour of safeguarding Lebanese territorial integrity, and two parties have been formed for the defence of Lebanese national ideals.

The petitions of Emir Ahmed Chehabi and M. Labaki both relate to measures taken in consequence of the agitation in favour of the annexation of Lebanon to Syria. They therefore concern an aspect of the question of "Syrian unity" with which the Commission has had to deal on several occasions in connection with petitions from that territory.

I do not think it desirable to undertake a new examination of this question at present. It will be sufficient to recall the statement made at our twenty-fourth session by the Rapporteur on a series of petitions—namely, that the annexation of Lebanon to Syria would not be in conformity with the mandate, Article 1 of which provides that the mandatory Power must "enact measures to facilitate the progressive development of Syria and Lebanon as independent States".<sup>1</sup>

In these circumstances, it is difficult to dispute the right and even the duty of the mandatory Power to take the necessary steps to put a stop to any agitation directed against the independence of Lebanon.

Emir Ahmed Chehabi does not deny that he took part in this agitation.

Furthermore, the mandatory Power asserts that the measures complained of by the petitioners were taken within the limits of the laws in force and that they were not unduly severe.

While regretting the violence and the gravity of the political agitation in the territory which have led to such severe measures as the expulsion of a Syrian subject from Lebanon at one hour's notice, I do not consider that the facts adduced by the petitioners call for any special recommendations on the part of the Commission.

In these circumstances, I propose that the Commission should adopt the following conclusion :

" The Commission,

" Having examined (1) the petition, dated March 28th, 1936, from Emir Ahmed Chehabi, and (2) the petition, dated March 19th, 1936, from M. Salah Labaki and the mandatory Power's observations thereon :

" Considers that no special recommendation need be made to the Council regarding these petitions. "

C.P.M.1853(1).

#### ANNEX 7.

### SYRIA AND LEBANON.

PETITIONS DATED : (a) APRIL 17TH, 1936, FROM M. ALI YACOUB, M. MAHMOUD SAFA AND OTHER SIGNATORIES, BEIRUT ; (b) APRIL 16TH, 1936, FROM M. AHMED DAHER, M. LOUIS EL HAJ, M. ABDEL LATIF HEMADE AND OTHER SIGNATORIES, BEIRUT ; (c) APRIL 17TH, 1936, FROM M. SOULEIMAN DADA, M. AREF KHALIL AND OTHER SIGNATORIES, TYRE.

#### REPORT BY COUNT DE PENHA GARCIA.

On April 16th, 1936, a petition was addressed by seventeen inhabitants of Southern Lebanon residing at Beirut to the Acting High Commissioner of the French Republic in Syria and Lebanon.

In this letter, the signatories complained of acts of violence committed by gendarmes against the inhabitants of Bint-Jebel and of the arrest of the "great leader" Adel-bey-Osseiran. They asked for his release as soon as possible.

On the 17th of the same month, a telegram with six signatures was sent to the High Commissioner on behalf of the Amelite colony of Beirut protesting against the continuation of acts of persecution, and asking for the release of the persons arrested on account of the Jebel-Amel incidents.

On the same date, ten signatories of another telegram from Tyre protested against the arrest of Adel-bey-Osseiran and Abou Jamra and the suppression of freedom in the Jebel-Amel, and asked that a stop should be put to what they described as acts of "revolting oppression".

<sup>1</sup> See Minutes of the Twenty-fourth Session of the Commission, page 118.

The signatories of these three documents asked that they should be communicated to the League of Nations.

The French Government forwarded these three petitions with its observations to the Secretariat of the League of Nations in a letter dated August 8th last. The mandatory Power states in its observations that the Syrian unitary nationalists had for some time been carrying on propaganda in the Jebel-Amel, which was largely inhabited by Chiite Moslems. Certain questions connected with local personalities had favoured the agitation fostered by the unitary nationalists, and in certain townships a number of young men had been won over to the separatist movement.

The Lebanese Government having ordered the arrest of Adel-bey-Osseiran and Abou Jamra, who were making provocative speeches, the agitation became still greater, and the gendarmerie had to be sent to restore order. Several gendarmes were injured by demonstrators, and, the police having had to use their arms, two persons were killed. Adel-bey-Osseiran and Abou Jamra were released soon after their arrest, for, once order had been restored, the Lebanese authorities did not wish to attach too much importance either to the ringleaders or to a movement which, in the mandatory Power's opinion, had no real significance.

Having regard to the text of the petitions, it may be said that satisfaction has already been given to their demands. A further point to be taken into consideration is that the mandatory Power believes that the Lebanese authorities only took the steps which any Government responsible for territorial integrity and the maintenance of order is bound to take.

In these circumstances, I propose that the Commission should adopt the following conclusion :

“ The Commission,

“ Having examined the three petitions (a) of April 17th, 1936, from M. Ali Yacoub, M. Mahmoud Safa and others, Beirut, (b) of April 16th, 1936, from M. Ahmed Daher, M. Louis El Haj, M. Abdel Latif Hemade and others, Beirut, and (c) of April 17th, 1936, from M. Souleiman Dada, M. Aref Khalil and others, Tyre, and the mandatory Power's observations thereon :

“ Considers that no special action should be taken on these petitions.”

C.P.M.1868(1).

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### ANNEX 8.

### SYRIA AND LEBANON.

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PETITION, DATED FEBRUARY 21ST, 1936, FROM M. AHMED ZAKI AFIOUNI,  
BEIRUT.

REPORT BY M. ORTS.

This petition denounces certain repressive measures taken at Tripoli at the time of the extension to that town of the unrest which occurred in Syria at the beginning of 1936.

The petitioner, described in the observations of the mandatory Power as a young agitator sentenced previously for participation in violent demonstrations, complains of the ill-treatment to which he alleges that he, like other demonstrators, was subjected by the police and of his sentence—unjust, according to him—of twenty months' imprisonment.

At the time of the forwarding of his petition he was serving this sentence in the Beirut prison.

The note containing the observations of the mandatory Power explains the severity of the first sentence inflicted by the Beirut Mixed Court of First Instance by the fact that the accused was an old offender. It adds, however, that the Mixed Court of Appeal, while confirming this judgment as regards the guilt of M. Afiouni and his recidivism at law, by a decision of March 31st, allowed him extenuating circumstances and reduced his sentence to one month's imprisonment. He was set at liberty the same day.

The same note adds that the investigation carried out into the acts of violence suffered by him invalidates the charges which he brought against the police.

In view of the foregoing, and more particularly of the fact that the case has been settled through the regular judicial channels, I have the honour to propose to the Commission the adoption of the following conclusion :

“ The Commission,

“ Having examined the petition, dated February 21st, 1936, from M. Ahmed Zaki Afiouni and the observations of the mandatory Power relating thereto :

“ Considers that there is no need to submit to the Council a special recommendation concerning this petition.”

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ANNEX 9.

SYRIA AND LEBANON.

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PETITION, DATED NOVEMBER 14TH, 1935, FROM M. SAMI SLIM, BEIRUT.

REPORT BY M. SAKENOBE.

The petitioner, in his letter dated November 14th, 1935, addressed to the High Commissioner of Syria and Lebanon, protests against the arrest of certain individuals in Damascus who are stated by the petitioner himself to have made use of bombs in enforcing the boycott of the tramways and electricity company of that city; he also protests against the high charges made for electricity by that company, on the ground that the rates are twice as high as those charged in France. He goes on to state that, if this injustice and disregard of rights continues, he will be obliged to look for some other way of protest.

The mandatory Government, in its observations, dated September 9th, 1936, draws attention to the tendentious character of this protest, which is raised against the arrest of individuals who tried to impose a boycott by the use of bombs, and which contains an open threat of further acts of violence. The mandatory Government also observes that the comparison often made by Syrians between charges in France and in Syria is not pertinent, owing to great differences in consumption in the two countries. It adds that the company in question is in reality far from enriching itself at the expense of the consumer as is alleged by the petitioner, its financial situation being anything but prosperous.

Under the circumstances, I would propose that the Commission should adopt the following conclusion :

“ The Commission,

“ Having examined the petition, dated November 14th, 1935, from M. Sami Slim and the mandatory Government's observations thereon :

“ Is of opinion that no special recommendation to the Council is called for.”

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ANNEX 10.

SYRIA AND LEBANON.

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PETITION, DATED JANUARY 20TH, 1936, FROM M. R. CHAMBOUR, TRIPOLI.

REPORT BY MLE. DANNEVIG.

This petition consists of two parts : (1) a letter, dated October 12th, 1935, signed by 215 inhabitants of the town of Tripoli, with a covering letter, dated January 20th, 1936, from M. Chambour, who has been instructed by the signatories to represent them before the competent authorities; (2) a “ statement of reasons ” from M. Chambour. These communications were transmitted by the French Government on October 22nd, 1936, with its observations.

The 215 petitioners are fathers and guardians of children who are said to have been refused admission to the Government schools of Tripoli. They assert that, under the mandate, there should be compulsory education in the territory under mandate, and they complain that the mandatory Power has not fulfilled this obligation. With 70,000 inhabitants, Tripoli has only two boys' schools and one girls' school, which cannot even admit 25% of the children of school age. The parents and guardians cannot send their children to the “ foreign ” (private) schools because of the high fees demanded. When the children presented themselves at the doors of the official schools, they were, it is stated, turned away by the police. Lack of funds is alleged by the mandatory Power to prevent the opening of new schools, but this excuse appears to be unacceptable to the petitioners because Tripoli provides one-fifth of the Government budget. The petitioners ask that teachers should be appointed and new schools be opened in the current year.

M. Chambour first complains that the administrator of Tripoli refused to certify the signatures of the petitioners and was unwilling to forward the petition to the League of Nations. He then goes on to confirm the complaints of the 215 signatories, maintaining that the Lebanon budget is large enough to allow a higher expenditure on education. To neglect the institution of compulsory education is “ to be unwilling to lead the population towards the promised independence ”. He recalls the fact that the Eddé Ministry in 1929 had ordered the closing of all Government schools in Lebanon, but that this action was prevented by unanimous protests by the population, and he expresses the fear that M. Eddé, having been elected President of the Republic, may reduce the budget of the public schools.

The mandatory Government, in its observations, admits that the public schools of Tripoli cannot absorb all the children who desire admission, but points out that the petitioners, actuated by a spirit of political agitation, exaggerate the difficulties. Tripoli has six Government schools (not three), with 2,000 pupils. It is shown with figures that in Lebanon it is the private schools which provide for the education of most of the children, and this has been pointed out in all previous reports to the League of Nations. The Government schools, which specially provide for the education of Moslem children who are too poor to pay the fees of the private schools, were, up to 1934, able to admit all the children who presented themselves. The French educational adviser insists that there is constant progress in this field. Budgetary difficulties, however, prevent a large increase in the expenditure on education. Thanks also to the efforts of the private schools, the percentage of children of school age who receive education is higher in Lebanon than in the other parts of the mandated territory (80% of boys and 55% of girls).

The accusation that the Tripoli authorities were unwilling to certify the signatures and transmit the petition is stated to be groundless by the mandatory Power.

The Rapporteur calls the Commission's attention to the fact that these educational questions have been repeatedly discussed when the annual reports on Syria and Lebanon have been under review, and the Commission has emphasised the necessity for greater facilities for the education of Lebanese and Syrian children being provided. In 1934, the Commission included the following observation in its report to the Council: <sup>1</sup>

“ The Commission has observed that the percentage of children of school age not attending school is still relatively high, owing to the insufficiency of school buildings and teaching staff. It trusts that, notwithstanding the financial difficulties, the Administration will gradually succeed in improving these conditions.”

When, however, the petitioners assert that the mandatory Power has the duty of introducing compulsory education, they are mistaken. The text of the mandate contains no other provision on this subject than the following (Article 8, paragraph 2) :

“ The Mandatory shall encourage public instruction, which shall be given through the medium of the native languages in use in the territory of Syria and the Lebanon.”

Referring the petitioners to the above observations of the Commission, I do not think it is necessary to make any additional observation to the Council on this petition. I therefore propose to the Commission to adopt the following conclusions :

“ The Commission,

“ Having examined the petition, dated January 20th, 1936, from M. R. Chambour, Tripoli, together with the observations of the mandatory Power thereon ;

“ While referring to the observations adopted by the Commission at its twenty-fifth session with regard to education in Syria and Lebanon :

“ Considers that this petition does not call for any special recommendations to the Council.”

C.P.M.1863(I).

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## ANNEX 11.

### CAMEROONS UNDER FRENCH MANDATE.

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PETITION, DATED NOVEMBER 3RD, 1935, FROM M. ALBERT GANNE,  
VAUX (CREUSE), FRANCE.

REPORT BY M. RAPPARD.

The petitioner, M. Albert Ganne, was in the service of the mandatory Power in the Cameroons from May 12th, 1920, to July 11th, 1921, the date of the discharge of which he complains. M. A. Ganne is a French citizen, and has been living in France since his dismissal.

The mandatory Power, in its observations, denies the jurisdiction of the Mandates Commission in this case.

If my colleagues agree with me that the Commission should not examine this case, since the petitioner has not exhausted all the legal remedies open to him in the Cameroons and in France, they might signify the same by adopting some such conclusion as the following :

“ The Commission,

“ Having examined the petition, dated November 3rd, 1935, from M. Albert Ganne, and the observations of the mandatory Power thereon :

“ Does not consider itself called upon to enquire into the petitioner's grievances, in view of the legal remedies which are afforded him by his official status.”

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<sup>1</sup> See Minutes of the Twenty-fifth Session of the Commission, page 151.

ANNEX 12.

I. REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION.

The Permanent Mandates Commission met at Geneva from October 27th to November 11th, 1936, for its thirtieth session, and held twenty-one meetings, part of the first of which was public.

The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

*Cameroons under French Mandate, 1935.*

Accredited Representatives :

M. REPIQUET, Honorary Governor-General of the Colonies ;

M. BESSON, Head of the First Bureau of the Political Division of the French Colonial Ministry.

*Cameroons under British Mandate, 1935.*

Accredited Representative :

Mr. O. W. FIRTH, Senior Resident, in charge of the Cameroons Province.

*Togoland under French Mandate, 1935.*

Accredited Representative :

M. BESSON, Head of the First Bureau of the Political Division of the French Colonial Ministry.

*Togoland under British Mandate, 1935.*

Accredited Representative :

Mr. A. F. E. FIELDGATE, Provincial Commissioner, Gold Coast.

*Western Samoa, 1935/36.*

Accredited Representative :

Mr. C. A. BERENDSEN, C.M.G., Permanent Head, Prime Minister's Department, Wellington.

*Ruanda-Urundi, 1935.*

Accredited Representatives :

M. P. RYCKMANS, Governor-General of the Belgian Congo ;

M. HALEWYCK DE HEUSCH, Director-General in the Belgian Colonial Ministry.

*Islands under Japanese Mandate, 1935.*

Accredited Representative :

M. N. ITO, Envoy Extraordinary and Minister Plenipotentiary of Japan in Warsaw.

A. SPECIAL QUESTIONS.<sup>1</sup>

I. PALESTINE : QUESTION OF AN EXTRAORDINARY SESSION  
(pages 12, 13-14, 128-130, 173, 183, 193).

In the passage relating to Palestine in its last report to the Council, the Mandates Commission expressed the hope that, when peace was restored in the territory, the mandatory Power would furnish it with information as to the disturbances of 1936 and their immediate causes. As the disturbances only came to an end in October, the mandatory Power was not able to comply with this request at the present session.

Being anxious not to delay unduly its consideration of the causes, circumstances and significance of these grave events, the Mandates Commission thinks it necessary to hold an extraordinary session for the purpose, to be convened not later than the first week in April 1937. This would appear to give the mandatory Power sufficient time to prepare material from which the Mandates Commission can obtain all such information as it may need in order to form an opinion upon the disturbances of 1936 with a view to a report to the Council.

In accordance with Rule 1, paragraph 2, of the Commission's Rules of Procedure, this decision has been submitted for the approval of the President of the Council of the League of Nations.<sup>2</sup>

<sup>1</sup> The page numbers following each title are those of the Minutes of the session.

<sup>2</sup> This decision was approved by the President of the Council on November 12th, 1936.

II. QUESTION OF THE PARTICIPATION OF MANDATED TERRITORIES IN MEASURES TAKEN BY THE MEMBERS OF THE LEAGUE OF NATIONS UNDER ARTICLE 16 OF THE COVENANT  
(pages 16-20, 127-128, 173).

The question of the participation of mandated territories in measures arising out of Article 16 of the Covenant against a Member of the League was raised at the previous session of the Mandates Commission. The latter considered at the present session whether it was desirable to enter at this stage upon a thorough investigation of a problem which is of obvious importance from the standpoint of the working of the mandate system.

It came to the conclusion that there is a close connection between this question and the question of the application of the principles of the Covenant, which has been referred to a special Committee set up by the Assembly. That being so, the Mandates Commission thought it better to defer its examination for the present.

B. OBSERVATIONS ON 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 representatives of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.<sup>1</sup>

**TERRITORIES UNDER " B " MANDATE.**

**Cameroons under British Mandate.**

*1. Frontiers.*

The Commission noted that the mandatory Power is prepared to proceed shortly to the demarcation on the ground of the eastern frontier of the mandated territory (pages 51, 130).

*2. Economic Equality.*

The Commission noted that the mandatory Power has " never found any reason hitherto for introducing tariff legislation in the territory permitting of discrimination between those States which are and those States which are not Members of the League of Nations ; and no change of policy is contemplated in this respect as a consequence of the departure of Japan and Germany from the League of Nations ". It hopes that the next annual report will state whether the mandatory Power considers itself legally obliged to apply the rule of economic equality to imports from those countries or not (pages 51-52, 59-60, 68, 130).

The Commission would further like to know whether the territory's exports enjoy reciprocity under the commercial regime in force between the territory and the above-mentioned States (pages 52, 68, 130).

*3. General Administration: Native Authorities.*

The Commission hopes that it will prove possible to intensify administrative action, particularly by developing means of communication, the need of which seems to be urgent in certain parts of the territory (pages 52-53, 130).

It would like to find in the next report particulars regarding the native authorities in the territory as a whole, the training of the chiefs, their activities, and the supervision exercised over these activities (pages 53-55, 130).

*4. Public Finance.*

The Commission would like to receive in future, as it did this year, data regarding the financial period ending on March 31st of the year during which the report is examined (pages 50, 56, 130).

It hopes that whenever possible the financial statistics will refer to actual revenue and expenditure of the territory (pages 56-57, 67, 130).

The Commission hopes to find in the next report full information regarding direct taxes and the salaries paid to the chiefs in the districts in which such taxes are levied (pages 55, 57, 130).

<sup>1</sup> The page numbers following each observation are those of the Minutes of the session.

5. *Economic Regime.*

The Commission would be glad to know the measures taken in order that the natives will get their full share in the prosperity arising out of the improved trade of the territory (pages 58-59, 130).

6. *Land Tenure.*

The Commission would like to have fuller information on the system of land tenure, and particularly on the evolution of native customs in the direction of individual tenure and also on the total area of the land alienated to non-natives (pages 63, 130).

**Togoland under British Mandate.**

1. *Economic Equality.*

The Commission hopes that the next annual report will state whether or not the mandatory Power considers itself legally obliged to apply the rule of economic equality to imports from the countries which ceased to be Members of the League in 1935. It would further like to know whether the territory's exports enjoy reciprocity under the commercial regime in force between the territory and the States in question (pages 85-86, 173).

2. *Public Finance.*

The Commission would welcome in the next report fuller particulars of the system of direct taxation and the institution of native treasuries (pages 93, 173).

3. *Economic Regime.*

The Commission realises that it is difficult by reason of its Customs union with the Gold Coast to compile trade statistics for the whole of the territory. Nevertheless, it suggests that it might be possible to have some kind of check kept upon imports and exports in the south, such as would make it possible to compile at least approximate statistics (pages 84, 90-91, 173).

4. *Labour.*

The Commission would be glad to be informed in the next report of any measures taken to safeguard the health and welfare of migrant workers (pages 99-100, 173).

5. *Education.*

Having noted that in the northern section only about one child in a thousand receives education, and that generally in schools outside the territory, the Commission once more expresses the hope that this state of affairs will be changed, more particularly by the establishment of schools in the territory itself (pages 102-104, 173).

6. *Spirits.*

The Commission hopes that the Administration will succeed in putting down the illicit distillation which is now spreading to the north of the territory (pages 104-105, 173).

7. *Land Tenure.*

The Commission desires to be provided in the next report with fuller explanations regarding the system of land tenure and more particularly the difference between the system in force in the northern and southern sections of the territory respectively. It would be obliged if the mandatory Power would consider whether the system in force in the south, under which the Administration has no control over the alienation of land, satisfies the provisions of Article 5, paragraph 2, of the mandate (pages 96-98, 173).

**Cameroons and Togoland under French Mandate.**

OBSERVATIONS COMMON TO BOTH TERRITORIES.

1. *Economic Equality.*

The Commission noted the accredited representative's statement to the effect that, after studying the question, the mandatory Power had reached the conclusion that it was not required to extend the benefit of economic equality to imports coming from States which were no longer members of the League. It noted, however, that no change had so far been made in the previous regime (pages 21, 28-29, 39-40, 72, 182).



## 2. *Public Finance.*

The Commission, while recognising the value of the efforts so far made in this direction, would be glad if the financial information furnished by the mandatory Power in its reports on the administration of the Cameroons and Togoland could be given in a manner which could be more readily grasped (pages 34, 38, 75, 182).

The Commission would like to find in the next reports full particulars of the system of refunds by the home country to producers in the form of export bounties on the territories' products and of the working of this system (pages 35, 76, 182).

The Commission hopes to find in the next reports detailed information on the public debt of the two territories, its origin and the purpose to which the funds borrowed have been allocated (pages 35, 36, 37, 77-78, 182).

## 3. *Land Tenure.*

The Commission hopes to find in the next reports a complete account, for each of the two territories, of the present land law and information as to the development among the natives of the conception of individual property (pages 42-44, 82, 182).

There is perhaps some reason to fear that the system of registration may result in weakening tribal cohesion and that the mandatory Administration may not be able to exercise adequate control, as required under Article 5, paragraph 2, of the mandate, over the alienation of the registered native land in virtue of mortgage or by other means (pages 42-44, 82, 182).

The Commission would like to know the total area of land alienated to non-natives under the mandatory system and prior to its establishment (pages 26-27, 82, 182).

### **Cameroons under French Mandate.**

#### *I. General Administration: Native Authorities.*

The Commission, being anxious to supplement the data at its disposal with a view to ascertaining the precise nature of the relations existing between the authorities of the mandatory Power and the native chiefs, and also the actual part played by the latter in executive and judicial matters, hopes that the next report will contain all the necessary particulars (pages 29, 31-34, 108).

#### *2. Native Co-operative Societies.*

The Commission hopes that the next report will contain additional particulars regarding the "Native Co-operative Societies", and especially their financial basis and the extent to which they are assisted by the Administration (pages 38, 108).

### **Togoland under French Mandate.**

#### **I. GENERAL OBSERVATION.**

At its twenty-eighth session, the Commission learned that important measures of administrative reorganisation had been introduced to meet the budgetary deficit. It noted the mandatory Power's statement that these measures did not in any way affect the territory's individual character and reserved judgment on the result of the reform until it had seen subsequent reports. When entering upon the examination of the report for 1935, the Commission learned that the mandatory Power had pursued this reorganisation with a view to simplifying the administration, always without affecting the territory's individual character.

The Commission must therefore again await a later date before judging of the results of these successive measures (pages 70-71, 182).

#### **II. SPECIAL OBSERVATION.**

##### *Public Finance.*

The Commission was glad to note that there had been an appreciable improvement in the territory's financial situation (pages 69, 182).

##### **Ruanda-Urundi.**

#### *I. Economic Equality.*

The Commission would like to know what treatment the mandatory Power proposes to apply to imports of products from States which have ceased to be Members of the League of Nations (pages 150-151, 192).

The Commission has noted with satisfaction the mandatory Power's declaration to the effect that the provisions of the Ordinance of January 27th, 1934, concerning Air Navigation, to which its attention was given last year, are not such as in any way to infringe the rule of economic equality (pages 150, 192).

#### 2. *General Administration.*

The Commission will be particularly interested to follow the measures taken with a view to the training of future chiefs (pages 138, 144-147, 192).

The Commission would like to have further details with regard to the status of non-European inhabitants of the territory who are not subject to the system of chieftainships. (pages 143, 192).

#### 3. *Customs Union with the Belgian Congo.*

The Commission noted with interest the statement by the accredited representative of the mandatory Power to the effect that Ruanda Urundi has in general continued to benefit from the effects of its Customs union with the Belgian Congo (pages 162, 192).

#### 4. *Public Finance.*

The Commission notes a slight improvement in the financial position of the territory, which had previously caused it some concern and is still difficult owing to the size of the public debt. It hopes that economic development, the prospects of which are favourable, will shortly enable the amortisation of this debt to be taken in hand (pages 131-132, 152-153, 160-161, 192).

#### 5. *Education.*

The Commission notes the explanations given by the mandatory Power with regard to the organisation of teaching in the Astrida official school, where education is given to future native auxiliaries of the Administration and to a number of chiefs' sons. It observes with satisfaction the efforts of the Administration to take the principle of freedom of conscience into account in the organisation of the teaching in this school (pages 138, 140, 144-147, 164, 168, 192).

### **TERRITORIES UNDER " C " MANDATE.**

#### **Islands under Japanese Mandate.**

##### 1. *General Administration.*

The Commission would be glad to know the conception formed by the mandatory Power of the part to be played in the administration by natives, the powers of the chiefs and the relations of the latter with their people (pages 176-179, 193).

##### 2. *Economic Regime.*

The Commission has noted with satisfaction that the mandatory Power is considering the preparation of a programme for the purpose of ensuring that the natives should participate to a greater extent in the growing prosperity of the territory. It will follow with interest the progressive execution of that programme (pages 180-182, 183, 185, 193).

##### 3. *Spirits.*

The Commission, concerned by the difficulty of preventing the consumption of alcohol and spirituous liquors by the natives owing to the system of production, export and import of alcohol and spirituous liquors in force in the territory, expresses the hope that the mandatory Power will see its way to strengthen the measures taken to ensure observance of the prohibition (pages 190, 193).

##### 4. *Land Tenure.*

The Commission is desirous of obtaining a more complete view of the system of land tenure and, more particularly, of the system of collective and individual land tenure and of the area of land coming under this system, and would be grateful for any information on the subject with which the mandatory Power can supply it (pages 186-188, 193).

##### 5. *Population.*

The Commission has learned from the accredited representative of the mandatory Power that an enquiry has been conducted by public health experts into the decline in the native population of the Island of Yap. The findings of this enquiry will, no doubt, enable the competent authorities to cope with the causes of a phenomenon the gravity of which has already frequently engaged the Commission's attention. The Commission would wish to be kept informed of the action taken in this matter (pages 191, 193).

## Western Samoa.

### I. GENERAL OBSERVATION.

The Commission was informed by the accredited representative that, since the close of the administrative year 1935/36, the mandatory Power had adopted a new policy aiming at securing the effective co-operation of all sections of the population of the territory with the Administration.

As the events in question took place after the close of the period covered by the annual report, the Commission feels that it should reserve judgment upon them until it is in possession of fuller information as to the manner in which the changes were promulgated, the results of these changes, and the reaction of the population (pages 109-111, 112-115, 173).

### II. SPECIAL OBSERVATIONS.

#### 1. *Public Finance.*

The Commission was gratified to note a marked improvement in the financial situation of the territory. It would be glad to have details of the employment of loan funds and some further explanations on the methods adopted by the Administration for the amortisation of the public debt (pages 122-123, 173).

#### 2. *Economic Regime.*

The Commission noted the detailed explanation given by the accredited representative as to the organisation of the banana trade by the Administration in the interests of the territory, and as to the results obtained (pages 110, 118-120, 173).

#### 3. *Missions.*

The Commission would be glad to receive fuller information about the missions working in the territory (pages 123-124, 173).

#### 4. *Education.*

The Commission would be glad if it were possible for the mandatory Power to allocate larger credits for native education (pages 124, 173).

### C. PETITIONS.<sup>1</sup>

At its thirtieth session, the Commission considered the petitions mentioned below, together with the mandatory Powers' observations thereon. Each of these petitions was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes.<sup>2</sup>

### SYRIA AND LEBANON.

- (a) PETITION, DATED OCTOBER 15TH, 1935, FROM M. F. JOURDAIN, PRESIDENT OF THE "LIGUE FRANÇAISE CONTRE L'IMPÉRIALISME ET L'OPPRESSION COLONIALE", PARIS (document C.P.M.1718) (page 192).

Observations of the French Government, dated August 31st, 1936 (document C.P.M.1827).

Report (see Minutes, Annex 4, page 201).

#### *Conclusions.*

"The Commission,

"Having examined the petition, dated October 15th, 1935, from M. Jourdain, President of the "Ligue française contre l'impérialisme et l'oppression coloniale", Paris, and the mandatory Government's observations thereon :

"Considers that no special recommendation should be made to the Council regarding this petition."

<sup>1</sup> The page numbers following each title are those of the Minutes of the session.

<sup>2</sup> The Commission recommends that copies of the petitions and the mandatory Power's observations thereon should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

- (b) PETITION, DATED MARCH 24TH, 1936, FROM M. LOTFALLAH KHLAB, M. ASSAD HABIB, AND OTHER MEMBERS OF THE " EGLISE ORIENTALE ", TRIPOLI (document C.P.M. 1819) (page 130).

Observations of the French Government, dated August 1st, 1936 (document C.P.M. 1819).  
Report (see Minutes, Annex 5, pages 201-202).

*Conclusions.*

" The Commission,  
" Having examined the petition, dated March 24th, 1936, from M. Lotfallah Khlab, M. Assad Habib and other members of the " Eglise Orientale ", Tripoli, together with the observations of the mandatory Power thereon :  
" Considers that it does not call for any special recommendation to the Council."

- (c) PETITIONS, DATED MARCH 28TH, 1936, FROM THE EMIR AHMED CHEHABI, DAMASCUS, AND MARCH 19TH, 1936, FROM M. SALAH LABAKI, " AVOCAT À LA COUR ", BEIRUT (document C.P.M.1821) (page 193).

Observations of the French Government, dated August 8th, 1936 (document C.P.M. 1821).  
Report (see Minutes, Annex 6, pages 202-203).

*Conclusions.*

" The Commission,  
" Having examined (1) the petition, dated March 28th, 1936, from Emir Ahmed Chehabi, and (2) the petition, dated March 19th, 1936, from M. Salah Labaki and the mandatory Power's observations thereon :  
" Considers that no special recommendation need be made to the Council regarding these petitions."

(d) PETITIONS DATED

- (a) APRIL 17TH, 1936, FROM M. ALI YACOB, M. MAHMOUD SAFA AND OTHER SIGNATORIES, BEIRUT ;  
(b) APRIL 16TH, 1936, FROM M. AHMED DAHER, M. LOUIS EL HAJ, M. ABDEL LATIF HEMADE AND OTHER SIGNATORIES, BEIRUT ;  
(c) APRIL 17TH, 1936, FROM M. SOULEIMAN DADA, M. AREF KHALIL AND OTHER SIGNATORIES, TYRE (document C.P.M.1822) (page 130).

Observations of the French Government, dated August 8th, 1936 (document C.P.M. 1822).  
Report (see Minutes, Annex 7, pages 203-204).

*Conclusions.*

" The Commission,  
" Having examined the three petitions (a) of April 17th, 1936, from M. Ali Yacoub, M. Mahmoud Safa and others, Beirut ; (b) of April 16th, 1936, from M. Ahmed Daher, M. Louis El Haj, M. Abdel Latif Hemade and others, Beirut ; and (c) of April 17th, 1936, from M. Souleiman Dada, M. Aref Khalil and others, Tyre, and the mandatory Power's observations thereon :  
" Considers that no special action should be taken on these petitions."

- (e) PETITION, DATED FEBRUARY 21ST, 1936, FROM M. AHMED ZAKI AFIOUNI, BEIRUT (document C.P.M.1828) (page 192).

Observations of the French Government, received on August 31st, 1936 (document C.P.M.1828).  
Report (see Minutes, Annex 8, page 204).

*Conclusions.*

" The Commission,  
" Having examined the petition, dated February 21st, 1936, from M. Ahmed Zaki Afouni and the observations of the mandatory Power relating thereto :  
" Considers that there is no need to submit to the Council a special recommendation concerning this petition."

(f) PETITION, DATED NOVEMBER 14TH, 1935, FROM M. SAMI SLIM, BEIRUT (document C.P.M. 1832) (page 192).

Observations of the French Government, dated September 9th, 1936 (document C.P.M.1832).  
Report (see Minutes, Annex 9, page 205).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated November 14th, 1935, from M. Sami Slim, and the mandatory Power's observations thereon :

“ Is of opinion that no special recommendation to the Council is called for.”

(g) PETITION, DATED JANUARY 20TH, 1936, FROM M. R. CHAMBOUR, TRIPOLI (document C.P.M. 1849) (page 192).

Observations of the French Government, dated October 22nd, 1936 (document C.P.M.1849).  
Report (see Minutes, Annex 10, pages 205-206).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated January 20th, 1936, from M. R. Chambour, Tripoli, together with the observations of the mandatory Power thereon ;

“ While referring to the observations adopted by the Commission at its twenty-fifth session with regard to education in Syria and Lebanon :

“ Considers that this petition does not call for any special recommendation to the Council.”

## **CAMEROONS UNDER FRENCH MANDATE.**

PETITION, DATED NOVEMBER 3RD, 1935, FROM M. ALBERT GANNE, VAUX (CREUSE), FRANCE (document C.P.M.1752) (pages 49, 192).

Observations of the French Government, dated February 24th, 1936 (document C.P.M.1760).  
Report (see Minutes, Annex 11, page 206).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated November 3rd, 1935, from M. Albert Ganne, and the observations of the mandatory Power thereon :

“ Does not consider itself called upon to enquire into the petitioner's grievances in view of the legal remedies which are afforded him by his official status.”

## **II. COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION.**

The accredited representatives for Cameroons and Togoland under British mandate, Cameroons and Togoland under French mandate, Ruanda-Urundi, Islands under Japanese mandate and Western Samoa have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

## INDEX

### Abbreviations.

P.M.C. = Permanent Mandates Commission.  
Repres. = Representative.

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## PERMANENT MANDATES COMMISSION

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### MINUTES OF THE THIRTY-FIRST SESSION

*Held at Geneva from May 31st to June 15th, 1937.*

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The following members of the Commission took part in the work of the session :<sup>1</sup>

M. ORTS (*Chairman*) ;  
M. RAPPARD (*Vice-Chairman*) ;  
BARON VAN ASBECK ;  
Mlle. DANNEVIG ;  
M. GIRAUD ;  
Lord HAILEY ;  
M. PALACIOS ;  
COUNT DE PENHA GARCIA ;  
M. SAKENOBE.

*Expert of the International Labour Organisation*: Mr. C. W. H. WEAVER.

*Secretary*: M. E. DE HALLER, Acting Director of the Mandates Section.

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

For the *Cameroons under British Mandate*:

Mr. G. H. FINDLAY, Senior Resident in Nigeria.

For *Tanganyika Territory*:

Lord DE LA WARR, Lord Privy Seal ;

Mr. J. F. NICOLL, Assistant District Officer of Tanganyika Territory.

For *Togoland under British Mandate*:

Mr. W. J. A. JONES, C.M.G., Chief Commissioner of the Northern Territories, Gold Coast.

For *South West Africa*:

Mr. F. P. COURTNEY CLARKE, Secretary for South West Africa ;

Mr. H. T. ANDREWS, Accredited Representative for the Union of South Africa to the League of Nations ;

Mr. C. H. L. HAHN, M.B.E., Native Commissioner, Ovamboland.

For *Nauru*:

Major O. C. W. FUHRMAN, O.B.E.

For *New Guinea*:

Lieut.-Colonel John WALSTAB, D.S.O., Superintendent of Police, New Guinea Administration ;

Major O. C. W. FUHRMAN, O.B.E.

\* \* \*

Also attended the session : M. V. CATASTINI, former Director of the Mandates Section, Expert.

\* \* \*

All the meetings of the Commission, with the exception of part of the first, were private.

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<sup>1</sup> *Absence of the Members*: Mlle. DANNEVIG : first four and last five meetings ; Lord HAILEY : first two, fifth, and last four meetings ; M. RAPPARD : seventh meeting ; Marquis THEODOLI : the entire session.

## FIRST MEETING.

*Held on Monday, May 31st, 1937, at 11 a.m.*

### **Opening Speech by the Chairman : Tribute to the Memory of M. Manceron : Welcome to M. Giraud.**

M. ORTS said it was his first duty to present the excuses of Mlle. Dannevig and Lord Hailey, who were prevented from taking part in the first few meetings of the present session. He then spoke as follows :

As our Chairman is unable to take part in our work, it falls to me to declare the thirty-first session of the Permanent Mandates Commission open.

The Commission has just suffered a grievous loss in the person of M. Manceron, who died last April at Vimines, in Savoy.

Born on November 21st, 1872, M. Manceron began his administrative career in 1894 as Chief Secretary to the Prefect of Pas-de-Calais. After filling various administrative posts in his country, he was appointed Deputy Secretary-General of the Tunisian Government in 1914, and Secretary-General in 1919. After becoming Prefect of Moselle and then Plenipotentiary Minister, M. Manceron was appointed Resident-General at Tunis in 1929 ; in May 1935, the Council of the League of Nations appointed him to replace M. Merlin on our Commission.

M. Manceron not only gave the Commission his valuable assistance and the benefit of his experienced and enlightened judgment for two years, but he was also a pleasant and kindly colleague, a true friend whom we shall not forget. In the name of us all, I should like to pay a heartfelt tribute to his memory and to extend our sympathy to Mme. Manceron, to his family and to his country, as has already been done by M. de Haller at the funeral.

I have much pleasure in welcoming Governor Giraud, who has just been appointed a member of our Commission in place of our regretted colleague.

Before proceeding to our agenda, I should like to follow the usual practice of recording briefly the discussions and decisions with regard to mandates which have taken place since our last session.

On January 25th last, the Council examined the report on the work of our thirtieth session. As agreed upon in November 1936, I proceeded to Geneva to represent the Commission at the Council.

After taking part in the conversations which took place before the Council's discussions, and being unable to remain any longer at Geneva, I asked M. Rappard to represent the Commission at the Council table. I should like to thank and congratulate him on your behalf on the manner in which he performed this task. My colleagues are no doubt acquainted with the report submitted by the Rapporteur, the Roumanian representative, and with the debate which followed. I shall therefore confine myself to recalling briefly the statements made on that occasion.

The New Zealand representative said that his Government had felt a slight resentment at the attitude taken up by the Mandates Commission in the cross-questioning of its representatives when the report on Western Samoa was being considered. It had seemed peculiar to the New Zealand Government that there could be any doubt as to the measures taken by the Government to give effect to the principles of the mandate.

M. Rappard replied by briefly explaining the attitude taken in this connection by the members of our Commission. He pointed out, in particular, that the only doubt expressed referred to the manner in which the mandatory Power's new policy had been introduced ; he added that, in any case, the Commission had expressed no opinion concerning the policies of the new administration, which had not yet been under review. At the same time, M. Rappard expressed the Commission's appreciation of the very frank and friendly manner in which the New Zealand Government had co-operated with it.

The Council adopted the Rapporteur's report and the resolution submitted by him, and requested the Governments of the mandatory Powers to take the necessary action on its recommendations.

It further approved the Commission's conclusions on the petitions it had examined.

When adopting the Rapporteur's report, the Council approved the United Kingdom Government's proposal to summon the special session of our Commission which was to deal with the affairs of Palestine, not at the beginning of April as had been originally contemplated, but on May 31st.

The members of the Commission were subsequently informed of the circumstances in which, on the proposal of the Government of the mandatory Power, it was decided in April to postpone this special session once more to the end of July. I shall not go into this subject



in detail ; I shall confine myself, while recognising that the Commission is bound to accept the considerations put forward by the mandatory Power, to expressing regret, which my colleagues will certainly share, that the performance of our task in regard to a mandated territory has thus been once more delayed.

On December 22nd, 1936, the United Kingdom Government submitted to the Council, in conjunction with the Portuguese Government, a request soliciting the approval of the Agreement of March 11th, 1936, defining the frontier between Tanganyika Territory and Mozambique.

On January 22nd, 1937, the Council declared its willingness to examine the Agreement with a view to approval, and requested the Mandates Commission to state its views on the Agreement from the point of view of the execution of the mandate.

This question has therefore been placed on the agenda of the present session.

I do not think it necessary to report to you here on the development of the Alexandretta question, which has arisen since our last session, nor the conclusion reached by the Council on May 29th, 1937. It will be our duty, in due course, to take note of the text which the Council will communicate to us.

M. Orts added that he was sure he was voicing the feeling of his colleagues in saying that an official tribute would but imperfectly express the sense of personal loss felt by every member of the Commission on the death of such a charming colleague as M. Manceron. He suggested that they should remain silent for a few moments as a mark of respect to their late colleague.

*(The members of the Commission stood in silence for some moments.)*

M. GIRAUD thanked the Chairman for the moving words in which he had referred to the memory of M. Manceron, whom M. Giraud was succeeding without hoping to replace him.

M. Giraud also thanked the Chairman for his expression of welcome. He fully appreciated the value of the appointment conferred upon him and the honour implied in being called upon to co-operate with the distinguished members of the Mandates Commission. The part played by the Commission in the League of Nations was of primary importance. His sole ambition would be to work here with the utmost goodwill, actuated by the desire to show to the peoples entrusted to the care of the Mandates Commission real sympathy and respect for their traditions, combined with an interest in the improvement of their lot and in their necessary evolution.

#### **Statement by the Acting Director of the Mandates Section.**

M. DE HALLER made the following statement :

Since the Commission's last session, the Mandates Section has pursued its normal tasks ; it has also undertaken the work necessitated by the Council's examination of the question of the Sanjak of Alexandretta, by the sessions of the Committee of Experts set up to study the Statute and Fundamental Law of the Sanjak, and by the meeting in April of the Advisory Committee on Slavery.

Two officials of the Mandates Section accompanied the mission of observers sent by the Council to the Sanjak during the winter.

The Section has seen, as usual, to the printing of the Minutes and of the Commission's report to the Council on the work of its last session. These documents were distributed to the Council on December 30th, 1936, and to States Members of the League on January 8th, 1937.

The Members of the Commission were kept in touch with the essential political, economic and social facts relating to the mandated territories through the regular distribution of information from official sources and the more important Press reports.

The Minutes of the Council meeting on January 25th, 1937, at which the Mandates Commission's report on the work of its thirtieth session was examined, were communicated to the members of the Commission, together with the record of the discussion of the question of the Sanjak of Alexandretta by the Council on December 14th, 15th and 16th, 1936, and January 27th, 1937. The Commission also received the report of the Committee of Experts set up to study the Statute and Fundamental Law of the Sanjak ; the record of the Council meetings held on May 25th and 29th, at which this question was examined, will be communicated to the Commission shortly.

Further, the Secretariat has communicated to the Commission the joint request of the Governments of the United Kingdom and Portugal relating to the frontier between Tanganyika and Mozambique and the Council's resolution requesting the Commission's opinion on the Agreement.

The Commission has also received certain communications from the Government of the Union of South Africa, dated November 20th and December 30th, 1936, and April 28th, 1937, concerning the administration of South West Africa.

The Commission was likewise informed of the death of M. Manceron and the appointment of his successor by the Council on May 29th, 1937. I had the honour to represent the Commission and the Secretary-General at the funeral of M. Manceron, which took place on April 21st.

The letter from the United Kingdom Government, dated March 25th, 1937, proposing that the extraordinary session on Palestine should be postponed until the end of July was communicated to the members of the Commission, who were informed of the consultations and the decision reached on this matter.

As a result of the decision taken in January to hold the extraordinary session of the Commission from May 31st onwards, immediately before the ordinary session, certain

arrangements had been made to lighten the agenda of that session. In accordance with an agreement reached between the French Government and the Acting Chairman, the examination by the Commission of the annual report on Syria and Lebanon and the examination of the reports for the Cameroons and Togoland under French mandate had been deferred until the autumn session. When, in April, it was decided to postpone the extraordinary session until the end of July, it was impossible to alter this arrangement. On the other hand, the United Kingdom Government has arranged to communicate the annual reports on the Cameroons and Togoland under British mandate for consideration during the present session.

The annual reports reached the Secretariat in the following order :

Territory	Administrative period	Date of reception
Tanganyika . . . . .	1935	May 8th, 1937
New Guinea . . . . .	1935/36	May 13th, 1937
Nauru . . . . .	1936	May 17th, 1937
South West Africa . . . . .	1936	May 18th, 1937
Cameroons under British mandate . . . . .	1936	May 31st, 1937
Togoland under British mandate . . . . .	1936	May 31st, 1937

A general index (No. 4) of the Minutes of the Permanent Mandates Commission, covering its twenty-first to thirtieth sessions, has been published, and was recently distributed to the members of the Commission.

Lastly, the Secretariat has, as usual, drawn up a list of official documents transmitted by the mandatory Powers relating to the territories the administration of which is to be examined at the present session (Annex I.)

**Election of the Chairman.**

*M. ORTS was elected Chairman of the Commission.*

M. ORTS thanked his colleagues for the honour they had done him in asking him to preside over the work of the Commission. His first words would be addressed to his predecessor, who had acted as Chairman for many years—in fact, since the Commission's first session. He expressed the hope that Marquis Alberto Theodoli would soon resume the place in the Commission to which he was entitled.

While he fully appreciated the mark of esteem shown by his colleagues, M. Orts was also aware of the heavy responsibility of his task. He was taking over the chairmanship of the Commission at a moment when the latter would be called upon, in the course of the three sessions it was to hold in 1937, to deal with particularly important questions.

I was not too much to affirm that there would be moments when millions of men would have their attention fixed upon what the Commission would say and decide. He would remind those who might look to the Mandates Commission for the solution of the problems on which their interest was concentrated that, as an advisory organ of the Council, the Commission had no other function than to give its advice on the application of the law binding the parties—that was to say, the mandator and the mandatories—as set forth in the Covenant and in the text of the mandates.

Clear though it was, that task was none the less difficult to discharge when the operation of the mandate affected important political and moral interests or raised violent conflicting passions. The Mandates Commission would never yield to the desire to flatter or to spare the susceptibilities of any party. At the same time, it would avoid the weakness of the bad judge who bent the law to suit a conception of equity which was personal and therefore liable to error. But the law had the coldness of marble, and though the Commission would not depart from its terms, it was none the less entitled to construe it by going to the legitimate sources of interpretation and allowing, should it be necessary, for any circumstances which the law-makers had not foreseen.

The Chairman was sure that the Commission would honourably discharge the difficult duties confided to it during the year. It would discharge them with its habitual simplicity and desire for impartiality, and with complete independence.

**Election of the Vice-Chairman.**

*M. RAPPARD was elected Vice-Chairman of the Commission.*

M. RAPPARD said he was extremely sensible of the mark of confidence which his colleagues had just shown him, but was afraid it had been dictated by excessive indulgence. He feared it might cause some surprise outside the Commission that he—perhaps the only member who had no personal or national experience of colonial affairs to draw upon—had been elected Vice-Chairman. He could therefore only hope that his colleagues would not have to regret their choice. For his part, he would be prepared at any time to give up his place to another, if such a change appeared advisable.

The CHAIRMAN had no doubt that anyone who had followed the work of the Commission would understand that its members had elected M. Rappard Vice-Chairman in recognition of the valuable contribution their Swiss colleague had made to its work over twelve years.

### **Adoption of the Agenda and Programme of Work.**

*The Commission approved its agenda and programme of work (Annex 2).*

### **Distribution of Work among the Members of the Commission.**

The CHAIRMAN stated that the death of M. Manceron left the question of the economic situation and the commercial movement of the mandated territories without a Rapporteur. He asked M. Giraud if he would undertake that task.

M. GIRAUD accepted.

The CHAIRMAN pointed out that it had not been customary in the past for the Chairman to be in charge of special questions, and, if his colleagues did not object, he would propose to distribute among them the questions for which he had been Rapporteur before being appointed Chairman—namely, general administration, economic equality and the liquor traffic.

*The Commission decided not to proceed to a general distribution of questions to a Rapporteur until the arrival of Mlle. Dannevig and Lord Hailey.*

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## SECOND MEETING.

*Held on Tuesday, June 1st, 1937, at 10.30 a.m.*

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### **Tanganyika Territory : Examination of the Annual Report for 1936.**

Earl De La Warr, Lord Privy Seal, former Parliamentary Under-Secretary for the Colonies, and Mr. J. F. Nicoll, Assistant District Officer of Tanganyika Territory, 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.

#### GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Lord DE LA WARR made the following statement :

I have to thank you, Sir, for the cordial welcome which has been extended to me. It gives me great pleasure to make the acquaintance of the Commission, and this pleasure is enhanced by the fact that Tanganyika, which I have visited recently, continues to be peaceful and prosperous. The lean years of economic depression are now definitely passed, but the lessons learnt from adversity are being remembered and applied. The full story of the territory's economic recovery will be found in the report, which, as usual, is a very full one with a wealth of detail covering all branches of governmental activity, but I should like to draw attention to one or two outstanding features.

The trade position continues to be very healthy, the volume of trade approaching very near the peak figure of 1929, and the value of domestic exports creating a new record for Tanganyika with an increase over 1935 of 31%. This most encouraging result was mainly due to the following factors :

In the first place, the mining industry fulfilled its promise of continued development and the production of gold now approaches £500,000 a year in value. Secondly, commodity prices were generally satisfactory, although coffee prices show little rise over the low level of prices in 1935. The welcome rise in the territory's chief export—sisal—which took place at the end of 1935 was maintained throughout the year. Finally, climatic conditions favourable for agriculture again obtained in 1936, while the territory remained untroubled by locusts. In consequence, heavy yields were obtained, especially of native-grown crops, with the exception of Bukoba coffee, which experienced adverse weather conditions. In particular, there was a record production of cotton, the export of 252,000 centals eclipsing that of 223,000 centals in 1935, which was itself a record.

The expansion in trade was naturally reflected in the financial position, which developed in a markedly satisfactory manner. It had been estimated that a small surplus of about £21,000 would be achieved on the joint account, an anticipated surplus of £75,000 on the

ordinary budget being offset by an anticipated railway deficit of £54,000. Owing, however, to exceptional revenue receipts, a surplus of just under £300,000 was achieved on the ordinary budget, while for the first time since 1930 the railway accounts showed a surplus of over £50,000 after meeting debt charges but not renewals.

As a result of this spectacular improvement and of the favourable outlook for 1937, it became possible to look ahead and to consider what the financial policy of the Government should be in the next few years. It was decided that the first essential must be to build up adequate reserves—that is to say, a general reserve fund over and above the ordinary working resources of Government plus a renewals fund in respect of the wasting assets of the railway. A first contribution of £100,000 was made in 1936 to the general reserve fund, £50,000 was allocated to the Railways Renewals Fund, while £20,000 was set aside to make up arrears of renewals in respect of certain water-supply schemes. It is proposed to make further payments to all three funds during 1937.

One very satisfactory result of the general financial recovery of the territory has been the strengthening of the financial position of the native authorities, who have been able not only to expand their services, but also to build up again adequate reserves. It has also been found possible to dispense with certain subventions which native authorities made to general revenue to meet part of the cost of certain social services of benefit to the authorities concerned—services which would otherwise have had to be curtailed in the years of financial stringency.

In its examination of the annual report on the territory for 1935,<sup>1</sup> the Commission referred to the question of the imposition of income tax. This matter has continued to receive consideration, and a few months ago the Government announced that, while it has no intention of proposing any change in the basis of taxation so far as revenue for 1937 is concerned, in view of the introduction of income tax in Kenya it has no objection in principle to considering, in consultation with the public, the desirability and practicability of introducing income tax into Tanganyika in due course, subject to the proviso that it would be free to adopt such rates of tax or relief as local circumstances might require, and to adjust other measures of taxation in such way as might be desirable. The Government is prepared, in any case, to co-operate with the Government of Kenya in doing everything possible to prevent improper evasion of income tax in that colony.

The Commission will also recollect that, last year,<sup>2</sup> the accredited representative referred in his opening statement to the fact that, with the return of prosperity, the problem of native labour was engaging the serious attention of the Government. An authoritative local committee was appointed towards the middle of last year to examine and report on all questions affecting the supply and welfare of native labour, and this committee has held an exhaustive enquiry. The complexity of the questions examined and other factors have, however, rendered it impossible for the report of the committee to be submitted as soon as had been hoped, but it is anticipated that it will be published very shortly and copies will then be sent to the Commission.

In the meantime, the Tanganyika Government has, with the advice of the committee, taken steps to deal with some of the more urgent problems, especially those which arise on the Lupa Goldfield. A full account of the action hitherto taken will be found in the section of the report dealing with labour. It may be mentioned that financial provision has been made in the estimates for 1937 to permit of the establishment of a separate organisation to deal with labour, but the exact form which this organisation should take has still to be determined.

The CHAIRMAN thanked the accredited representative for his statement. The Commission was gratified that the economic recovery of 1935 had been maintained in 1936 and that the prospects for 1937 were favourable.

#### FORM OF ANNUAL REPORT.

M. VAN ASBECK asked whether it would be possible in future reports to provide an index of general subjects, as in the report on Ruanda-Urundi, to facilitate reference to previous reports.

Lord DE LA WARR said this question would be considered.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 211.

<sup>2</sup> See Minutes of the Twenty-ninth Session of the Commission, page 37.

STATUS OF THE INHABITANTS.

The CHAIRMAN drew attention to the following passage in the annual report : “ The Africans understand little of our conception of constitutional monarchy and are content to count themselves as among the humblest of the Crown’s subjects ” (page 14, paragraph 30).

He pointed out that to describe the native inhabitants of a mandated territory as subjects of the Crown was contrary to the conception of the mandate.

Lord DE LA WARR said the passage was rather a description of the natives’ view of themselves than the affirmation of a constitutional principle. It might quite well be said that they knew little of the principles of the mandate.

ISSUE OF A COMMON POSTAGE STAMP FOR TANGANYIKA, KENYA AND UGANDA.

The CHAIRMAN recalled that the Commission had devoted considerable attention to the common postage stamp for Tanganyika, Kenya and Uganda. This was not because it attached special importance to the question in itself, but because it was the Commission’s duty to see that the territory remained a distinct political entity.

He therefore took note with satisfaction of the mandatory Power’s statements in paragraph 260 of the annual report, which he interpreted to mean that the common stamp was not in any way a symbol of political union.

Lord DE LA WARR said no political significance whatsoever attached to the issue of a common postage stamp. The mandatory Power’s sole concern was the efficiency of the postal services.

The CHAIRMAN said the only matter which might give cause for regret was that the territory would be deprived of certain not entirely negligible financial resources.

Lord DE LA WARR pointed out that the revenue derived from the sale of the stamp went into the general revenue of the country (see paragraph 260 of the report).

M. RAPPARD observed that stamps were sold to collectors as well as for postal purposes ; the revenue from the sale of special stamps might, in the year of issue, be more than 10% in a country whose total postal revenue was less than £80,000.

Lord DE LA WARR thought an authority responsible for good government should be more concerned to provide a cheaper and more efficient service than with the claims of stamp-collectors.

Lord HAILEY said there were precedents elsewhere for the use of both common postal services and common coinage, as also for other common services. No special significance had been attached elsewhere to this very usual practice.

M. RAPPARD pointed out that the matter arose in connection with closer union and suggested that there was no incompatibility between a common service and a special stamp.

QUESTION OF A CLOSER ADMINISTRATIVE, CUSTOMS AND FISCAL UNION OF THE MANDATED TERRITORY OF TANGANYIKA WITH THE NEIGHBOURING BRITISH DEPENDENCIES OF KENYA AND UGANDA : POLITICAL SITUATION IN THE TERRITORY.

M. PALACIOS said that he would have asked the accredited representative the same questions as the Chairman as regards the status of the territory and the status of its inhabitants. He agreed with M. Rappard as regards the origin of the question of postage stamps. Its importance had originated in the movement for “ closer union ”, studied at such length in many documents by the mandatory Power and by the League of Nations. The question of postage stamps had only arisen in that connection.

M. Palacios would confine himself to asking what was the present situation. Was public opinion still discussing “ closer union ” ? Had the idea made any progress in the country under the stimulus of official or non-official institutions ? Would they continue to confine themselves to a policy of “ closer co-operation and co-ordination ” ?

M. Palacios also wished to ask what relation might exist between this problem and that of the political future of the mandated territory, touched upon by the Governor in his message to the Legislative Council (page 169 of the report).

Lord DE LA WARR said the matter of closer union had not been under consideration by His Majesty’s Government during his short period at the Colonial Office. His own opinion was

that fuller co-operation was desirable, particularly between the agricultural and medical research services, but this was a question of efficiency of general application throughout the world.

The point referred to on page 169 of the report was whether certain territories should be returned to Germany. The public usually discussed this matter on the false assumption that the mandatory Power was free to hand back a territory like a piece of private property. There were undoubtedly considerable apprehensions among the population of the territory.

#### CONFERENCE OF EAST AFRICAN GOVERNORS.

M. PALACIOS noted with satisfaction that the report gave some details of the Conference of Governors of East Africa, held at Dar-es-Salaam in June 1936. The report mentioned, as the principal subjects dealt with by the Conference, the following eight points (paragraph 46, page 22) : Unified Time, Research Reports, Tea Production in East Africa, Tariff Changes, Responsibility for the Safety of Aviators, Inter-territorial Language Committee, Conditions of Service, and Bantu Educational Kinema Experiment. The Conference also dealt with various other questions (paragraph 48, page 24 of the report), details of which were not given, and one of which—co-ordination of defence—was undoubtedly of the greatest importance.

So far as he was concerned, M. Palacios would confine himself to asking for a few supplementary data on certain questions. The report said that the Conference of Governors in East Africa had declared its willingness " to co-operate with the African Tea Association, particularly in regard to any legislation that might be proposed for levying a tea-cess to be used in the interests of the industry " (page 23, paragraph 47, (iii)). Could the accredited representative give any explanations on that matter and state what would be the effect on Tanganyika ?

Lord DE LA WARR had little to add to the report, except that similar problems faced the tea-growing industry in all East-African territories, and that the formation of a Tea Association to consider the common interests of producers, methods of research, marketing, etc., was a very useful measure.

M. PALACIOS asked whether the accredited representative would be prepared to give the Commission information as to the provisions for the co-ordination of defence which had been studied by the Conference (paragraph 48, page 24 of the report).

Lord DE LA WARR said that the report contained full information concerning troops and equipment (pages 74 and 75). To go into further detail would involve raising confidential matters of no real interest from the point of view of the administration of the territory. He would, however, be glad to answer any particular questions M. Palacios had in mind.

M. PALACIOS said he would not insist, but would leave the whole matter to M. Sakenobe.

He asked whether effect had been given to any of the proposals regarding conditions of service (page 24 (*vii*) of the report).

Mr. NICOLL said there had been a general revision of conditions of service throughout the Colonial Service during the past two or three years, and certain new conditions which also applied to Tanganyika had been introduced.

M. PALACIOS expressed appreciation of the reply given in paragraph 50 of the report to his question <sup>1</sup> concerning the exemption from direct taxation of persons engaged in charitable and religious work—a matter with which the Conference of Governors had dealt in 1935. He asked whether there was any discrimination between the different religions.

Lord DE LA WARR replied in the negative.

#### TRANSPORT POLICY BOARD.

M. PALACIOS asked if information could be given concerning the co-ordination by the Transport Policy Board of the Government control of civil aviation (paragraph 49 of the report).

Lord DE LA WARR said the matter was outstanding pending consideration of Sir Osborne Mance's report.

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 41.

#### JOHANNESBURG CONFERENCE.

M. VAN ASBECK said one point of some importance was mentioned only in the Governor's address annexed to the report (page 169). He referred to the Johannesburg Conference, which, he understood, had been attended by Governors, not only of the British colonies, protectorates and mandated territories, but also of Portuguese territories and the Belgian Congo. He understood from correspondence in the Dutch Press that that Conference had become a permanent institution with a permanent Secretariat, and would meet again in 1940 on the invitation of the Portuguese Government.

Lord DE LA WARR said the Conference was not mentioned in the report because no decisions of vital importance had been reached. There had been a useful discussion, mainly on the allocation of air-lines as between Imperial Airways and the Union of South Africa Airways.

He handed in a paper concerning the arrangements for the new air services on which negotiations had just been concluded.

In reply to a further question by M. van Asbeck, Lord De La Warr said the Conference was confined to transport questions.

M. RAPPARD asked whether air transport was of real importance to Tanganyika.

Lord DE LA WARR said air services passed over the territory and to that extent it was interested.

The CHAIRMAN asked M. van Asbeck whether he had reason to believe that the Conference was more important than it appeared to be.

M. VAN ASBECK said he had gathered from the Press that it was of some importance.

Lord DE LA WARR said he would look into the matter, but the Governors had not thought it important enough to report back to the Colonial Office.

#### LEGISLATIVE COUNCIL.

Lord HAILEY asked whether there was any method by which the large number of foreign residents in Tanganyika Territory could obtain representation on the Legislative Council. Were any German residents nominated, for instance ?

Lord DE LA WARR said it was a matter of strong principle that members were not nominated as representatives of any section of the community, but on the judgment of the Governor.

In reply to a question by M. van Asbeck, he added that they were required to take an oath of allegiance to the King.

Lord HAILEY asked whether there was anyone to speak on the Legislative Council on behalf of the 3,000 German (as compared with the 4,000 British) inhabitants.

Lord DE LA WARR said the records of the Legislative Council showed that members frequently laid themselves out to speak on behalf of a particular section of the community. He had been gratified, when visiting the territory, to note the personal contacts that had been established. In the course of his duties at the Colonial Office, he had received a petition from a German which was backed by a large majority of the British community.

M. VAN ASBECK noted that foreigners could not become members of the Legislative Council, although they were inhabitants of a territory under an international mandate just as the British subjects.

M. RAPPARD understood that the Legislative Council was an advisory rather than a legislative body.

#### INTERNATIONAL CONVENTIONS.

Count DE PENHA GARCIA noted that the mandatory Power had generously extended the application of a large number of Conventions to the territory (pages 3 to 6 of the report). Some of them might be of little interest to it, but no harm was done and perhaps some good.

He asked whether the London Convention for the Protection of the African Fauna and Flora<sup>1</sup> was applied in the territory. It was not included in the list of Conventions.

Lord DE LA WARR said he would look into the question.

FRONTIER BETWEEN TANGANYIKA AND RUANDA-URUNDI : TREATY OF NOVEMBER 22ND, 1934.

Count DE PENHA GARCIA asked whether the Convention concerning the Anglo-Belgian frontier, as well as the subsidiary Agreement on Riparian Rights, had come into force.<sup>1</sup>

Lord DE LA WARR said he understood that the necessary legislation had not yet been passed in Belgium.

ECONOMIC EQUALITY : CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE OF NATIONS.

Count DE PENHA GARCIA said the Commission had devoted considerable attention in the past to the question of economic equality, with special reference to States which had withdrawn from the League. It was stated in paragraph 52 of the report that the mandatory Power was not contemplating any change of policy in that respect. Did that mean that it recognised that it had a right to do so but did not desire to exercise that right, or that no such right existed ?

Lord DE LA WARR said the statement indicated that the mandatory Power was not contemplating any change, and had consequently not considered the matter.

Count DE PENHA GARCIA presumed that the legal aspect of the question, not having been considered, remained in suspense.

Lord DE LA WARR believed it had always been taken for granted that, if the question were examined, it would be found that no change could be made, and there the matter rested.

Count DE PENHA GARCIA understood Lord De La Warr's last remark to mean that the mandatory Power reserved the right to take a decision later.

Lord DE LA WARR said the mandatory Power reserved the liberty to consider the matter.

M. RAPPARD thought the position was complicated by the question of the Congo Basin. A large part, if not all, of this area came under the Treaty of St. Germain, which provided for economic equality.

Lord DE LA WARR believed that was so. The question was very complicated and, as no change was contemplated, the matter was not discussed.

IMPORTS AND EXPORTS : PARTICIPATION OF THE NATIVES IN THE PROSPERITY  
OF THE TERRITORY.

M. GIRAUD said the report contained very interesting information on the general economic situation, which was shown to be very satisfactory (pages 50 *et seq.* of the report). Exports, in particular, had increased appreciably, apart from coffee and tobacco (paragraph 89, page 60 of the report).

He noted that the value of domestic exports had risen from £3,445,143 in 1935 to £4,516,284 in 1936—an increase of £1,071,141, or 31% (page 50 of the report). That was a very satisfactory position, as exports, upon which the inhabitants' capacity to purchase depended, were the basis of the country's wealth. Trade imports showed a steady development since 1932, but had not improved in the same proportion as exports during the year 1936 (£2,854,480 in 1935 and £3,201,013 in 1936) (page 50 of the report). This would seem to indicate that the natives had kept a large part of the money gained on exports. The report, in fact, stated that a certain amount had been invested in purchases of cattle, but what had they done with the rest ?

The report seemed to suggest that the natives were not tempted by the goods offered in the shops and preferred to keep their money. Did they place any of it in savings banks, and were there any institutions to promote thrift ? It was rather unusual for African natives to save.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 38.



Lord DE LA WARR said M. Giraud had raised a very important point, to which both the Governor and he himself had given consideration. It was not correct to assume that all the exports were native products. Sisal and gold were not primarily native exports. The problem arose most acutely in the cotton-growing area, and the real trouble was due to lack of enterprise on the part of the small shopkeepers.

He was not sure how the problem should be dealt with. It was not suggested that the native administrations or the mandatory Power should go into trade. The Governor was, however, endeavouring to persuade traders and importers to improve their range of goods. In one area, there had been some difficulty in inducing the natives to pick all the cotton once they had earned enough money to pay their taxes, etc. This was disastrous for the economic development of the country.

No doubt a certain amount of money was invested in cattle, but it was not desirable to increase stock unduly, because that would raise the problem of soil conservation.

It would be seen from paragraph 255 (page 155 of the report) that the number of African savings-bank depositors showed an increase of 884 over the total of 2,818 for 1935, but that did not account for all the sums in the hands of the natives.

Lord HAILEY thought there was some reference in one of the annual reports to the policy of extending markets for the sale of commodities to natives in order to meet the difficulty in question.

Lord DE LA WARR said some experiments had been made on those lines. The Government was satisfied that this was a suitable policy, and an application was before the Colonial Development Advisory Committee for assistance to carry it out on a wider scale.

M. RAPPARD said that the surplus of exports over imports was very striking from the economic standpoint. It raised in the economist's mind the question of the favourable trade balance, not offset by an unfavourable tourist balance or other invisible items, as elsewhere. On the contrary, people from outside the territory doubtless spent more inside than people from inside spent outside. Debt charges, principally on the railways and the public debt, might amount to several thousand pounds per annum, which appreciably reduced the credits of the territory; but, even so, at least £1,000,000 remained. The economic explanation no doubt was that the territory and its inhabitants, chiefly the white residents, were accumulating favourable balances in London and elsewhere and could therefore export more than they imported. This was not normally possible in most countries.

Lord DE LA WARR had not thought of the matter in connection with the whites. Probably most of them were repaying overdrafts from the period of depression rather than accumulating surpluses. He had viewed it as a native problem and as a tragedy that the opportunity of raising the standard of living of the natives should be lost for want of suitable goods.

M. RAPPARD said one solution would be to extend markets.

The only explanation of the permanent excess of exports over imports, however, was, in his opinion, that which he had just suggested. People came to the territory poor and left rich, and favourable balances were also set up by officials with pension rights.

The question was of theoretical and practical importance in an economic analysis of the position of the territories. A similar situation had occurred in the Islands under Japanese Mandate.<sup>1</sup>

Lord DE LA WARR agreed with M. Rappard's analysis of the position, but thought the real solution was to put more consumable goods at the disposal of the natives.

M. VAN ASBECK believed a similar situation had also arisen in the British Cameroons.<sup>2</sup>

One passage in the Provincial Commissioners' annual reports (page 26), to the effect that it might be desirable in the sisal industry to pass on to labour a share of the profits now being earned in the territory, might have some bearing on the subject.

To what extent were profits, earned with the wealth and labour of the territory and capital from outside, being drained out of the country? Had it a moral right to those profits? That

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 180.

<sup>2</sup> See Minutes of the Thirtieth Session of the Commission, page 58.

raised a big social problem—namely, the extent to which the population, including the natives, shared in the profits it helped to produce. Perhaps it was a question of taxation—of holding back within the territory's treasury certain sums for public utility works, especially works for the benefit of the natives.

Lord DE LA WARR said that wages were low everywhere, not only in the sisal industry. There had been a considerable increase in the territory in the last year or two; conditions had also improved—housing, for instance. All sisal plantations were now opening medical dispensaries, and he hoped they would shortly take a scientific interest in nutrition.

Taxation for social services might help to solve the problem; there had been some discussion between the native authorities and the Government as to the possibility of local increases in prosperous areas for the development of social schemes there. Some of the native authorities had shown considerable interest in the idea, but he could not say how far it had gone.

M. GIRAUD asked how the value of exports was calculated.

Lord DE LA WARR said a declaration was made at the Customs on export.

M. RAPPARD asked how exports to and imports from Kenya and Uganda—where there was no Customs barrier—were calculated.

Lord DE LA WARR said that all goods were declared at a "port of entry"—for instance, a lorry from Nairobi to Arusha had to make a declaration at Longido for statistical purposes.

M. RAPPARD said the Commission had been told that the formation of the Customs union would save staff, but in such circumstances there would seem to be little saving.

Lord DE LA WARR said the matter was very simple: there were only a few "ports of entry"; nearly everything went through Mombasa. The offices up-country were staffed with native employees.

M. RAPPARD said the report painted a very optimistic picture of the situation, which was confirmed in the accredited representative's preliminary statement. The currency depreciation must not be forgotten, however. The increase in the volume of trade, as expressed in pounds sterling, might not correspond to the actual increase, some part of which was due to a rise in prices on account of the reduction in the gold content of the pound.

Lord HAILEY pointed out that sisal, the chief product, had increased in weight as well as in value—that was to say, in 1925, 18,000 tons; in 1929, 45,000 tons; in 1935, 82,000 tons; but the value of sisal exports in 1929 was £1,500,000, as compared with only £1,750,000 in 1936 for nearly double the quantity.

Lord DE LA WARR said it would be correct to say that both volume and value had risen, with a slightly different emphasis for different products.

#### AGRICULTURAL DEVELOPMENT.

M. GIRAUD enquired whether there had been difficulty in recruiting labour for the sisal plantations (see paragraph 89, page 60 of the report).

Lord DE LA WARR believed there had been some difficulty. There was a considerable general increase in the demand for labour, and the main reasons for the shortage would be found in paragraph 113 (page 76 of the report).

M. GIRAUD asked whether the fall of 40% in the production of coffee in Bukoba (pages 59 and 137 of the report) had affected the economic position in the native areas concerned.

Lord DE LA WARR said the native areas had undoubtedly been affected, but not disastrously.

The CHAIRMAN asked whether coffee was cultivated by the natives.

Lord DE LA WARR said that was so in Bukoba.

M. GIRAUD asked what effect the competition between Uganda and Tanganyika tobacco had had on the tobacco production of the territory.

Lord DE LA WARR said there had been no serious results. Consumption was increasing considerably, and competition was inevitable.

M. GIRAUD asked whether ground-nuts were decorticated for export. The main bulk went to the United Kingdom. How were they used ?

Lord DE LA WARR said they were decorticated. They were used in the United Kingdom for the extraction of oil.

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THIRD MEETING.

*Held on Tuesday, June 1st, 1937, at 3.30 p.m.*

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**Tanganyika Territory : Examination of the Annual Report for 1936 (continuation).**

Lord De La Warr and Mr. Nicoll came to the table of the Commission.

IMPORTS AND EXPORTS (*continuation*) : AGRICULTURAL AND INDUSTRIAL DEVELOPMENT.

M. SAKENOBÉ observed that the production of tea was increasing, and that imports from Kenya and Uganda were declining (pages 52 and 64 of the report). If he were rightly informed, there were restrictions on the planting of tea in East Africa. Did not those restrictions hinder the development of tea-growing ?

Lord DE LA WARR replied that a quota was fixed for tea-growing under the international arrangements.

M. SAKENOBÉ was grateful for the information contained in the report regarding the export of cotton to India (paragraph 91, page 61 of the report). He had thought that those exports were intended for re-export from India, but was glad to observe that India had progressed so far as to consume such large quantities of fine cotton. He noted that the exports of cotton to India had decreased by 10% in 1936 (page 57 of the report), and asked if any explanation could be offered.

Lord DE LA WARR did not know of any particular reason for the reduction.

M. GIRAUD observed that the production of sugar had started in 1936 (page 64 of the report), and asked whether the industry was developing satisfactorily.

Lord DE LA WARR replied that the industry had been successful and, under the recent Sugar Agreement, would be allowed special consideration in view of the fact that it was newly established.

M. GIRAUD pointed out that there were considerable differences between the figures regarding numbers of persons employed in various industries in the report for 1936 (paragraph 96, page 65), and the corresponding numbers for 1935. He quoted the following figures :

	1935	1936
Ginneries . . . . .	3,921	2,690
Rice mills . . . . .	316	198
Dairies and creameries . . . .	120	96
Power stations . . . . .	853	20

He would be glad to hear how these wide differences could be explained.

Lord DE LA WARR said the reduction in the numbers might in some cases be accounted for by greater efficiency. The figures were probably also prepared on a different basis. In the case of the power stations, a station had been under construction in the previous year, and this would account for a large number of workers engaged in construction.

M. GIRAUD pointed out that, in 1935, there had been three rope factories employing 275 persons. The report for 1936 contained no reference to those factories.

Lord DE LA WARR said he would look into the question and give a reply in the next report. He added that there was considerable difficulty in collecting these employment figures.

#### ITINERANT TRADING.

M. GIRAUD noted (page II of the report) that itinerant trading had been stopped in the Masai district, where it had given rise to complaints in the past. He asked if the same problem did not arise in other parts of the territory.

Lord DE LA WARR said the problem seemed to have been particularly acute in the case of the Masai district, where the population had less commercial instinct than in other districts. The itinerant traders were both Asiatic and African.

In reply to a further question, he said difficulty had been found in inducing the Masai to conform with modern developments and to change their habits.

#### CO-OPERATIVE SOCIETIES.

M. GIRAUD noted the reference on page 29 of the report to co-operative societies. Were they numerous? Were they organised on the same lines as the co-operative societies among white colonists? Did the Administration encourage the establishment of such societies and did it supervise their activities?

Lord DE LA WARR replied that the societies were not yet numerous, but were gradually extending. The Government would help and encourage the movement, if it were satisfied that a genuine demand existed among the natives. There was an ordinance regulating the co-operative societies, and a Registrar had been appointed to control and guide them. The District Officer also kept an eye on them, either officially or semi-officially. The funds were administered by the societies, but provision was made for annual auditing by an auditor approved by the Registrar.

#### RAILWAYS : ROAD AND RAIL COMPETITION : REPORT BY SIR OSBORNE MANCE.

M. PALACIOS, referring to the question of communications, asked whether the accredited representative could, at this stage, give the Commission any information as to the findings and recommendations of Sir Osborne Mance's report concerning the tariff rates of the Kenya and Uganda Railways, and also as to the question of road and rail competition (paragraphs 240 and 241, page 149 of the report). He would be glad to know, in particular, if a decision had already been taken.

Lord DE LA WARR replied that Sir Osborne Mance had reported fully on the co-ordination of transport, but he did not think any decision had yet been taken on his report.

#### PUBLIC FINANCE : TAXATION : NATIVE TREASURIES.

M. RAPPARD desired some information on budgeting methods. There were apparently two budgets—the budget proper and the revised estimates. In addition, there were the final accounts. The report for 1936 only contained the accounts for 1935. He asked on what date the budget and the revised estimates were prepared.

Mr. NICOLL said the budget for the following year and the revised estimates for the current year were prepared in time for the session of the Legislative Council which usually opened in November.

M. RAPPARD was surprised at the opening statement in paragraph 66 (page 33 of the report), to the effect that there was no apparent sign that the economic depression was lifting when the estimates for 1935 were under consideration, and that it was felt that there would be no justification for expecting any appreciable increase in revenue. The revenue had, however, amounted to considerably more than the estimates for the two preceding years. Was there any particular reason for that extreme caution in preparing the estimates?

Mr. NICOLL said that, in a country where the revenue depended mainly on agriculture, it was necessary to be cautious when preparing estimates some months in advance of the year to which they related.

M. RAPPARD observed that the same caution was displayed in the estimates for 1937, which were below the revised estimate for 1936. The Governor of Tanganyika, in a speech reported in Appendix II, had shown greater optimism when he stated that the budget for 1937 showed a total estimated revenue of £2,300,000, or £57,000 more than the sanctioned revenue estimates for 1936 (page 173 of the report).

Lord DE LA WARR said it was necessary to proceed with caution when preparing estimates in Tanganyika, having regard to the possibility of a poor harvest and the uncertainty of price movements.

M. RAPPARD said he would be very grateful if the Commission could obtain the latest figures in time for its session. He asked whether it would not be possible, in June 1938, to obtain, not only the revised estimates for 1937, but also the accounts. He understood that the accounts could perhaps not be included in the annual report, but thought they might be submitted in a separate document.

Lord DE LA WARR said he thought the final figures of revenue and expenditure for the year under review could be made available in time for the session.

Lord HAILEY pointed out that the budget only included the net profit on the railways, and the Administration was now beginning to spend money on their rehabilitation. This reduced the receipts under the railway head, and accounted in part for the apparent caution in budgeting for 1937.

Lord DE LA WARR said there was certainly much work to be done on the railways.

M. RAPPARD observed the statement in paragraph 66 (page 33 of the report) that the Imperial Treasury had remitted certain debt charges amounting to £99,878 until the financial position improved. On the next page (sub-paragraph (a)), the amount seemed to be given as £35,672, while on page 35 the figure of £64,206 was mentioned. He understood that the Imperial Treasury served as the Treasury for advances to Tanganyika until the territory could repay. Was interest paid on those advances, and were the remittances gifts?

Mr. NICOLL said the amount of £99,878 was made up of the two figures £35,672 and £64,206. The Imperial Treasury did not advance sums to the territory in the manner suggested. The amounts in question represented charges on loans made by the Imperial Government, which charges were temporarily waived.

M. RAPPARD presumed that the loan was due by the territory and guaranteed by the Imperial Government. If the territory could not pay, the amounts were remitted until it was possible to refund them.

He asked what was the meaning of the expression "unbudgeted debt charge" in paragraph 66 (page 33 of the report).

Lord DE LA WARR thought the railway did not expect to be able to pay the amount in question, but found afterwards that it could do so.

M. RAPPARD thought it was necessary to account for that amount even if it were thought that the territory could not pay. It should be included in the budget under some special heading. It seemed curious to leave the amount out of the budget altogether.

Lord DE LA WARR said he would like to look up the point.

M. RAPPARD noted that the general financial situation had greatly improved with the improvement in the economic position. Even the railways seemed able to pay their way (page 35 of the report). Was that due to a specially good year, or was it expected that the railways would now become permanently remunerative?

Lord DE LA WARR said it was a question of turnover. If the production were kept up or increased, the railways would remain in a satisfactory position.

M. RAPPARD noted that the table on page 36 of the report included the following items: "(d) Railway Renewals Fund, £50,000; (e) Reserve Fund, £100,000". Were those funds on which the Administration could draw?

Lord DE LA WARR replied in the affirmative, and referred to his statement at the previous meeting.<sup>1</sup> He could not say how long the Railway Renewals Fund would remain unspent.

M. RAPPARD presumed that, if those funds were maintained, it would be unnecessary to call on the Colonial Development Fund. He supposed the interest on the latter was appreciable.

Lord DE LA WARR said that schemes which would be eligible for assistance from the Colonial Development Fund would be new schemes and not renewals. The interest on loans advanced from the Fund was 3 or 3½%.

M. RAPPARD observed that there was also the Reserve Fund, which would presumably be required not only for renewals.

Lord DE LA WARR said this was a more general fund for the territory to meet difficult situations which might arise in the future.

M. RAPPARD, turning to direct taxation, asked whether the Administration was being guided by the precedent of Kenya in respect of the income tax.

Lord DE LA WARR said that circumstances in Tanganyika were not always comparable with those in Kenya, and he thought that Tanganyika Territory must take an independent decision.

M. RAPPARD thought the tax in Kenya would be paid by the white colonists and that, therefore, a rapid development could not be expected; but this would not be the case in Tanganyika, where the tax might be introduced even if it encountered certain difficulties.

Lord DE LA WARR could not accept the contention that Kenya was governed on behalf of the white colonists. That was, however, not a question for the Commission. The income tax was, in particular, an administrative question. The object was to obtain a certain sum of money in the most suitable manner.

M. RAPPARD supposed that there might be a conflict of interests as between natives and non-natives in the matter of direct taxation. All that could be hoped for was that the interest of the natives would not be sacrificed to the interest of the white colonists.

Lord DE LA WARR said the two questions were quite distinct. It would be possible to collect additional amounts by raising the non-native poll tax.

M. RAPPARD thought that, if it were desired to increase the burden on the white colonists, the method must be changed. The amount obtained from the non-native poll tax in 1935 was only £37,086 (page 38 of the report). He gathered that the white traders paid less than they would under an income tax. He thought the graduation of the tax was not proportionate to the inequalities in the position of the traders.

M. VAN ASBECK asked whether the non-native poll tax was progressive or proportional.

Lord DE LA WARR thought it was based on a very rough graduation.

M. RAPPARD pointed out that it was not really a progressive nor even a truly proportional tax, since there was a maximum taxable income.

Turning to the question of native treasuries (page 15 of the report), he was glad to note that the responsibility of the natives was being encouraged. He asked to what extent the natives were in fact truly responsible for the native treasuries.

Lord DE LA WARR said the Administration recognised the native treasury as the kernel of indirect rule. The part taken by the Administrative Officers varied according to the state of advancement of the different tribes.

SUPERVISION OF NATIVE ADMINISTRATION : EDUCATION AND EMPLOYMENT OF NATIVES :  
EDUCATION OF SONS OF CHIEFS : DETRIBALISED AREAS.

M. VAN ASBECK referred to the amalgamation of various districts reported on pages 8 and 9 of the report. Those changes had been made possible by the improvement in the means of communication, the growing efficiency and self-reliance of the native administrations and the

<sup>1</sup> See page 16.

fact that modern conditions did not call for the maintenance of so many small residential stations. He thought the second of those reasons was the most important, and asked how that growing efficiency and self-reliance made itself felt.

Mr. NICOLL said the native authorities in some areas now required less detailed supervision, so that it was unnecessary to maintain officers on the spot. Moreover, communications had improved.

Lord DE LA WARR said that in one area he had met five chiefs, three of whom had attended secondary schools and one a higher school, while only one belonged to the older generation. The natives had undoubtedly developed much greater self-reliance.

M. VAN ASBECK observed that the merging of districts involved a reduction in European officers.

Lord DE LA WARR said it meant that the officers were freed for other posts.

M. VAN ASBECK read extracts from a report by one of the Provincial Commissioners containing criticisms as to the value and efficiency of the chiefs. The conclusion was that more supervision was needed.

Lord DE LA WARR again pointed out that the merging of districts freed officers for other posts where more supervision was needed.

M. VAN ASBECK inferred that in the combined districts the supervision was decreasing, while it was being strengthened elsewhere.

Lord DE LA WARR replied in the affirmative. This system enabled officers to get away from their offices and to tour their districts to a greater extent. When a new native administration was started, the District Officer had to devote much time to it. As the responsibility of the chief gradually increased, the officer was enabled to make more extensive tours in his district.

M. VAN ASBECK noted from one of the reports of Provincial Commissioners (see Annual Reports of the Provincial Commissioners for 1936, page 65), that a Commissioner, on retiring, gave a warning as to the need for continued supervision. He also warned against flying visits in motor-cars to districts. He therefore thought the question of supervision was very important. If there were not sufficient contact between the Europeans and the natives, the chiefs might become despotic. M. van Asbeck asked whether the accredited representative was certain that the contact between the natives and the Europeans was close enough to make indirect rule a success. One of the reports of the Provincial Commissioners commented on appeals from native courts to the Council of Chiefs, which, according to the report, used methods which did not commend themselves to European Administrative Officers. Did not that imply a disadvantage?

Lord DE LA WARR said that, in the Western Province, some of the natives were very primitive and, consequently, indirect rule in that area required great supervision. He thought the retiring officer referred to was right in warning against flying visits in motor-cars.

As regards Councils of Chiefs, the principle of the Administration was that every tribe should develop on its own lines. In some districts, there was one supreme chief, while in others there were many small disconnected tribes, and a Council of Chiefs was the best method of control.

M. SAKENOBE shared M. van Asbeck's apprehensions regarding insufficient supervision of native administration. Tanganyika was a very extensive territory consisting of only eight provinces, which were divided into districts. Those districts were apparently being amalgamated, so that, for instance, the Central Province, consisting of 36,000 square miles, had now only three districts. Obviously, supervision was difficult in such large areas. In the Western Province, which included the most primitive area and consisted of 85,000 square miles, there were only four districts. It was inconceivable that four District Officers could properly supervise that territory. He thought, therefore, that the amalgamation of districts had reached its utmost limit.

Lord DE LA WARR said the real answer to this criticism was that there had been no reduction in staff, but that the staff was put to better use by the centralisation of office work which had taken place. The officers spent less time in the offices and more time visiting the districts.

M. VAN ASBECK wished to make it clear that, in principle, he was in favour of indirect rule, but thought it could only work under efficient supervision. The reports of the Provincial Commissioners in general indicated that strict control was necessary.

Lord DE LA WARR thought it was impossible to generalise on that subject. In some areas, there were large populations with a quickly growing sense of responsibility, while, in other areas, strict control was necessary. Indirect rule meant the taking of some risk. It was easier to run the administration with Europeans, but that method did not make for the development of the natives.

M. VAN ASBECK read an extract from the report of the Commissioner for the Western Province describing the personality of the tribal clerk. Might not abuse of power by tribal clerks be a factor throughout the territory ?

Lord DE LA WARR said that observation was not a general application, but only applied to the particular province. The fact that these difficulties and criticisms were brought out in the report of the Provincial Commissioner showed that they were being given attention. The real solution was better education of the chiefs and tribal clerks.

The CHAIRMAN thought that the normal working of indirect rule required that the native population and the European authorities should be face to face with no other intervening element. If, however, there was a large influx of Europeans on account, for instance, of the discovery of mineral resources, did not that make indirect rule difficult ?

Lord DE LA WARR said he was no authority on indirect rule—a subject on which many books had been written. Admittedly, that system was in the experimental stage in Tanganyika. It worked well under normal tribal conditions and in some places where European settlers lived. But he did not see how it could work in districts with a large European mining population.

Lord HAILEY, in answer to a suggestion from Lord De La Warr, thought that, in districts where there were large mixed populations, some variation of the ordinary method of indirect rule was required. That had been recognised, for instance, in the Belgian Congo, which had instituted the "*cercles extra-coutumiers*". The problem of Africa in future was not only the primitive man but the intermediate stage between the primitive man and the Europeanised natives, and indirect rule must be adapted to the needs of that new class, which was largely industrial. This was an urgent problem in South Africa, and was becoming one in Kenya. The only hope of success was to retain the system of indirect rule while modifying it according to changing circumstances.

M. VAN ASBECK asked what provision was now made for the education of the chiefs and their subordinates.

Lord DE LA WARR said that the special education of sons of chiefs which had been started at Tabora had now been abandoned, and boys were no longer educated in their capacity as future chiefs, but went to the ordinary schools provided for the general population. There were not only many primary schools, but also a number of higher schools. A Commission of Enquiry had investigated the question of higher education in East Africa, and it was hoped that its work would lead to good results. The Administration did its best to encourage chiefs to send their sons to school.

The CHAIRMAN asked why the school for the sons of chiefs at Tabora had been closed. Was it for reasons of economy or because the school had not given good results ? He understood there was another such school at Moshi, and enquired whether that had also been closed.

Lord DE LA WARR replied that the school at Tabora had not been closed, but was no longer a school for the education of chiefs' sons. It was found better for the sons of chiefs to mix with other boys. Moreover, in some cases, the new chiefs were not chosen until the old chiefs had died, so that the sons of chiefs did not necessarily become chiefs in their stead. The chiefs' sons now went to the ordinary secondary schools. The school at Moshi had also been converted into an ordinary secondary school.

M. VAN ASBECK next touched on the organisation of detribalised areas, to which reference had been made last year.<sup>1</sup> The report for 1935 contained interesting information on the subject.

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 42.



It would appear from one of the Provincial Commissioners' reports that further detribalised areas existed on the coast of the Southern Province. He observed that the chiefs had Arab names.

Lord DE LA WARR replied that, in the Southern Province, there were certain areas which had suffered from slave-raiding, so that it was difficult to establish indirect rule. The matter was still under investigation.

M. VAN ASBECK said that the conclusion to be drawn from last year's discussion was that there were two systems of indirect rule : one on a more or less tribal, and the other on a territorial, basis. In the latter case, which arose in areas with many detribalised individuals, the chief was really a Government official.

Lord DE LA WARR replied that, in the detribalised areas, the chief was indeed appointed by the Government, but as far as possible there was a native administration and treasury.

M. VAN ASBECK asked whether the system of appointing chiefs was extending to other parts of the territory and whether it would be followed in detribalised areas.

Lord DE LA WARR said that this was the only possible system where there was no obvious tribal organisation.

M. VAN ASBECK pointed out that one of the Provincial Commissioners' reports stated that some years previously the administration of the Dar-es-Salaam district was separated from the rest of the town. M. van Asbeck had found no other reference to that subject either in the report for 1936 or in previous reports. Possibly the next report could give more detailed information as to the manner in which Dar-es-Salaam was administered.

Lord DE LA WARR said the next report would give further details on the subject.

M. VAN ASBECK, in the third place, referred to the Minutes of the twenty-ninth session of the Commission, page 43, relating to the number of educated natives and their influence. The report for 1935 contained a table showing the number of educated natives employed. The same table appeared in the 1936 report, (pages 161-168) but he noted that the numbers had but slightly increased. He asked whether the educated natives had given good results in the intermediate and higher posts of the Administration.

Lord DE LA WARR said that on the whole they had. Most of them were engaged in clerical work, which did not come very natural to them. The education should be carried further as, when the natives were better educated, they might replace Indian clerical staff. The natives also became agricultural assistants under Europeans. They made good veterinary assistants and were extremely good at medical work—though naturally not of the European standard. The greatest need of the natives who took up technical work was for more general education. This result could be reached by adding one or two more years on to the secondary-school courses.

M. RAPPARD was interested to hear the accredited representative speak in favour of general education. It had been so often asserted that black men were spoiled by general education and merely became bad copies of white men.

Lord DE LA WARR said the general education should be adapted to African rather than to European life. He had gone to Tanganyika with the prejudices referred to by M. Rappard, but his view had changed when he observed the success achieved by natives in agriculture, medicine, etc.

#### CATTLE THEFTS.

M. SAKENOBE noted from page 29 of the report that cattle thefts had been carried out by the Masai on a large scale, and that troops had been sent to the district. The Provincial Commissioner reported that proposals had been made to remedy that state of affairs, which it was hoped would be stopped by quick retribution (see page 40 of Provincial Commissioners Reports for 1936). He asked what steps had been taken.

Lord DE LA WARR replied that the difficulty was that the thefts were not carried out purely in order to steal cattle. The Masai youths conducted the thefts partly as an act of gallantry. One method of dealing with the matter was, not to punish individuals, but to make a levy on the whole tribe.

M. SAKENOBE said this was not the first occasion when such raids had been planned. On previous occasions, however, the police had got wind of the matter and had taken steps to prevent the raid. On the occasion under discussion, the police had apparently not anticipated the raids. Possibly, the police staff in such a large district as Masai was insufficient.

Mr. NICOLL agreed that the Masai District was a very large area, containing a large amount of live-stock, but the Masai population was only about 25,000. The district was staffed by three Administrative Officers. On the occasion mentioned in the report, the thieves had entered Sukuma by a roundabout way, through a wild and unpopulated district.

#### TSETSE RECLAMATION : NATIVE CONCENTRATIONS.

M. SAKENOBE referred to the tsetse reclamation mentioned on page 16 of the report. The Governor of Tanganyika had said that about two-thirds of the territory was infested by the tsetse fly and that, though considerable areas had been reclaimed, infestation was advancing with great rapidity (page 171 of the report). M. Sakenobe observed that the reclamation was carried out by co-operation between the Tsetse Research Department, the Provincial Administration, and the native population. The report stated that the term "reclamation" had a much wider significance than that of bush-clearing, and included such operations as anti-erosion, water-supply and reforestation. When considered in that wider sense, the work seemed to exceed the competence of the Tsetse Research Department and Provincial Administration, and no doubt involved very great expense.

Lord DE LA WARR replied that the existing methods were sufficient, but a scheme for clearing the bush would be useless unless a population were available to occupy the area. At the beginning, larger areas had been cleared than was necessary, with the result that parts had reverted to tsetse bush. At present, the authorities were able to clear areas required for the population. Tsetse research work involved many aspects of the question—for instance, the breeding habits of the fly, whether undergrowth should be burnt or not, the width of the corridor to be cleared, the kinds of plants to prevent the spread of the tsetse fly, etc.

M. SAKENOBE asked whether ground once cleared and settled would remain free from the tsetse fly.

Lord DE LA WARR replied that, if the area were settled, the bush would be cut down, but, if that were not the case, the bush would grow again within one year and the tsetse fly would spread.

M. PALACIOS noted that "native concentrations" appeared in the west of the territory on the map attached to the report. What were those concentrations?

Lord DE LA WARR replied that the only form of native concentrations was connected with sleeping-sickness measures. The natives came into those concentrations, a barrier was cleared and they were thus safe from infection of sleeping-sickness.

M. VAN ASBECK observed that the Committee last year had discussed the concentration of the population for the fight against sleeping-sickness.<sup>1</sup> Were the measures effective and would they be continued in other districts?

Lord DE LA WARR replied in the affirmative.

#### PRESERVATION OF ANCIENT RUINS AND OBJECTS OF HISTORIC INTEREST.

Count DE PENHA GARCIA had read with interest the paragraphs on this subject on page 30 of the report. It was a matter of importance not only for students of archæology. He noted that a journal entitled *Tanganyika Notes and Records* had been started and that copies of the first and second numbers had been supplied to the Mandates Commission. He hoped the Commission would receive further numbers of the journal.

Lord DE LA WARR said he would be glad to keep the Commission informed on the subject.

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, pages 42 and 59.

EDUCATION.

The CHAIRMAN said Mlle. Dannevig, who had been unable to be present, had sent questions which he would read.

1. The Government expenditure on education was only 4.08% of the general revenue. In 1931/32 it was 8.06%, but had decreased each year (paragraph 147, page 104 of the report).

Expenditure on native education had declined during the same period from £104,825 to £63,465—that was to say, from 0.041 shilling per head of the African population to 0.025 shilling, whereas the expenditure both on European and Indian education had increased from £7,042 to £10,670 and from £10,799 to £12,865 respectively—that was to say, from 17.11 shillings per head to 25.93 shillings and from 9.22 shillings to 10.98 shillings respectively (page 105 of the report).

Could the accredited representative give the reasons for the decrease in the sums allotted to native education while the sums for Indian and European education had been increased ?

Lord DE LA WARR said the estimated expenditure for 1937 was £92,000—that was to say, 4.63% of the total revenue. He admitted that the amount was small, but thought it would most probably be increased in the near future. He thought it was undesirable to compare European and native education. A reduction in the amount spent on native education did not mean that money had been taken away to provide European education. The reduction was partly due to greater efficiency. For instance, there had formerly been training schools at which very few teachers were trained.

It was wrong to consider that the education of the European population was adverse to the natives. In fact, it was essential for the native population that the Europeans should not deteriorate. There were, even now, a number of white children with insufficient education.

The CHAIRMAN observed that, according to the report of the Commissioner, Central Province, the native authorities provided funds for schools in addition to the amounts allotted in the budget. He asked whether a large proportion of the native funds was regularly devoted to that purpose or whether this was an exceptional case concerning only the Central Province.

Lord DE LA WARR said there were thirty-six schools belonging to the native administrations. The standard was not very high, but the children received sufficient education to take their part in the community and even to qualify for the school at Tabora. The chiefs took a great pride in those schools. They were inspected by the District Officers and by the educational authorities. He considered that those native administration schools were of the greatest importance.

The CHAIRMAN continued Mlle. Dannevig's questions.

2. On page 115 of the report, the Government contribution to the European schools was given as £3,762, but, on page 105, the total Government expenditure on European education was given as £10,670. Could the accredited representative explain this apparent discrepancy ?

Lord DE LA WARR said that the income from school fees was estimated at £3,783, and this sum was paid into the general fund and then paid out for purposes of education. It should therefore be added to the amount of £3,762. The footnote c on page 105 referred to certain common sub-heads of expenditure which had been equally divided between the European, Indian and African communities. The total of £10,670 was made up by those common sub-heads.

In that connection, Lord De La Warr pointed out that, when the sum of £10,670 was reduced by the amount of the fees, only a sum of £7,000 remained to be provided for European education. That fact gave a different idea of the proportion of the amounts spent on European and African education.

The CHAIRMAN continued Mlle. Dannevig's questions.

3. 9,041 native children were educated in Government schools at an expense of about £52,000. In mission schools, 20,168 children were educated in assisted schools (besides 180,000 children in unassisted schools) with Government subsidies of £20,698 (pages 112 and 113 of the report). In accordance with the request made at the twenty-ninth session, <sup>1</sup> statistics were included as to the European teaching staff (page 112). The report (paragraph 155) came to the

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 56.

conclusion that, while the importance of training African teachers was fully recognised, the availability of funds, accommodation and staff for this work depended on increased prosperity.

In view of the growing prosperity of the territory mentioned elsewhere in the report, could the accredited representative give any indication as to how soon the necessary funds might be made available and whether any plans had been prepared accordingly ?

Lord DE LA WARR said the Administration recognised that the expenditure was low and means of increasing it were under consideration. The Administration had to keep in mind other services, such as agriculture and health, expenditure on which really included educational expenditure. For instance, the expenditure on a medical school which he had visited was not included under education.

The CHAIRMAN asked, on behalf of Mlle. Dannevig, whether there was any special reason for the arrival of a large number of Catholic missionaries (see table on page 110 of the report).

Lord DE LA WARR replied that there was no reason connected with the Administration.

The CHAIRMAN asked the following question on behalf of Mlle. Dannevig regarding Swahili publications (page 111 of the report) : Could the accredited representative say whether the schools had a sufficient supply of school-books, how they were edited and paid for and whether Africans who had learned to read could afford to buy books or to subscribe to a magazine after leaving school ? Was there any indication as to the interest they took in reading after leaving school ? In other words, what steps did they take to retain the knowledge gained at school ?

Lord DE LA WARR replied that there was an inter-territorial language Committee which dealt with the question of books (see page 103 of the report). He could not give a definite reply as to whether Africans who had left school could afford to buy books or subscribe to magazines. The students leaving the Tabora school undoubtedly made great efforts to continue their education. He might add that the monthly Swahili newspaper *Mambo Leo*, which cost 10 cents, had a circulation of 10,000. In reply to a further question, he said that school-books were part of the school equipment.

The CHAIRMAN, on behalf of Mlle. Dannevig, asked the accredited representative whether he had any information as to the effect on the Indian schools of the exhaustion of the education-tax reserve fund (page 116 of the report). Had he any data regarding the results of the study of that question by the Advisory Committee on Indian Education ?

Mr. NICOLL said the Government had increased the grants-in-aid to Indian schools and the Advisory Committee was considering means of making up the difference from the Indian population.

The CHAIRMAN noted that the Ordinance to amend the African Education Ordinance provided, in paragraph 5 of section 8, that the Director of Education might refuse to register any school for the reason that, in his opinion, other sufficient educational facilities existed, or for other good and sufficient reasons, whether of the same or a different kind (page 191 of the report). Did that provision indicate that there were places in the territory with a sufficient or even an excessive number of schools ?

Lord DE LA WARR said the ordinance was intended to enable the authorities to prevent the opening of schools unless they were required. That authorisation was necessary, for example, in the case of competing missions.

M. VAN ASBECK, referring to page 106 of the report, asked whether primary education included some teaching concerning agriculture, health and forestry. He observed a reference on page 129 to persons wilfully and carelessly setting fire to vegetation. Did the scholars in the primary schools learn, for instance, to respect the forests ?

Lord DE LA WARR said the children were provided with plots of land in which they could cultivate plants, and great attention was given to the matter in question.

M. VAN ASBECK asked whether the pupils of the agricultural training centre referred to on page 137 of the report were supplied by the primary schools.

Lord DE LA WARR replied in the affirmative.

M. VAN ASBECK hoped that the agricultural college referred to on page 137 would be provided for the purpose of giving higher training to the native staff.

As regards university education, he would be glad to know whether the Commission of Enquiry had reached any decision (page 104 of the report).

Lord DE LA WARR hoped the report would be ready in the next few weeks, when he would send copies to the Commission.

M. SAKENOBE was glad to note the remark on page 102 that progress was being made in the education of African girls within the limits of the teaching staff available. He was aware that there was only one training institute in the territory, and asked how the teaching staff for African girls was organised.

Lord DE LA WARR said there was a mission training school and he thought that some girls were trained at the Government training school. Further information on that point would be included in the next report.

M. SAKENOBE observed that there were several medical schools—for instance, at Mwanza and Bukoba—which seemed to be organised by the provincial administrations (pages 30 and 31 of Reports of Provincial Commissioners). Were the pupils who completed the course distributed over the province where they were trained ?

Lord DE LA WARR replied that the schools mentioned were run by the native authorities and therefore served local needs. In addition, there was a medical school at Dar-es-Salaam, where the standard was higher. There was, in addition, the Makerere school in Uganda, which provided a still higher medical education. That school was an inter-territorial service, and the only one which went as far as the secondary standard and followed this up with agricultural, veterinary and medical studies. The future development of the school would be dealt with in the report by the Commission of Enquiry, which would shortly be available.

#### FRONTIER BETWEEN TANGANYIKA AND MOZAMBIQUE.

The CHAIRMAN recalled that the Council had asked the Commission's opinion on the agreement on this subject concluded between the United Kingdom Government and the Portuguese Government.<sup>1</sup>

Count DE PENHA GARCIA outlined the agreement concluded in May 1936. The frontier between the two territories was described in the preamble to the mandate and was therefore established in general terms. Difficulties had arisen owing to constant changes in the river-bed, which had given rise to disputes as to the rights of sovereignty over the bank at certain points and over the islands in the river. The agreement was to the effect that the islands in certain sections should belong to Tanganyika Territory, while those in other sections should belong to Portugal. In sections where there were no islands, the boundary followed the thalweg even when its position was changed by a natural alteration in the bed of the river. If the bed of the river underwent any alteration, it was agreed to divert the river into its old bed or, if that were impossible, to provide for territorial compensation. Any disputes were subject to arbitration by the Permanent Court of International Justice. Freedom of navigation was also provided without distinction of nationality. Lastly, the interests of the natives were taken into account, and the inhabitants of both banks had the right over the whole breadth of the river to draw water, to fish and to collect salt.

He asked whether the accredited representatives thought the agreement was to the advantage of the mandated territory.

Lord DE LA WARR thought that, after much negotiation on the subject, an arrangement had been reached which was fair to both parties. It was to the advantage of the Tanganyika Territory to have the situation cleared up.

Count DE PENHA GARCIA asked whether the agreement had given rise to any observations or complaints on the part of the inhabitants.

Lord DE LA WARR said that none had been brought to his notice.

Count DE PENHA GARCIA pointed out that Article 6 of the agreement provided for the possibility of concluding agreements in order to grant facilities to the inhabitants on both banks in regard to hunting, fishing and the collection of salt. He asked whether there were any new agreements on that subject or whether the old agreements were still in existence.

Lord DE LA WARR replied that arrangements had been made so that the natives should not lose any of their rights. Whether the agreements were new or old he could not say.

<sup>1</sup> For the text of this agreement, see *Official Journal*, February 1937, pages 168-169.

The CHAIRMAN asked whether the islands in question were inhabited and, if so, whether the inhabitants were liable to pass from Portuguese jurisdiction to that of the mandate, and *vice versa*, should there be any further changes in the bed of the river.

Lord DE LA WARR presumed that they would. Practically none of the islands were, however, permanently inhabited. They were chiefly used by fishermen who lived there temporarily.

The CHAIRMAN asked to what extent the river was navigable and whether it formed an important means of communication. Did it require buoys, etc ?

Lord DE LA WARR said it was only navigable for canoes.

M. SAKENOBE asked whether the natives had been informed of the agreement.

Lord DE LA WARR replied that the chiefs were no doubt consulted before the agreement was concluded.

M. RAPPARD thought the Commission could inform the Council that it had learned nothing to cause it to give an unfavourable opinion on the agreement.

Lord DE LA WARR thought the Commission could add that it was a good thing to have the boundary definitely fixed.

#### EXPRESSION OF THANKS TO LORD DE LA WARR.

The CHAIRMAN thanked Lord De La Warr for his replies and explanations.

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#### FOURTH MEETING.

*Held on Wednesday, June 2nd, 1937, at 10.30 a.m.*

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#### **Tanganyika Territory : Examination of the Annual Report for 1936 (continuation).**

Mr. Nicoll came to the table of the Commission.

#### JUDICIAL ORGANISATION : FORCED MARRIAGES : CATTLE THEFTS (*continuation*).

M. VAN ASBECK referred to the statement in paragraph 31 of the report (page 14) to the effect that " the native authorities discharged the judicial side of their duties more successfully than any other of their functions ". Why should this be ?

Mr. NICOLL replied that the judicial functions referred to were more familiar to the native. Native courts had always existed ; and now they were recognised by the mandatory Power. Other functions devolving on native authorities, such as treasury work, were quite new to them, and had to be taught them from the beginning.

M. VAN ASBECK thanked the accredited representative for the information supplied in paragraphs 32 and 33 of the report (pages 14 and 15) in reply to the questions he had put the year before,<sup>1</sup> concerning the examination of records and travelling courts. He would be glad to know the type and nature of some of the 157 cases dealt with by the travelling court in the Lupa controlled area in 1936. What was the nature of the three cases on which the appeal was lodged ? How many sittings had been held by travelling courts in general, and with what subjects had they dealt ? How had the supervision and guidance afforded by the administrative officers worked ?

Mr. NICOLL was not in a position to give figures in reply to all M. van Asbeck's questions. As regards the subjects dealt with by the travelling courts, native courts in general were concerned chiefly with matrimonial and similar disputes.

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 49.

M. VAN ASBECK presumed that labour disputes—for example, in connection with the non-payment of wages or desertion—were not dealt with by native courts.

Mr. NICOLL replied that all such cases were dealt with by the administrative officers, for the reason that the parties concerned in such cases would, on one side at any rate, almost invariably be non-native.

M. VAN ASBECK referred to the system of penal labour of short-term prisoners to which reference was made in paragraph 106 of the report (page 71). Did such labour take the place of imprisonment, and was the choice between the two entirely voluntary? What types of public work were carried out under that system?

Was it within the judge's competence to decide in the case of petty offenders that the accused should perform labour and not go to jail?

Mr. NICOLL replied that the choice between prison and labour outside the prison rested, in the first instance, with the judge. Under Section 87 of the Prisons Ordinance, prisoners sentenced to short terms of imprisonment might be used for outside work. The policy of the Administration in that matter was to keep minor offenders out of jail. He would prefer to look up the law in the matter before specifying precisely the cases in which outside work could be substituted for imprisonment: but, generally speaking, prisoners convicted of serious offences would have to go to prison. He undertook to include a reference to the system in the next report. The Commission would see from paragraph 105 of the report (page 70) that the Administration had established prison camps as another alternative to prison.

M. VAN ASBECK observed that in paragraph 107 of the report (page 71) it was stated that legislation to provide for the commitment to the reformatory for juvenile offenders at Kazima, Tabora, would be introduced at an early date. Could the accredited representative say whether it had been introduced?

Mr. NICOLL was not in a position to say whether the legislation in question had yet been passed: but it was the policy of the Administration to push forward the necessary steps for the institution of the reformatory.

The CHAIRMAN wished to ask the accredited representative certain questions concerning the inspection of native court records. He presumed the records were very short. Were they sufficient to permit of effective supervision? Were they kept in Swahili?

Mr. NICOLL replied that the court records were short summaries, as the Chairman had surmised, containing only the names of the witnesses, the cause of the action and the judgment of the court. It was found that any attempt to record any further information defeated its own ends. The administrative officers examining the records were able, he considered, to keep a very close control over the courts; and he thought there was little danger of any irregularities passing unnoticed. There was always, of course, the right of appeal to the administrative officer. The records were kept in Swahili.

Lord HAILEY asked whether all district officers knew enough Swahili to read the records.

Mr. NICOLL replied in the affirmative.

Lord HAILEY took it that the more serious criminal offences, offences against the Ordinances, and disputes between natives and non-natives were tried under the magisterial system, and that the native courts were concerned only with disputes between natives, offences arising under native custom and the like.

Mr. NICOLL signified that that was so.

Lord HAILEY thought it would be useful if, in view of the obviously large proportion of judicial work of the country carried out by the native courts, the Commission could have a statement of the comparative number of cases dealt with under the magisterial system on the one hand and native courts on the other. He would not ask for an annual return; but perhaps the territory could furnish the figures on one occasion at any rate.

Mr. NICOLL undertook to refer Lord Hailey's request to his Government. In the meantime, a number of detailed figures in regard to the native courts would be found in Appendix III to the Annual Reports of the Provincial Commissioners on Native Administration for the year 1936. Details in regard to the High Court would be found in the Annual Reports of the Judicial Department.

Lord HAILEY presumed that, when the administrative officer was inspecting the native court records, it was usual for any interested party to apply to the officer for revision of a sentence of the courts. It was also open to him to appeal. Was revision in such cases commoner than appeal ?

Mr. NICOLL replied that protests to administrative officers were freely made. If it were a clear case of injustice done by a native court, the administrative officer might take action at once. Alternatively, he might advise the complainant to appeal. Statistics of the number of revisions of decisions by native courts would be found in Appendix III of the Annual Reports of the Provincial Commissioners (page 96).

Lord HAILEY asked if there were any court fees payable in cases of revision.

Mr. NICOLL replied that there were none.

Lord HAILEY quoted a case in respect of which a question was asked in the British House of Commons on July 22nd, 1936, where a girl named Kekwe was sentenced to eighteen months' imprisonment for the manslaughter of the man chosen by her parents to marry her against her will. The British Secretary of State for the Colonies had stated in reply that he was asking the Governors of the British African Dependencies whether the existing measures were sufficient in their view to prevent the abuse of compulsion of this kind, and, if not, what further steps they thought should be taken. Had any further steps been taken ?

Mr. NICOLL replied that the case in question was certainly very unfortunate. Generally speaking, there were adequate safeguards against girls being forced to marry against their will. Tribal custom, for example, was against the practice. He was not informed as to whether further safeguards were considered necessary as a result of the Secretary of State's enquiries.

The cases referred to by the Provincial Commissioner, Northern Province, in the annual reports of the Provincial Commissioners for 1936 (page 39) were quite exceptional. The Masai were comparatively rich ; and parents were sometimes tempted to marry their daughters to rich men—in Tanganyika, as elsewhere ! Steps had been taken to deal with the particular situation.

M. VAN ASBECK asked if the " matrimonial causes " referred to on page 50 of the Annual Reports of the Provincial Commissioners included forced marriages.

Mr. NICOLL replied that the expression related only to ordinary divorces and the like.

M. VAN ASBECK referred to the cattle raid described in paragraph 57 of the annual report (page 29). Was this another outcome of the " gallant " inclinations of the Masai ?

Mr. NICOLL replied that that was so. The Masai were a very independent tribe with little belief in the virtues of economic development or Western ideas. The Administration endeavoured to wean them from that attitude : but it was no easy task, and occasionally outbreaks on the part of the young men of the tribe unfortunately occurred. Immediate steps had been taken in the case in question, and large numbers had been arrested. He had no information, at the moment, as to the penalties inflicted : some of the cases were still pending when he left Tanganyika.

#### POLICE.

M. SAKENOBE referred to the statement in the Annual Report of the Administration of Police for 1935 (page 7) on the proposals for various improvements of service of the non-European members of the police force which had been approved by the Government and were to become effective from January 1936. Prominent amongst them were arrangements for the recruitment of men from the central school and the establishment of a special language allowance both for Swahili and English. He would like to be informed as to the results of those new arrangements.

Mr. NICOLL replied that the police force needed a certain number of policemen able to speak English. Credits for those language allowances were included in the budget.

The difficulties in enlisting the required number of local recruits within the territory, to which paragraph 110 of the annual report (page 74) referred, arose mainly from the physical disabilities of the applicants.



M. SAKENOBÉ noted the efforts of the Administration to raise the standard of literacy of the police force. He would be glad to find in next year's report some indication as to the progress made in that connection.

The report of the Police Department for 1935 said that the Criminal Intelligence Department was being reorganised completely; there was, however, no reference to the subject in the annual report.

Mr. NICOLL replied that it was not customary to give departmental details in the report: but particulars would no doubt be included in the 1936 report of the Police Department, which was unfortunately not yet available.

#### DEFENCE OF THE TERRITORY:

##### QUESTION OF THE FORTIFICATION OF THE PORT OF MOMBASA (Kenya).

M. SAKENOBÉ thanked the accredited representative for, and took note of, the information in paragraph 70 of the report (page 44) to the effect that it was not intended to make a contribution to the fortification of Mombasa out of the Tanganyika budget.<sup>1</sup>

He quoted from *The Times*, of London, of June 13th, 1936, a despatch from Nairobi which included the following paragraph:

“ The proposal to form a Tanganyika Defence League was recently canvassed through Kenya by European-elected members and met with considerable support from the settlers, including many ex-officers of high rank now settled in Kenya. The intention is, however, to evolve a single East African Executive for the campaign, with liaison organisations for the Rhodesias and South Africa.”

Would the accredited representative wish to comment on that statement?

Mr. NICOLL answered that the Administration had no official knowledge of the proposed League, so far as he could recollect. There had been a good deal of anxiety among certain elements in the colony at the time in question.

M. SAKENOBÉ referred to the list of permanent military garrisons in Tanganyika given in paragraph III of the report (page 74). He observed that one company, second battalion, of the King's African Rifles was now stationed in Masoko. He seemed to remember that one company, formerly settled in Songea, was to be transferred temporarily to Masoko. Was it now to be stationed there permanently? If so, was that because Masoko was near the Lupa Controlled Area?

Mr. NICOLL answered that Masoko was about 100 miles from the Lupa Area. The transference of this company of troops from Songea to Masoko had nothing to do with the Lupa. It was convenient for training purposes to concentrate the company at Masoko.

M. SAKENOBÉ said that a detachment of the King's African Rifles had been sent into the Masai country in connection with the cattle raids of the latter (page 29 of the report). Had any troops been sent to other regions for punitive purposes?

Mr. NICOLL replied in the negative. Troops were sent to the Masai District by way of a demonstration only.

Lord HAILEY drew attention to the military expenditure of the territory. He noted a steady increase since the year 1932; and it was now approaching the figure for the peak year 1929 (page 40 of the report).

Mr. NICOLL explained that expenditure had been cut in all Departments, including Defence, after 1929. In the case of Defence, in particular, the cuts were of a somewhat drastic nature. It was inevitable that, after the depression, expenditure would go up. There had been no increase, however, in the military establishment of the territory. But there were certain items of military expenditure—for example, expenditure on transport vehicles—which were heavy, but necessary.

Lord HAILEY asked whether the Administration had considered the alternative policy—which had been followed elsewhere—of substituting armed police for some part of the military forces.

Mr. NICOLL was not aware whether Lord Hailey's suggestion had actually been considered by the Administration. He would not fail to pass it on.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 211.

ARMS AND AMMUNITION.

M. SAKENOBE was glad to note from paragraph 112 of the report (page 76) that the imports of rifles and pistols or revolvers had been successfully reduced.

LAND TENURE : CHESHAM SCHEME FOR EUROPEAN SETTLEMENT.

Lord HAILEY said that previous reports had referred to the policy of closing certain districts to alienation to Europeans. Had the number or area of districts so closed increased during the year ?

Mr. NICOLL replied that there had been no change in the position. The Commission would note from the table in paragraph 187 of the report (page 127) that the number of surrenders and revocations of land (28,695 acres) exceeded the number of alienations (21,885 acres) in 1936.

M. VAN ASBECK drew attention to a question asked in the House of Commons on May 27th 1936, in regard to the Teale-Gillman report on certain investigations in the Northern Province and, particularly, the conclusions reached by the report in question that tribal lands urgently needed expansion and that certain lands should, as far as possible, be reopened for native occupation. In reply to the question, Mr. MacDonald stated that the recommendations were under consideration, but no decisions had yet been taken.

Mr. NICOLL referred M. van Asbeck to the particulars given in paragraph 54 of the report (page 27). The financial aspects of the scheme were still under consideration.

In reply to further questions by M. van Asbeck, he stated that no land was alienated against the will of the native occupier, except for purposes of public utility, which would occur very rarely.

Lord HAILEY said that the figures given in paragraph 187 of the report (page 128) in regard to rights of occupancy were interesting. Was it a fact that applications had not hitherto been made by natives for rights of occupancy except in urban areas ?

Mr. NICOLL replied that, so far, natives had not evinced any desire for rights of occupancy—as opposed to the traditional communal tenure—in rural areas. There was nothing, however, to prevent a native applying for a right of occupancy as well as a non-native.

Replying to questions by Lord Hailey and the Chairman, Mr. Nicoll gave details of the Chesham scheme to promote white settlement in the Southern Highlands Province, particulars of which had appeared in *The Times*, of December 15th, 1936. The proposal was to alienate a large block of land not otherwise used. The original area proposed for alienation was 150,000 acres : but that figure had been reduced to about 110,000 acres. The area was some 50 miles south of Iringa. The company was to have a right of occupancy, for ten years in the first instance. In return, it had to undertake to develop annually blocks of the land, and to pay an economic rent on them. It was stipulated that the blocks developed were to be contiguous, so as to prevent any attempt to develop the best and leave the worst of the land.

Lord HAILEY said that it looked as though this area was unoccupied : but what was the actual position in regard to the existence of any native rights in it ?

Mr. NICOLL replied that the position in the area had been carefully examined by an administrative officer who knew the ground well. He had made a tour of it on foot, taking some six weeks for the purpose, and had interviewed all the present inhabitants. As a result, he had recommended the reservation of a part of the area, and the Administration had taken steps accordingly. Some two hundred families had agreed to leave the area in return for adequate compensation payments.

He added, in reply to a further question by Lord Hailey, that he was not aware of any other large-scale scheme for European settlement.

AGRICULTURAL DEVELOPMENT (*continuation*) : QUESTION OF THE CULTIVATION OF FOOD CROPS FOR NATIVE CONSUMPTION RATHER THAN FOR EXPORT.

Lord HAILEY referred to the policy of fostering the cultivation of crops for the market as opposed to subsistence crops, to which reference had been made in previous years, and last year in particular.<sup>1</sup> Had the Administration had to use its powers to compel the natives to grow subsistence crops ?

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 48.

Mr. NICOLL said that there had been no necessity to use the powers of the Administration in the matter. Native rule and custom ensured the cultivation of certain food crops. The powers of the Administration in that connection were only used in cases of famine ; and there had fortunately been no famines recently.

Lord HAILEY asked whether any special action had been necessary in the area round Lake Victoria (where cotton was grown), or in the west of the Territory (where coffee was grown), to supplement the subsistence crops of the natives engaged in cultivation for the export market.

Mr. NICOLL replied that an officer had been specially detached to study the land position in an area near Lake Victoria ; the whole problem was receiving very careful consideration on the part of the Administration.

Lord HAILEY asked if the Administration was satisfied, on the whole, that the subsistence margin of the natives was not being encroached upon ?

Mr. NICOLL replied in the affirmative and added that the position was under constant review.

#### PEASANT SETTLEMENT CENTRES FOR MIXED FARMING.

Lord HAILEY drew attention to a reference in the Governor's speech at the opening of the eleventh session of the Legislative Council (Appendix II of the annual report, page 172) to " peasant settlement centres for mixed farming ". He would be glad to have details in the next report on the progress made with those centres, or a reference to what was said on the point in the report of the Agricultural Department.

Mr. NICOLL undertook that information on the matter would be included in the report of the Agricultural Department. " Mixed farming " meant stock-breeding in conjunction with the cultivation of crops. There were some five or six of those " peasant settlement centres ".

#### POSITION OF INDIANS IN THE COMMERCIAL ACTIVITIES OF THE TERRITORY.

Lord HAILEY pointed to the fact that the retail trade of the territory was largely in the hands of Indians. Was disinclination on the part of the African native the explanation, or were there other obstacles, such as licence fees, to natives engaging in trade ?

Mr. NICOLL replied that, far from discouraging the natives from trading, the Administration did everything in its power to encourage them to trade. One inducement held out to them was a reduction in the cost of trade licences in the case of natives. At present, however, the native was so unused to handling money that he found it very difficult to run the smallest shop. It was fairly frequent to find native butchers in the villages, and there were numbers of itinerant hawkers who were natives : but the latter were often found to be in the employ of Indians. Suggestions had been made that the Education Department might establish a commercial class for natives ; but he was not very hopeful as to the practicability of the proposal.

There was no question of natives being crowded out of trading activities by Europeans. Retail trade was almost exclusively in the hands of Indians.

Lord HAILEY asked whether the Administration had ever considered the possibility of limiting Indian trading activities, whether by fees or otherwise, as a means of encouraging the natives to trade.

Mr. NICOLL replied in the negative.

M. VAN ASBECK asked whether the Indian trader was also a moneylender. Was there any legislation against usury ?

Mr. NICOLL answered that the Restriction of Credit to Natives Ordinance made it impossible to sue a native for any loan contracted without the approval of the administrative officer. That was a sufficient check on native borrowing from Indians.

M. VAN ASBECK said that, in the East, there were many extra-judicial ways of collecting money from natives, with which the law might find it difficult to cope. Was the position the same in Africa ?

Mr. NICOLL replied that he could only say that he had never heard of any difficulties of that kind arising in connection with Africans.

He undertook, at M. van Asbeck's request, to provide information on the part played by the Indian traders in the economic life of the community. Speaking generally, the Indian was the middleman at every point of the economic system.

M. RAPPARD asked whether that was, in the accredited representative's opinion, a satisfactory position on the whole.

Mr. NICOLL thought that on the whole it was. The Indians performed a useful and essential economic function in the country : and, if they were not there, he did not know who could take their place.

#### FORESTS.

The CHAIRMAN drew attention to the importance of the report by the Forestry Department, and in particular the passages dealing with its work of afforestation.

#### MINES.

Lord HAILEY drew attention to the marked growth of the gold-mining industry. Was the Administration satisfied that the revenue it drew from the industry in the form of royalties—viz., £32,532 in 1935 (see paragraph 68 of the report, page 37)—represented an adequate share for the State in the profits of the industry ?

Mr. NICOLL thought it was an adequate proportion in the present circumstances. It worked out, he believed, at something in the neighbourhood of 5%. It must be remembered that a great part of the gold was alluvial, worked by individuals with very small capital. A great part—sometimes, the whole—of their winnings went in wages to labour. Alluvial mining was thus in quite a different position from reef mining, which postulated large capital and large-scale employment of labour.

The CHAIRMAN observed that there seemed to be an impression that the very nature of alluvial deposits made individual mining necessary. Nevertheless, in Africa and elsewhere, a considerable amount of alluvial mining was known to be carried on by joint-stock companies.

Individual mining, which was often indifferent to technique and operated without capital, presented well-known disadvantages : it was wasteful and too often led to an abuse of native labour by miners who, owing to inadequate financial resources, were unable to face the social responsibilities which should be borne by that industry. Nevertheless, certain colonial administrations tended at present to favour individual mining ; that tendency at times was determined by motives which had no connection with the necessities of a rational exploitation or a desire to protect labour.

The Chairman wondered whether the mining legislation in the territory did not show a gap which might be suitably filled by a provision requiring any person who applied for a mining licence to prove that he had sufficient capital to make sure of a normal operation, with the social responsibilities which that implied.

Mr. NICOLL said that, to the best of his knowledge, no company of any size had ever hitherto applied for licences to work alluvial gold in the territory.

M. RAPPARD asked whether there was anything in the legislation to prevent a big company getting a licence ?

Mr. NICOLL replied in the negative.

Lord HAILEY asked if prospecting licences for gold were given to natives.

Mr. NICOLL replied that there was no racial discrimination in the matter in Tanganyika.

Lord HAILEY asked whether such licences were actually granted ?

Mr. NICOLL replied in the affirmative. The conditions were that an applicant must be able to understand the mining law and his responsibilities under it.

LABOUR.

Lord HAILEY said that the Commission would appreciate the frankness of the report on the past attitude of the Administration to labour conditions in the Lupa area (pages 80 and 81<sup>1</sup>); it could be taken for granted that the Administration now recognised that more should have been done in that connection in the case of the Lupa. Steps had now been taken in the area. Did the accredited representative consider that the conditions on the sisal plantations (page 137 of the report) were as unsatisfactory as they had been in Lupa ?

Mr. NICOLL replied in the negative.

Lord HAILEY asked if the results of the medical enquiry on the sisal plantations by the Ross Institute were available.

Mr. NICOLL had no particulars available on the enquiry in question. He recollected that the investigator made certain recommendations regarding, in particular, the prevalence of malaria, and improved housing and water supplies. He undertook to give further information on the matter in the next report.

Lord HAILEY noted that, both in the mines and on the plantations, the Administration did not lay down any rules in regard to the dietary of the natives employed.

Mr. NICOLL replied that the difficulty in that connection was that different tribes had different diets. The Administration had published a pamphlet for the guidance of employers giving particulars of the diets of the different tribes.

Lord HAILEY pointed out that a minimum dietary was laid down for native labour in the Congo and for Government employees in Kenya.

Mr. NICOLL said that the question of dietary was under consideration by the Labour Committee, which was to report shortly.

Other points under consideration by the Labour Committee were the compulsory provision of medical aid by employers, and the organisation of labour recruiting.

Lord HAILEY said he would await the Labour Committee's report, which he assumed would be furnished to the Commission.

The increase of wages since the territory had recovered from the depression did not seem general, but was confined to certain areas, and did not in any case appear considerable (paragraph 129, page 88 of the report).

Mr. NICOLL said that the increase in wages was perhaps rather slower than might have been expected; but it was general throughout the territory, and the tendency was still upward. Employers were now tending to improve labour conditions—as a means of attracting labour—in preference to increasing basic wage rates.

Lord HAILEY asked whether the Administration had intimated to the sisal planters that they should improve the wages and living conditions of their employees.

Mr. NICOLL replied in the negative.

The Labour Committee was considering the setting-up of machinery to fix a minimum wage. Tanganyika had agreed to the 1926 Convention for the establishment of machinery with a view to enforcing a minimum wage, and draft legislation was under consideration.

Lord HAILEY enquired with regard to the reorganisation of the Labour Department. Would it be a separate Department with its own inspection system? An annual report by labour inspectors throughout the territory would be of great value and he would be glad if it could be received by the Commission.

Mr. NICOLL replied that he could not go further than Lord De La Warr's opening statement. The form of the proposed Labour Department was still under consideration.

Lord HAILEY attached so much importance to the establishment of an independent inspectorate that he proposed to suggest that the Mandates Commission should make a recommendation on the subject.

The CHAIRMAN, on behalf of the Commission, endorsed Lord Hailey's suggestion.

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 211.

M. VAN ASBECK asked how far extended the obligation of employers to provide medical attendance for the native labour employed by them.

Mr. NICOLL explained that the employers were bound by law to provide "medical attendance": but the law did not define what medical attendance meant. The interpretation of the term was left to the inspecting officers. Some employers, both on the mines and on plantations, made adequate provision. The great diversity of employers—ranging as they did from big mine-owners and planters to alluvial miners and farmers employing ten or twenty men in remote areas—made it difficult to lay down uniform conditions.

M. VAN ASBECK gathered from a comparison of the particulars given in the 1935 report (page 82) and in the 1936 report (page 80) that the number of labour officers must have been reduced. What was the explanation?

Mr. NICOLL admitted that the figures seemed to support M. van Asbeck's deduction: but he was positive that, in fact, inspection work had not been reduced since 1935. An explanation was possibly to be sought in the fact that the Provincial Administrations were at present responsible for this inspection work, and one Provincial Administration might prefer to depute a single officer for all labour work where another would divide the work among several officers.

M. VAN ASBECK welcomed the accredited representative's answer.

Mr. WEAVER noted that paragraph 113 of the report (page 76) gave low wages as one explanation of the labour shortage; and it was plain from the table in paragraph 129 (page 88 of the report) that there had been practically no rise in the wage rates for unskilled labour. He appreciated the frankness displayed in the report throughout the section dealing with labour, but in regard to wages there were even more striking passages in the Annual Reports of the Provincial Commissioners for 1936. They were as follows:

"The number of labour recruiters was increased rapidly and estates and industries all over the territory, as far apart as Musoma, Tanga, Moshi and Mbeya, have endeavoured to fill the depleted ranks of their labour forces with recruits from Songea, Tunduru or Masasi. The response has not been negligible, but it has not been sufficient to meet the demand, and it appears likely that the labour problem will not be solved until employers realise that what they describe as a 'shortage of labour' only means a shortage of labourers willing to work for the wages now current and in the conditions and circumstances now prevailing in the employment areas. The Ngoni, Yao, Matengo, Makua and other tribesmen recruited in the province have a reputation second to none as workers and are always willing to offer their services for a reasonable wage, but they are by no means unsophisticated and are fully aware that employers can often afford to pay wages considerably higher than those now being offered and to make conditions of work much more attractive. It is particularly desirable that the sisal industry, which owes so much to the sacrifices made by the native workers in times of adversity, and has also a substantial goodwill to lose, should pass on to the labourers, whether by way of an increase in wages or improved conditions of employment, a share of the profits now being earned" (pages 47 and 48).

"Increased activity in the sisal industry has also added its quota to increased employment and increased circulation of cash, although basic wage rates have not been raised since the depression. For the latter reason, the labourer for wages as an individual is the last to benefit from the very definite increase in prosperity, especially as the cost of foodstuffs has risen and tax rates remain unaltered" (page 54).

The wage problem indicated in the above passages deserved the most serious attention of the Administration. Mr. Weaver had asked for years past whether the Administration had a definite wage policy. He hoped that measures would now be taken to improve wages, in particular, by fixing minimum rates of wages, to which reference had already been made.

Mr. NICOLL replied that he could only say that the Administration was at times the object of attack by private employers for paying its labour too high.

The Labour Committee, as he had stated, had considered the question of establishing machinery to fix a minimum wage.

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FIFTH MEETING.

*Held on Thursday, June 3rd, 1937, at 10.30 a.m.*

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**Tanganyika Territory : Examination of the Annual Report for 1936 (continuation).**

Mr. Nicoll came to the table of the Commission.

LABOUR (*continuation*) : POSITION IN THE LUPA GOLDFIELDS.

Mr. WEAVER had no further remarks to make on the reorganisation of the inspection of labour, except to express to Lord Hailey and other members of the Commission his appreciation of their observations with regard to the importance of the Labour Department. It was indeed obvious from the report itself that a considerable reorganisation of the inspection services was essential, and it was significant that the Lupa question had been dealt with under the section on "Labour Services".

Mr. Weaver pointed out that the statement, "As a result of the appointment of a labour officer, the previously unsatisfactory conditions under which the natives in this area were employed have shown signs of amelioration", was followed by the somewhat extraordinary statement: "These conditions, however, which apply mainly to labour employed on alluvial workings, have obtained for a long period and do not admit of speedy rectification" (page 81 of the report).

That was rather a lame excuse. Attention had been drawn for several years to the dangers of the situation, and one wondered why the Administration had not taken more energetic measures before the present state of affairs was allowed to develop.

A further explanation, "The great majority of diggers are men of very small capital who live a hand-to-mouth existence" (page 81 of the report), suggested that the diggers were not always in a position to assume the necessary social charges and guarantee the payment of the wages due to the labourers.

Had the Administration considered the desirability of introducing control to keep out undesirable diggers? As the Chairman had suggested at the previous meeting, could not persons desiring to undertake mining in the area be required to hold a minimum amount of capital, or to deposit a sum of money as a guarantee of proper conduct? About 17,000 labourers were employed in the area, and steps should be taken to see that they were properly treated.

M. VAN ASBECK enquired as to the meaning of the expression "controlled area" (paragraph 128, page 88 of the report).

Mr. NICOLL said the Lupa problem had caused the Government considerable anxiety for some years past, and steps had been taken to deal with it.

In 1932, when it became evident that the area would constitute a special problem, legislation was enacted providing that the Government might declare a mining area to be a controlled area. This meant that, for disciplinary purposes, it was placed under a special Board of Control, of which the Provincial Commissioner was Chairman. The Board had power to expel undesirable persons from the area, either for life or for a specific period. If a person were convicted under the Masters and Native Servants Ordinance, the Intoxicating Liquors Ordinance, and certain other Ordinances, the Board considered the case and decided whether the man should be expelled or not.

The law contained other provisions for additional control; for instance, the Government could, and did, prescribe the maximum amount payable to labourers as a reward for finding gold. This was very necessary, because the miners had instituted a bonus system among themselves over which there was no control. They kept increasing the bonus in competition with their fellows, and this had resulted in a good deal of theft. The bonus prescribed by the law was 20 cents a pennyweight, and this measure had had some effect, but not the effect hoped for.

The Government was not satisfied with the conditions on the Lupa goldfields, and was doing its utmost to improve them. There was a large staff of officials, including two administrative officers, two medical officers (one of whom was a medical officer of health), two police officers and a labour officer. There were four labour camps, three dispensaries and a medical clearing-station.

The CHAIRMAN asked whether frequent use was made of the right to expel persons from the Lupa area.

Mr. NICOLL said there had been seven cases of expulsion in two years. The Government was giving careful consideration to the problem of securing suitable employers, and had impressed on the Board the necessity for getting rid of the bad ones.

Mr. WEAVER asked whether any non-official representatives of native interests sat on the Board.

Mr. NICOLL said there were no such representatives so far as he was aware, but the Provincial Commissioner was Chairman.

Mr. WEAVER asked whether any negotiations had been entered into or arrangements made with the Governments of Northern Rhodesia and Nyasaland to control the immigration of labour into the Lupa area. Was there any machinery for seeing that the men were adequately supplied with food and were examined medically at the frontier?

Mr. NICOLL said the Government was discussing the matter with the two other Governments concerned. It intended to co-operate fully with them in seeing that only fit labour entered the area. One of the main troubles was how to keep out the unfit.

Mr. WEAVER asked whether men were passed through labour camps and examined medically before they were allowed to take up their work.

Mr. NICOLL said they were only examined if they entered into a written contract, which very few of them did.

Mr. WEAVER suggested that some attempt should be made to canalise the movement of labour through the labour camps, where a medical examination could be made.

Mr. NICOLL said the matter was under consideration, in consultation with the other Governments concerned.

The CHAIRMAN recalled that the Administration of the territory had often in the past earned high praise from the Mandates Commission. The latter therefore now felt all the more free to express a somewhat less favourable judgment. Summing up the questions and replies which had just been exchanged, he declared that they conveyed to the Commission the impression that the situation in the Lupa area was far from satisfactory. In addition, both the report and the accredited representative admitted this with a frankness to which tribute had justly been paid.

It should be observed, however, that the present state of affairs had not occurred suddenly and unexpectedly as the effect of a rush on the mines. It had been developing for five or six years, and the Administration had not shown any special energy in setting about regulating matters connected with mining activities as soon as that appeared to be necessary. This was all the more surprising on the part of an Administration which, under other circumstances, had shown itself capable of taking prompt decisions and resolutely carrying them out.

It would be unjust to accuse the Administration of having done nothing. But it had to be admitted that it had not succeeded in creating a normal situation, whence it might be inferred that it was lacking in imagination or that the means employed were definitely inadequate. In short, the impression given was that the Administration no longer had the situation in hand in the Lupa mining area.

The Chairman wished to ask two questions :

1. Did the Administration think itself bound to show particular consideration to these eight hundred or so gold-diggers and, if so, for what reason?
2. Who were the members of the Board of Control to which reference had been made?

Mr. NICOLL said he must differ from the suggestion that there was no active Government intervention. The Government had legislated and had increased its staff, and that, he submitted, was active intervention. The Government greatly regretted that the measures taken had not proved more successful, but there were many special difficulties, one being that the natives insisted on going to the area in an unfit condition, gambled, and objected to control. The Government could not put a ring fence round 1,500 square miles. It was doing its best to establish regular labour routes, but could not stop natives from getting in if they wished to do so.

The Provincial Commissioner, or in his absence the District Officer, was Chairman of the Board, which consisted, in addition, of "such persons not connected with the public services as the Government may from time to time appoint, who shall, whenever possible, be persons resident in, or connected with, such area". To the best of his recollection, there were four or five members.



The CHAIRMAN asked whether the members were not diggers.

Mr. NICOLL said that, with the exception of the Provincial Commissioner, they were diggers or persons connected with mining. There was no other industry.

The CHAIRMAN thought that might explain much.

M. VAN ASBECK asked whether full information about the constitutional structure of the controlled area could be given in the next report, together with a description of the working of the Board of Control.

Lord HAILEY suggested that a description also be given of the work done on the Lupa goldfields; while one or two big companies were doing reef work, the conditions were not, for the most part, those of alluvial gold workings in the bed of a river. A search was made for broken-down deposits over the whole area of 1,500 square miles, the gold being obtained by very shallow digging and the mineral extracted by a dry-blowing process. The work was not done in the water and little machinery was used.

The CHAIRMAN asked whether the country was open or wooded.

Lord HAILEY thought it was mostly open and slightly hilly.

He pointed out that the labourers only remained for about six months in the most important mine; all other labour was casual labour remaining usually not more than three months; this was an important consideration.

Mr. NICOLL said full information would be given in the next report. It must not be supposed that all the 800 diggers were bad employers. Many of them were admirable people who were most jealous of their reputation. There were naturally some black sheep. Food-supply and other difficulties prevented the good employers from doing all they would wish for the labourers.

Twenty-seven nationalities were represented among the 800 diggers.

The Lupa area was visited by the Governor and Chief Secretary from time to time and close contact was maintained with it.

M. RAPPARD said he found it difficult to form a clear idea of the human side of the picture. He could not believe that the representatives of twenty-seven different nations collected in the Lupa area could all be satisfactory employers. Presumably most of them were in the territory because they had failed elsewhere. The Government seemed to have trusted to the good employers to control the activities of the less good. But it seemed hardly likely that persons who were in the territory for so short a time would wish to make trouble for themselves by interfering with the activities of others.

He therefore hoped to find, in the next report, a description of the human and administrative side of the picture, as well as a technical description.

Mr. NICOLL said that these points would be borne in mind. He hoped he had not given the impression that the Lupa area had been left entirely under the control of the employers. The Government had a large staff there, as he had already pointed out. The Labour Committee looked upon the labour problem in the Lupa area as the most important labour problem in the territory and would deal with it in its report.

Mr. WEAVER referred to the table on the recruiting of labour, on page 83 of the report. It appeared that a total of 103 recruiting permits had been issued. He asked whether this total represented the number of recruiting agents, or whether the permits were issued for a certain number of labourers, so that each agent might obtain several permits in the course of the year.

Mr. NICOLL said the permits specified the number of labourers, and several permits might be issued to one agent during the year.

Mr. WEAVER observed, from page 90 of the report, that there was still a large number of accidents, and that trolley accidents were responsible for the largest number of injuries. Had the Administration given any attention to the possibility of preventing accidents by means of safety devices, etc. ?

Mr. NICOLL replied that the Government paid great attention to that point, which had been considered by the Labour Committee. The difficulty was that the natives often refused to use safety devices.

Mr. WEAVER thought the Administration should not be discouraged by that attitude of the natives. It was a universal experience in industry.

Regarding compulsory labour, he was glad to see the statement that attempts were being made to reduce the number of men who liquidated their tax liabilities by labour (page 97 of the report). There were, however, still a considerable number of such cases, and he observed from the table on pages 98 and 99 that the number of days amounted to from 25 to 40 per man. He thought that difference in the number of days was not justified by variations in rates of taxation in the different provinces. Forty days seemed a very long time, and he asked how the period was fixed.

Mr. NICOLL replied that he thought the explanation was that in some cases the men had to be fed, and therefore worked longer in order to pay for their food. The period was fixed on the basis of the rate of wages and the rate of the tax in the area.

Mr. WEAVER observed that the system had a further repercussion on the low rates of wages, to which reference was made in the report.

Mlle. DANNEVIG thought forty days' work in payment of taxes was excessive. It was, moreover, a strange system that men should be compelled to work in lieu of paying taxes, and to work an extra period in lieu of food. If they had no food, they would obviously be unable to pay such high taxes.

Mr. NICOLL thought the system was fair. If the natives were unable to pay their tax in money, they paid it in kind, and it was also fair that they should work for their food. There were undoubtedly many tax-defaulters who could have earned the money to pay the tax, but did not do so. The Government took care that no hardship was involved, and in many cases the tax had been remitted.

Mr. WEAVER thought the system reflected the bad wage situation of the territory, and hoped that wages would rise and that the system would disappear, or that at any rate the number of cases would be decreased.

Mr. NICOLL replied that the Government hoped the tax-defaulters would soon disappear and that the system could be abolished.

Mlle. DANNEVIG observed that the Provincial Commissioners in their reports stressed the fact that wages were low and should be higher. She did not know whether the Government shared that opinion.

Mr. NICOLL replied that the Administration would be glad to see wages rise. There had, in fact, been a rise in wages since the report was written.

M. VAN ASBECK observed that the offences by employees (page 96 of the report) included a large number of cases of departing from employers' service without lawful cause, especially in the Northern Province. Why should the figure be so high in that province (78 convictions) ?

Mr. NICOLL did not know of any reason specially applicable to the Northern Province. Natives were very prone to leave their employment without lawful cause, and had often no conception of the sanctity of contracts.

#### MISSIONS.

M. PALACIOS said that, in reply to the request for further details concerning the work of the missions made at the twenty-ninth session of the Commission,<sup>1</sup> the report for 1936 alluded to the Blue Book and included, in paragraph 156 (pages 108 to 110), a survey of the educational work of the missions. The report further stated (paragraph 143, page 101) that an account of the medical work was included in the chapter of the report relating to public health. It also referred briefly to the help granted by the Government to the medical missions (paragraph 177, page 122), and of the training given by the Government to mission-taught girls (paragraph 179, page 123), but, in general, it did not seem to give much information on the medical work of the missions. Any details on those missionary activities would always be very welcome to the Commission.

Replying to other questions asked at the twenty-ninth session of the Commission,<sup>1</sup> the report stated that the relations between the missions and the population had been uniformly satisfactory during the last years (paragraph 144, page 102).

At the twenty-seventh session of the Commission<sup>2</sup> and later, at the twenty-ninth session,<sup>1</sup> reference was made to a dispute between a body of natives in the Bukoba district

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 55.

<sup>2</sup> See Minutes of the Twenty-seventh Session of the Commission, page 147.

and a missionary society as to the ownership of a large tract of land. This dispute had already been mentioned in the annual reports of the Provincial Commissioners on Native Administration for the year 1934. Had the High Court already settled the question ?

Mr. NICOLL was under the impression that the dispute had been settled, but mention would be made in the next report.

#### ALCOHOL AND SPIRITS.

M. SAKENOBE said that reference had been made at the twenty-ninth session<sup>1</sup> to experiments for the denaturation of methylated spirits in such a way as to make it impossible for natives to drink them. The present report (page 118) described the efforts to denature methylated spirits. It also stated that the legislation proposed had not yet been introduced, but that, as an interim measure, the importation of denatured spirit was restricted to persons holding permits. The experiments showed that, when denatured spirit was mixed with acid fruit-juice and water, it was not unpalatable (paragraph 167, page 118). The report went on to state that, pending the introduction of comprehensive legislation, it was intended shortly to enact revised rules under the Intoxicating Liquors Ordinance, with a view to exercising greater control and supervision over the internal trade in industrial methylated spirits (paragraph 168, page 119 of the report). M. Sakenobe asked whether the revised rules in question had been enacted during the year under review or in the early part of 1937, and what was the method of supervision ?

Mr. NICOLL replied that the regulations had not been issued by the time he left Tanganyika in the early part of the present year. It was the firm intention of the Government to stop the illicit trade in denatured alcohol.

M. SAKENOBE understood that the manufacture of methylated spirit was permitted under licence. The report for 1935 stated that no applications for licences had been made (page 115). What was the position in 1936 ?

Mr. NICOLL could not say, but would supply the information in the next report.

M. SAKENOBE thought the Government was taking strict measures to control the manufacture and drinking of methylated spirits by natives, but asked whether the Government was satisfied that there was no illicit distilling.

Mr. NICOLL replied that all stills were imported under permit, and the authorities kept an eye on them afterwards.

M. SAKENOBE observed that twelve licences had been granted to native brewers of beer (paragraph 169, page 119 of the report). That apparently applied only to Dar-es-Salaam. Was the manufacture of beer controlled in other parts of the territory ?

Mr. NICOLL replied in the affirmative. The Order applied to all townships and certain other areas where no one was allowed to brew without a permit.

M. SAKENOBE noted that there had been an increase in the number of convictions under the Native Liquors Ordinance from 222 to 252 (paragraph 171, page 120 of the report). There was also an increase under the Intoxicating Liquors Ordinance from 65 to 129 (paragraph 172, page 121 of the report). The numbers were not large, but was there any special reason for the increase ?

Mr. NICOLL knew of no special reason. Possibly the police had been more vigilant.

M. SAKENOBE, turning to the beer statistics on page 64 of the report, noted that there had been a considerable increase in manufacture in Tanganyika—namely, from 3,638 gallons in 1933 to 28,208 gallons in 1936. At the same time, there had been a slight decrease in the imports of beer from Kenya and Uganda. He asked whether the beer in question was different from native beer.

Mr. NICOLL said it was. The beer manufactured in Tanganyika and that imported from Kenya and Uganda was not consumed by natives.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 57.

DRUGS.

M. SAKENOBE observed that the number of cases brought before the courts under the Dangerous Drugs Ordinance had risen from 1 in 1935 to 6 in 1936 (paragraph 175, page 122 of the report). Was there any special reason for this increase ?

Mr. NICOLL knew of no special reason.

PUBLIC HEALTH.

Count DE PENHA GARCIA desired in general to pay a tribute to the mandatory Power for the organisation and development of the health services. It was true that the budget for 1936 showed a slight reduction in expenditure for public health, but there was a further rise in expenditure in the estimates for 1937 (page 40 of the report). Scientific research appeared to be well organised and used as a basis for the treatment of sleeping-sickness, tuberculosis and malaria. He observed that new dispensaries had been opened (paragraph 181, page 124 of the report), and that attention was paid to the education of the natives in matters of health.

The tables on pages 122 and 123 of the report showed an increase in the number of patients treated in hospitals and tribal dispensaries. That might be due to a higher incidence of disease or to the fact that the natives took increasing advantage of the facilities provided. There was, however, a marked decrease in the number of mothers and children treated at maternity clinics (page 123 of the report). Could the accredited representative explain that decrease ?

Mr. NICOLL could not furnish any explanation for the moment. The figures related, not only to the Government clinics, but also to missionary clinics. He would supply the information in the next report.

Count DE PENHA GARCIA asked if any special measures were taken against syphilis, which appeared to be on the increase (paragraph 182, page 124 of the report).

Mr. NICOLL said a campaign was being carried on against syphilis by the Medical Department. The increase in the number of cases did not necessarily mean an increase in the number of persons affected but, possibly, only an increase in the number of those under treatment.

Count DE PENHA GARCIA observed the statement on page 81 of the report that, in the Lupa area, which had a population of 20,000 natives, there were only one medical officer and three dispensaries.

Mr. NICOLL said that, in addition to the doctor, there was a Medical Officer of Health. There was also a medical clearing-station and a hospital at one of the mines. Moreover, there were a central hospital at a distance of fifty miles and a private hospital. The maximum distance which natives would have to traverse in order to obtain medical aid was fifteen miles.

Count DE PENHA GARCIA observed that the Government had published a report on leprosy, (paragraph 186, page 127 of the report), and asked whether that disease was prevalent in the territory.

Mr. NICOLL replied that the disease did not constitute one of the major problems of the territory.

M. SAKENOBE noted that the report of the Provincial Commissioner for the Southern Province (page 47) stated that leprosy was widespread in that province and that an additional centre had been opened.

Mr. NICOLL said the authorities were taking such measures against the disease as were possible.

Count DE PENHA GARCIA observed that the list of doctors contained on page 197 of the report included a column headed, "Qualifications registrable not in British Register". What was the meaning of that expression ?

Mr. NICOLL replied that the British Medical Association recognised certain foreign qualifications while not recognising others. The Government recognised both those sets of doctors.

Count DE PENHA GARCIA asked whether a similar list of native medical assistants could be supplied. He would be glad to know the numbers of such assistants who came from different schools with a similar curriculum.

Mr. NICOLL said the information would be supplied. He added that a doctor had been placed in charge of the inspection of these schools with a view to standardising the instruction.

#### EDUCATION (*continuation*).

Mlle. DANNEVIG, who had not been present when her questions on education were put to the accredited representative, had, in the meantime, observed that the Provincial Commissioners, in their reports, also drew attention to the need for increasing the education of the natives. One of the reports stated that, on account of the early age at which children left school, they often forgot what they had learned (page 72). She wished to stress that statement. She asked whether there was a possibility of the Government spending more money on education.

Mr. NICOLL referred to Lord De La Warr's statement at an earlier meeting,<sup>1</sup> and said that the Government hoped to be able to devote more money to education in the immediate future.

#### CINEMATOGRAPH.

M. VAN ASBECK thanked the accredited representative for the information published in the report on the subject of the Bantu film (paragraph 64, page 32 of the report).

#### STATISTICAL INFORMATION REGARDING TERRITORIES UNDER MANDATE.

The CHAIRMAN said that, in accordance with a suggestion made by the Commission at the twenty-third session<sup>2</sup> and approved by the Council on September 28th, 1933,<sup>3</sup> the Secretariat had issued a document in 1933 containing statistical tables relating to trade, public finance and population in the mandated territories (document C.565.M.272.1933.VI-1933.VI.A.2).

It would assist the Secretariat to keep this document up to date if the mandatory Power would include each year in the annual report a table similar to that relating to Tanganyika Territory in the document mentioned. This course, the advantages of which were obvious, had already spontaneously been adopted by the authors of the annual report on Ruanda-Urundi and to some extent by the authors of the reports on Western Samoa and Togoland under British mandate.

#### DEMOGRAPHIC STATISTICS.

M. RAPPARD assumed that the population figures for the years after the 1931 census were obtained by adding a fixed proportion to the census figures (paragraph 227, page 143 of the report).

Mr. NICOLL said it was more usual to base these estimates on the taxation registers, as that gave a more accurate result.

M. RAPPARD observed that, of the European nationalities, after British and German came the Greeks (paragraph 228, page 144 of the report). What part did they play in the community ?

Mr. NICOLL said they were usually small traders, hotel-keepers or planters.

M. RAPPARD thought the table on page 144 did not include the gold-diggers at Lupa, since the accredited representative had said that they consisted of twenty-seven different nationalities, while the table on page 144 contained a smaller number.

Mr. NICOLL said the table included the gold-diggers. The twenty-seven different nationalities to which he had referred would include some natives and Asiatics. The table on page 144 was based on the census and on immigration and emigration figures.

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. Nicoll for the information which he had been good enough to give the Commission.

<sup>1</sup> See page 32.

<sup>2</sup> See Minutes of the Twenty-third Session of the Commission, page 188.

<sup>3</sup> See *Official Journal*, November 1933 (Part I), page 1323.

## SIXTH MEETING.

*Held on Thursday, June 3rd, 1937, at 3.30 p.m.*

### **Nauru : Examination of the Annual Report for 1936.**

Major Fuhrman, accredited representative of the mandatory Power, came to the table of the Commission.

#### WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative on behalf of the Commission.

#### GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN enquired whether the accredited representative had any general statement to make.

Major FUHRMAN replied he did not desire to make any general statement beyond perhaps saying that the first care of the Administration had been, and continued to be, the material well-being and social progress of the inhabitants of the territory. Life in Nauru, during the year under review, appeared to have followed a normal course ; prosperity was maintained ; the health of the inhabitants showed marked improvement and the conduct of the Nauruan and Chinese populations was most satisfactory. He expressed the hope that the Commission would find the report as satisfactory as it appeared to the mandatory Power.

#### FORM OF ANNUAL REPORT.

M. VAN ASBECK asked whether it would be possible in future reports to provide an index of general subjects, as in the report for Ruanda-Urundi, to facilitate reference to previous reports.

Major FUHRMAN said that this suggestion would receive consideration.

#### ECONOMIC STABILITY OF THE TERRITORY : PROBABLE DURATION OF PHOSPHATE DEPOSITS : ADVISABILITY OF FOSTERING THE CULTIVATION OF FOOD CROPS.

M. VAN ASBECK noted that exports of phosphates had increased from 480,950 tons in 1935, a record year, to 547,400 tons in 1936, an increase of nearly 15% (pages 11 and 35 of the report).

He drew attention to the following observations which the Commission had made at its second session :<sup>1</sup>

“ It would seem that, as a great part of the island consists of phosphate deposits, the present conditions of life and the future well-being of the Nauruan natives, *vis-à-vis* the use of their lands by the Phosphate Commissioners, merit the continuous attention of the Commission, and it is hoped that the exploitation of the mineral wealth of the island will not entail any undue restriction of the area open to native habitation or cultivation. The Commission desires to know the probable duration of the exploitation of known deposits, and also what area proportionate to the whole will have been affected by that exploitation when the deposits are exhausted.”

He asked whether the rapid expansion of exports did not justify the fears then expressed.

Major FUHRMAN said the area of phosphate-bearing land was approximately 4,200 acres and that of country classed as coconut-producing 1,200 acres. Nauru was approximately 12 miles in circumference. There was a fertile section, ranging in width from 200 to about 800 yards, which completely encircled the island. On that fertile section, there was ample accommodation for a much larger population than the present total of inhabitants. The Administration had devoted, and was continuing to give, careful consideration to the manner in which native food supplies might be assured to future generations of Nauruans in the event of the population increasing to a very considerable extent, and no effort was being spared to encourage the growth of food-bearing trees and foodstuffs generally.

<sup>1</sup> See document C.551.M.333.1922.VI, page 5.

On the question of the probable duration of the exploitation of known deposits, Major Fuhrman drew the Commission's attention to Sir John McLaren's comment when a similar question was raised in 1936 ; also to M. Rappard's remarks thereon :<sup>1</sup>

“ Sir John McLAREN said that the arrangement for the payment of purchase money to the former phosphate companies provided for the capital sum to be paid in fifty years, so that the life of the deposits would presumably be considerably longer. Land in Nauru was generally classified either as phosphate-bearing land or as coconut land. When phosphate land had been worked out and returned to its owners, it was classified as coconut land. It was possible that, in the future, the production of copra would become an industry of the island. Whether it would be sufficient to support the population, he was not in a position to say.

“ M. RAPPARD said that fifty years was not so very long from the point of view of the territory. He wondered whether, even on the most optimistic estimate, the population could live on the proceeds from copra exports.”

Major Fuhrman pointed out that the fifty years mentioned by Sir John McLaren referred to the period over which the capital sum was to be paid and not to the life of the phosphates deposits. A former Administrator of Nauru, Mr. Newman, basing his calculations on the output of phosphates in 1928 and on the conditions of working at that time had estimated the life of the phosphate deposits at 300 years.

M. RAPPARD said that, considering the rate at which the deposits were being worked, there was considerable uncertainty as to their possible duration. He noted that the Administration was preparing to meet the situation by accumulating capital and turning worked out phosphate land into coco-nut land.

He asked how soon worked out phosphate land became fit for use as agricultural land.

Major FUHRMAN was unable to say with any certainty. The areas taken up for mining were entirely uninhabited and very little used by the natives. The Administrator reported in 1935 that it had not been found practicable to attempt to put the worked-out fields in a fit state for agriculture. That would come about in the course of time by plant recolonisation—a process which, he understood, was in progress.

M. RAPPARD said it would be regrettable if the natives were deprived of the means of existence once the phosphate deposits were exhausted. Copra would never be marketed in sufficient quantities in so small a territory to make the natives self-supporting. Would it not be advisable then to encourage them to grow food crops ? The phosphates question was perhaps the only question of importance in the island.

Major FUHRMAN referred the Commission to the agricultural policy of the Administration, as outlined in the 1935 (page 18) and 1936 (page 17) reports.

M. SAKENOBE noted that, while between 100 and 200 acres of phosphate-bearing land was leased by the British Phosphate Commissioners every year, only a very small area of worked-out land was returned to the natives (page 18 of the report). He enquired what was the position with regard to land leased by the Commissioners and worked-out but not returned to the natives.

Major FUHRMAN pointed out that only 50.48 acres had been acquired under lease during 1936 (page 18 of the report). He would ask for information to be given in the next report in reply to the queries raised by M. Rappard and M. Sakenobe.

Lord HAILEY asked whether the provisions to the value of £31,101 imported during the year 1936 (page 11 of the report) were for the natives.

Major FUHRMAN said the provisions imported would cover the requirements of the whole population—that was to say, the European, Nauruan and Chinese inhabitants ; also, fairly heavy stocks had to be held by stores to meet the requirements of ships calling at the island.

Lord HAILEY thought that this went to support the suggestion that the population was not self-supporting agriculturally, and bore out M. Rappard's contention that the natives should be encouraged to grow food crops.

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 33.

QUESTION OF THE STABILITY OF THE PHOSPHATE MARKET : PRODUCTION OF COPRA : IMPORTS.

M. GIRAUD recalled that the Island of Nauru had only one product for export and asked whether there was any danger to the natives should a crisis affect the phosphate market. Might not the whole economic life of the territory be suspended in the event of such a contingency which seemed very unlikely for the moment but which, nevertheless, should not be entirely overlooked. He was aware that reserves had been built up, but as phosphates were at present the only source of the country's wealth, it seemed prudent to bear even remote possibilities in mind. Was the accredited representative of the opinion that it would be wise for the local administration to follow carefully the general situation of the phosphate market in Australia and New Zealand, which were the principal outlets for the produce exported from Nauru ?

Major FUHRMAN considered that a very fair appreciation of the stability of the phosphate market could be formed from the statistics in the annual reports covering the past fifteen or sixteen years. There was very little likelihood of any large-scale diminution in the demand for this product. The requirements of the partner Governments had increased considerably in recent years and there had been some exports to other countries.

M. GIRAUD said the market might prove to be less stable than was supposed. The statistics showed that the value of phosphate exports had not increased in the same proportion as their weight during 1936 (page 20 of the report).

Major FUHRMAN said that any variations in the f.o.b. price necessarily affected the monetary value of each year's turnover. The f.o.b. price of the phosphates was determined by the Phosphate Commissioners and was fixed on a basis which covered working expenses ; cost of management and, if required or necessary, contribution to administrative expenses ; interest on capital ; a sinking fund for the redemption of capital and any other relevant factors. Some of those factors naturally varied from year to year and the f.o.b. price fluctuated. The variations were reflected in the year's turnover. Further details would be obtained if the Commission desired.

M. GIRAUD said the price would appear to have no influence on local finance. He believed royalties were paid per ton and not *ad valorem*.

Major FUHRMAN confirmed M. Giraud's first remark, and, as regards the second, said that, in accordance with the Lands Ordinance of 1927, royalty was paid according to the certified weight of the quantity of phosphate shipped—that was to say, on a per ton basis.

M. GIRAUD asked whether all the imports came from Australia (page 11 of the report).

Major FUHRMAN was not in a position to say, but he did not think so.

M. GIRAUD would be glad to find in the next report a list of the chief sources of imports.

Major FUHRMAN took note of this request.

M. GIRAUD asked for a rough estimate of the copra-producing capacity of the territory.

Major FUHRMAN said there were approximately 1,200 acres of country classed as coconut producing. He was informed by the Administrator that the Nauruans were not interested at present in making copra. When certain conditions changed, there would not be the slightest difficulty in reviving the production of copra. There was, in fact, a possibility that production on a small scale might be revived in the near future for the purpose of supplementing funds required in connection with a proposed Native Food Plan (page 12 of the report).

M. GIRAUD had been very interested in the table giving recapitulatory information concerning the population, imports and exports and public finance since 1923 (page 20 of the report). Could the Commission be given a very approximate idea as to the use made of the £4,000,000 by which exports had exceeded imports over the past fourteen years.

Major FUHRMAN said that, subject to the Phosphate Commissioners fulfilling the financial requirements of the Lands Ordinance (No. 7 of 1927) and to the payment by the Commissioners



of an export royalty on all phosphate shipped, the matter of exports of phosphate and any profit accruing therefrom remained the exclusive concern of the Phosphate Commissioners in their capacity as representatives of the partner Governments.

M. RAPPARD assumed that some of the money would have been taken home by Chinese coolies, but the greater part was profit accruing, under the agreement, to the Commissioners.

#### MINING RIGHTS TO THE PHOSPHATE DEPOSITS.

COUNT DE PENHA GARCIA asked whether anyone could obtain a concession to work phosphates.

Major FUHRMAN replied in the negative and said that His Majesty's Governments in the United Kingdom, the Commonwealth of Australia and New Zealand acquired by purchase the exclusive rights to mine the entire phosphate deposits on the Island of Nauru. Under Article 6 of the Nauruan Agreement of July 2nd, 1919, between His Majesty's Government in the United Kingdom and the Governments of Australia and New Zealand,<sup>1</sup> the title to the entire phosphate deposits on the island and to all land, buildings, plant and equipment on the land used in connection with the working of these phosphates deposits was vested in a Board of Commissioners appointed by the Governments parties to the agreement referred to.

#### PUBLIC FINANCE.

M. RAPPARD noted once again that the territory was very prosperous, as indeed, it must be, seeing that the Treasury was filled by means of royalties from phosphates (page 7 *et seq.*).

He failed to understand, however, why in a time of great prosperity deposits in the Commonwealth Savings Bank had fallen from £23,467 in 1935 to £19,284 in 1936, especially as the number of depositors had increased from 647 to 701 (page 8 of the report).

Major FUHRMAN said that 42½% of the population were Savings Bank depositors. During 1936, there had been (a) an increase in the number of small depositors and (b) increased and heavier withdrawals by large depositors for the purpose of house-building, purchase of food, etc.

#### ADVISORY COUNCIL OF CHIEFS : ADMINISTRATION OF NAURUAN ROYALTY TRUST FUND.

M. VAN ASBECK said that in examining the report for 1927 the Commission had, at its thirteenth session,<sup>2</sup> discussed the abolition of the then existing Council and the institution of a new Advisory Council of Chiefs. The latter was fully described in the report for 1928 and later reports. It was stated that the Advisory Council of Chiefs was in charge of the administration of the Trust Fund destined for purely Nauruan purposes and to which the native capitation tax revenue was transferred every year. After 1932, when the national hall was opened, no further reference was made to the Advisory Council. He would be glad if the next report could contain information on the working of the Advisory Council.

M. Rappard had asked a question about the Fund during the twenty-seventh session,<sup>3</sup> and had been told that the original fund was exhausted and that the money from the capitation tax now went to the Nauruan Royalty Trust Fund for the general benefit of the Nauruans. M. Rappard had then noted with regret that by not continuing the Trust Fund the only occasion had been lost of interesting the Nauruans in the management of their own affairs. The question now arose why, if the capitation tax still existed and yielded yearly revenue exactly as before, that amount could not be transferred to the Trust Fund as before ?

Why was the former Trust Fund closed and the proceeds of the capitation tax paid into the Nauruan Royalty Trust Fund ? The original Trust Fund was administered by the natives, and this gave them their only opportunity of doing administrative work in their own interests.

Had the natives any share at all in the administration of the Nauruan Royalty Trust Fund, or were there obstacles to entrusting them with such work ?

<sup>1</sup> See Report on the Administration of Nauru during the year 1927, page 48.

<sup>2</sup> See Minutes of the Thirteenth Session of the Commission, pages 35 and 36.

<sup>3</sup> See Minutes of the Twenty-seventh Session of the Commission, page 34.

Major FURHMAN said that the Trust Fund to which M. van Asbeck referred was created for a specific purpose—namely, the building of a Nauruan national hall (Domeneab). When that purpose was fulfilled, the balance of the money then in hand—namely, £417—was used for the development of the districts, which included the promotion of agriculture. Since that date, the capitation tax was collected by the Administration, paid into revenue and, although there was no statutory obligation to do so, was subsequently transferred to the Nauruan Royalty Trust Fund. That fund was controlled by the Administration and had for its origin the Land Agreement entered into between the Nauruan landowners and the British Phosphate Commissioners. He did not think the Nauruans had any hand in the administration of the Fund in question.

#### JUDICIAL ORGANISATION : DELEGATION OF CERTAIN POWERS TO THE CHIEFS.

M. VAN ASBECK was glad to note that the number of convictions had fallen considerably since 1935 (pages 14 and 15 of the report). Did the Administration contemplate extending the powers of the chiefs in view of the satisfactory results of the delegation to them of certain minor powers in their districts (page 15) ?

Major FUHRMAN did not think any immediate extension of powers was contemplated. The chiefs were entrusted with the maintenance of order in their districts and, in this duty, had the assistance of a district constable and a boy orderly. He understood that the Nauruans were encouraged to take an active part in the management of their own affairs. Under the supervision of the Administration officers and the head chief, responsibility was being allowed gradually to devolve upon the chiefs. Some years previously, the chiefs were given power to deal, in their districts, with Nauruans charged with minor offences—for instance, absence from general meetings, disobedience of orders, trespassing, breaches of traffic rules, etc.

M. VAN ASBECK asked whether there was any appeal from, or review of, magisterial decisions of chiefs.

Major FUHRMAN replied that, in every case, there was the right of appeal to the Administrator.

Lord HAILEY asked whether chiefs were paid for their judicial functions and whether they had a treasury for minor expenses.

Major FUHRMAN was unable to reply to the first question. The answer to the second was in the negative.

M. VAN ASBECK asked if a statement could be inserted in the next report with regard to the powers of chiefs.

#### LAND TENURE.

Lord HAILEY asked whether the chiefs had any powers in respect of the distribution and control of native land—the transfer or the taking-up of unoccupied land, for instance (page 17 of the report).

Major FUHRMAN said this was governed by the Lands Ordinance of 1921, as amended by the Ordinance of 1927. The consent of the Administrator had to be obtained to any transfer, sale or lease or to any agreement or contract for those purposes.

Lord HAILEY asked whether the natives were entitled to transfer land.

Major FURHMAN said that, subject to the Lands Ordinance, which required the prior consent of the Administrator to any transfer, sale or lease, the natives could dispose of their land by will or otherwise as they thought fit.

Lord HAILEY asked whether titles to land were recorded.

Major FUHRMAN said this subject had been gone into fully in an earlier report. A very extensive land survey had been carried out. The Commission was informed in 1929<sup>1</sup> that the system of land tenure was governed by old tribal customs dating back very many years. With the exception of about 100 acres required for a wireless station, and a few small allotments held by (a) the Administration, (b) the missions and (c) trading concerns, the whole island was owned by the natives. Private ownership was general, and no land was communally owned. There

<sup>1</sup> See Report on the Administration of Nauru during the year 1928, page 29.

were no forests on the island. A survey was in progress and a Lands Committee had been established to investigate matters relating to boundaries and to determine ownership of land. A certificate was issued to the owner of each portion of land, defining the boundaries and affording documentary evidence of ownership.

Lord HAILEY asked whether natives were ever allowed to alienate land to non-natives—to the Chinese, for instance.

Major FUHRMAN thought not; certainly not to Chinese, as he understood there were no permanent Chinese residents.

In reply to a further question by Lord Hailey, he said that, except under (a) the Nauru Agreement and (b) the Lands Ordinance, Europeans had no property rights in the land beyond, perhaps, a few small allotments held by the missions and trading concerns to which he had referred.

#### MISSIONS.

M. PALACIOS recalled that, during the twenty-ninth session of the Commission,<sup>1</sup> he had drawn attention to the fact that the mandatory Power, in accordance with a desire expressed by the Commission during its twenty-seventh session,<sup>2</sup> had included in the report for 1935 certain information concerning the number and organisation of the missions in the territory. In the course of the twenty-ninth session, the accredited representative had explained, in particular, that the chief work of the missions was to impart religious instruction and that the Mission of the Sacred Heart had been given permission to reopen a school.

The report for 1936 merely said on page 20 that "there is nothing to add to the particulars given in the report for 1935 in regard to the work of the missions".

M. Palacios, however, had asked, during the twenty-ninth session of the Commission<sup>3</sup> that "the annual reports might continue to supply details regarding these matters". Could the accredited representative give the Commission some information concerning the activities of the missions since the end of 1935?

Could he, in particular, explain the present position and the development of relations between the missions and the natives, and give details regarding the results obtained by the missions as a whole, and especially the Mission of the Sacred Heart?

Major FUHRMAN understood that the missions had carried on their normal activities during 1936 and that there was nothing of a special nature to report. He would ask for fuller information to be given in the next report.

#### ANTHROPOLOGICAL RESEARCH.

Mlle. DANNEVIG noted that the report of the anthropologist who had visited the territory in 1935 had now been published (page 16 of the report).

The natives did very little work; and it appeared from the report that the Administration encouraged them to dance and sing. Did it feel that this would give them some interest in life?

Major FUHRMAN replied that this was partly so, but it also had a very beneficial effect on the general health and well-being of the people. In continuation of its policy of keeping educational methods under review, so that they might be adapted to the needs of the native population, arrangements had been made with the Victorian Education Department to loan the Administration the services of Mr. W. C. Groves, B.A., who was a very well-known authority on native education and a qualified anthropologist.

#### EDUCATION : LANGUAGE.

Mlle. DANNEVIG asked whether the accredited representative considered that sufficient money was spent on the education of the natives, in view of the prosperous financial condition of the territory (page 10 of the report).

Major FUHRMAN replied in the affirmative. He said the Administration considered that the expenditure was adequate. Four hundred and seventy-seven native children were receiving instruction (page 15 of the report) and, for that purpose, 10.9% of the total revenue of the territory was expended.

Mlle. DANNEVIG asked whether all children received education.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 34.

<sup>2</sup> See Minutes of the Twenty-seventh Session of the Commission, page 230.

<sup>3</sup> See Minutes of the Twenty-ninth Session of the Commission, page 35.

Major FUHRMAN replied that, under the Compulsory Education Ordinance, all children between the ages of 6 and 13 years were required to attend school. The school-leaving age was 16 years but it had been modified and was now 13.

Mlle. DANNEVIG was interested to see that employment was found for boys after they left school and that Mr. Groves would act as Director of Education. This would be of considerable benefit to the natives.

Very little was said about the education of girls. Did they share that of the boys ?

Major FUHRMAN said that a detailed syllabus of the Administration education policy had been communicated to the Secretary-General of the League for distribution to the members of the Commission in 1932. The curriculum was set out in the 1927 report. Girls who reached the school-leaving age were instructed in dressmaking, the use of the sewing-machine, basket-making, mat-making, hygiene, child welfare, first-aid and cooking.

Mlle. DANNEVIG noted that the Administration had received a recently completed work embodying the grammar of the old Nauruan language, the work of a missionary who had been thirty years in Nauru (page 16 of the report). Presumably Nauruan was a very difficult language, and it was of scientific interest to have it studied from a grammatical point of view.

Major FUHRMAN said this grammar was compiled by the Reverend Father A. Kayser, M.Sc., a missionary of the Roman Catholic Mission of the Sacred Heart. A bound copy of the roneoed reproduction of Father Kayser's manuscript had been sent to the Secretary-General of the League for the information of members of the Commission.

M. DE HALLER said that a letter announcing the despatch of the grammar had been received, but the latter had not yet arrived.

Major FUHRMAN said, in reply to another question by Mlle. Dannevig, that the object of teaching the Nauruans English, especially the younger people, was to enable them to express themselves correctly in the English language both in writing and conversation.

#### ARMS, LIQUOR AND OPIUM PROHIBITION ORDINANCE (1936).

M. SAKENOBE asked why a new arms, liquor and opium prohibition Ordinance had been enacted in 1936 in place of the 1921 Ordinance (page 31 of the report).

Major FUHRMAN said it was thought desirable, in the light of experience, to redraft the Arms, Liquor and Opium Prohibition Ordinance of 1921 and, as would be seen, the new Ordinance of 1936 merely re-enacted the provisions of the original Ordinance with certain minor variations. In particular, it brought the Chinese population within the scope of the Ordinance and made special provision in regard to them.

He did not think the passing of this measure had any special significance—it was merely considered desirable to tighten up the existing law and to cover more adequately the entire population on the island.

M. SAKENOBE asked whether the penalty for contravening paragraph 5 of the Ordinance had always been as heavy as £200 or two years' imprisonment.

Major FUHRMAN replied in the affirmative.

M. SAKENOBE asked for information with regard to paragraph 7 of the Ordinance : " It shall not be lawful for any native or Chinaman to have in his possession any . . . intoxicating liquor . . . except in the case of the ration of intoxicating liquor permitted to a Chinaman. . . . "

Major FUHRMAN said it was the custom on the island, since the days prior to the mandatory control, for each oversea worker to be allowed, subject to satisfactory conduct, to purchase a bottle of light beer on every Chinese holiday. As there were six Chinese holidays in each year, this would account for an annual consumption of nearly 7,000 bottles of beer.

M. SAKENOBE understood that a ration of intoxicating liquor was allowed to Chinese opium addicts to save them from becoming ill when opium was prohibited.

Major FUHRMAN said that if alcohol were ordered medically for a Chinese worker, he would undoubtedly receive it.

ALCOHOL AND SPIRITS (*continuation*).

M. SAKENOBE noted with satisfaction that the natives were not addicted to spirits (page 19 of the report). They did not even drink sour ekarawe. What was this drink ?

Major FUHRMAN said that ekarawe was one of the principal foods of the Nauruans. It was the sap, collected morning and evening, of the spathe of the coconut palm. The Nauruans were encouraged to drink ekarawe regularly, as it was an extremely potent source of vitamin B. If it were not used shortly after collection, it became sour and fermented, and then developed into an unpleasant tasting intoxicant, known locally as " demani ". Great care was exercised to ensure that only sufficient ekarawe for daily consumption was collected and the evil effects of " demani " were constantly brought to the notice of the rising generation.

M. SAKENOBE noted that imports of spirits had fallen slightly in 1936 as compared with 1935 (page 19 of the report). Were the British Phosphate Commissioners the only licencees ? He asked because the 1935 report stated that the Burns, Phillip South Sea Company, Limited, held a licence, but this firm was not mentioned in the 1936 report. Had they given up their licence ?

Major FUHRMAN thought the company would require a licence to supply their visiting ships. Some years ago, it was explained that sales had increased owing to the unusually large number of vessels which had visited the port.

DRUGS (*continuation*).

M. SAKENOBE noted that there had been eight convictions for offences connected with opium (page 20 of the report). How did opium get into the island ?

Major FUHRMAN said every effort was made to prevent the smuggling of opium but, as a large number of Chinese labourers were continually passing in and out of the territory, it was almost inevitable that the vigilance of the Administration was occasionally defeated and small quantities of opium were smuggled on to the island. The persons prosecuted during 1936 numbered eight, which represented a very small percentage of the total Chinese population.

M. SAKENOBE pointed out that indentured labourers and their possessions had to pass through quarantine. Even a small amount of concealed opium would therefore be found.

M. VAN ASBECK suggested that opium might be taken into the territory by the crews of ships.

Major FUHRMAN said that was not unlikely.

PUBLIC HEALTH : NATIVE FOOD SUPPLIES.

Count DE PENHA GARCIA pointed out that health expenditure amounted to about one-third of the revenue of the territory (page 9 of the report), which proved that the mandatory Power attached great importance to health conditions.

Very few deductions could be drawn as to the position regarding certain diseases, as the statistics given in the report covered only a few hospitals. The methods adopted for the treatment of tuberculosis should also be noted (page 12 of the report) ; excellent results might be expected as a result of the methods for the early detection of tuberculous children which had been adopted on the island.

There seemed to be a slight improvement in the position with regard to leprosy (pages 13 and 23 of the report).

The infant mortality rate, nevertheless, was high (page 27 of the report). Had the leading Australian authority on child welfare referred to on page 12 of the report visited the island ?

Major FUHRMAN said the authority referred to was Professor Harvey Sutton, Director of the School of Public Health and Tropical Medicine, University of Sydney. The Professor visited the territory in March 1937. An immediate result of his visit was that a scheme in connection with native food supplies was being proceeded with. Particulars of the Food Plan would no doubt be given in the next report.

Count DE PENHA GARCIA enquired whether drinking-water was difficult to obtain and what method was used, or contemplated, for purifying tank-water.

Major FUHRMAN said drinking-water was very difficult to obtain in some years. In 1935, there was a very serious drought and a consequent shortage of drinking-water, but the 1936 rainfall was 9.16 inches higher than that of 1935.

The Administration kept in mind the necessity for conserving rain-water and during the year £456 was spent on the erection of catchment sheds and fresh-water cisterns. Particulars with regard to the purification of tank-water would be given in the next report.

Count DE PENHA GARCIA said he would be glad to have fuller details as to the application of the Native Food Plan.

Major FUHRMAN said he understood that this plan was being proceeded with. The budget for 1936 showed that a sum of £1,000 was transferred to the Nauruan Royalty Trust Fund. That sum was for the specific purpose of establishing the Native Food Plan. He had not received any details of the contemplated scheme.

Mlle. DANNEVIG asked whether the exceptionally high increase in the infant mortality rate (from 29.8 per thousand live births in 1931 to 253.5 in 1936) was due to poor nutrition.

Major FUHRMAN said the matter was being given serious attention. The Administration would report on the progress made. The mortality of infants under 1 year was reduced during 1936.

It was still the belief of the Administration that infant mortality was closely related to the food problem, but, although natural foods were plentiful in 1936, infant mortality remained high. The Administration was unable to discover how this high mortality could have been foreseen, but considered it should profit to the greatest possible extent by the experience of the last two years. The most important natural food was "ekarawe" and a shortage of that food could not be supplemented by its importation as it had to be consumed within twenty-four hours of collection. The difficulty of the problem was increased by the nature of the inquisition necessary to ascertain whether pregnant women were receiving sufficient nourishment. No complaint of insufficiency was ever made, and enquiries too often elicited the answer which the people considered would cause least trouble to themselves and their relatives—namely, that all was well and that they were getting sufficient toddy.

The usual monthly inspections were held with a view to ensuring that any pregnant woman who appeared to be ill or under-nourished was sent to hospital for treatment. The Administrator had expressed the opinion that it was desirable to tackle the food problem in respect of the whole population and to that end a food plan had been evolved. It would be premature, however, to give details of the plan pending the 1937 report.

Professor Harvey Sutton's recommendations, to which he had referred, were being carefully considered.

Mlle. DANNEVIG noted that the Administration was bearing the matter of infant mortality in mind.

#### LABOUR.

Mr. WEAVER thanked the mandatory Power for its answers to the questions he had asked in 1936.<sup>1</sup>

He noticed that there were twenty-five convictions of Chinese under the Chinese and Native Labour Ordinance (page 14 of the report). This was a fairly large percentage of the 1,000 Chinese in the territory. He would be glad to see in the next report a specimen list of offences and punishments.

No details were given about the 539 cases treated in the hospital of the British Phosphate Commissioners, or about the four deaths that had occurred there (page 18 of the report). Could a brief account be given of the more prevalent diseases among Chinese labourers?

There was no mention of accidents to Chinese labourers, but there must have been some; he would be interested to know what compensation was paid.

Major FUHRMAN thought this question had been raised on a previous occasion. There were no details in the report.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 34.

Mr. WEAVER said wages had not been mentioned in recent reports. Possibly there had been no change. Were the conditions of the contract still the same ?

Major FUHRMAN said wages remained unchanged. The contract was that described on page 51 of the 1927 report.

Mr. WEAVER said a reference to rates of wages would be appreciated in the next report. It was very satisfactory that remittances to China amounted to so high a figure as £9 per head (page 19 of the report).

Major FUHRMAN explained that, although only 71 more Chinese were employed on the island during the year 1936, the amount remitted to China had increased by £ 3,233. The total amount remitted was influenced by fluctuations in the rate of exchange between Hong-Kong and Australia.

#### DEMOGRAPHIC STATISTICS.

M. RAPPARD drew attention to the reference on page 20 of the report to the birth of a Chinese infant and the marriage of four Chinese males, a slightly puzzling situation, seeing that there were no Chinese women in the territory.

Major FUHRMAN said the Chinese population on the island other than indentured Chinese labourers consisted of : males—Government interpreter on the administration staff and four Chinese employed on domestic duties ; females—the wife (and male child) of an interpreter on the staff of the British Phosphate Commissioners, and the wife (and female child) and mother of a Government interpreter.

M. VAN ASBECK asked whether all the Europeans in the territory were British.

Major FUHRMAN believed they were all British nationals.

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for the assistance he had given the Commission.

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#### SEVENTH MEETING.

*Held on Friday, June 4th, 1937, at 10.30 a.m.*

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#### **Cameroons under British Mandate : Examination of the Annual Report for 1936.**

Mr. G. H. Findlay, Senior Resident Officer in Nigeria, accredited representative of the mandatory Power, came to the table of the Commission.

#### WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN, after welcoming the accredited representative said that, if the report had been distributed somewhat late, it was due to circumstances which had made it necessary to place its examination on the agenda of the present session, whereas this report was usually examined at the autumn session. He thanked the United Kingdom Government for having expedited the preparation of the report so that it could be examined at the present session.

#### GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. FINDLAY made the following statement :

The report itself is, I think, comprehensive and requires no further expansion on my part. In it are discussed at length two important points in regard to the mandatory Power's principal responsibility, which is the welfare and advancement of the people. The first is the extent to which the people have benefited in the return towards prosperity, general

throughout the British West African Dependencies during the past year, due to the rise in prices in the world oils and fats markets, and, secondly, the participation of chiefs and councils of the people in their local or native administration.

The questions raised by the Commission which remained unanswered at the last session are dealt with in the report, and I shall have something to say in regard to the question of "economic equality" between importing and exporting nations, when the relevant paragraph of the report is under examination. You will observe that, in regard to finance, the figures for revenue and expenditure are given—Appendices I and II—for the financial year 1935/36, while the actual figures, so far as possible, are given for the nine months April 1st to December 31st, 1936. In the next report, it is proposed to give the actual figures for the calendar year 1937, but, as pointed out in paragraph 74 of the report for 1936 (page 27), the dry season occurs between November and April when the bulk of tax-collecting and construction work is done, and these therefore will be less illuminating than the figures for an actual financial year.

I have with me some photographs which may be of interest and also a map of the plantations in the Victoria Division, referred to in paragraph 348 of the report. Also I have the two specimen assessment reports asked for by Lord Hailey at the thirtieth session,<sup>1</sup> mentioned in paragraph 103a of the report for 1936 (page 36). Both deal with the re-assessment of the wealth of the community, for purposes of taxation, and the Bansa report includes also historical and sociological information and intelligence of the kind collected and compiled for the purpose of ascertaining the foundations on which native authority and forms of native administration can, if feasible, be established and developed.

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Mr. Findlay handed in the photographs, the map of the plantations and the reports to which he had referred.

#### FORM OF ANNUAL REPORT : STATISTICAL INFORMATION REGARDING THE TERRITORIES UNDER MANDATE.

The CHAIRMAN recalled that a suggestion had been made in the previous year<sup>2</sup> that references to the pages of the previous reports should be inserted whenever the annual report referred to information contained in previous reports. He thanked the mandatory Power for complying with that suggestion in the annual report for 1936.

The mandatory Power had also complied with a further request made last year<sup>3</sup> by inserting in the report a statistical table (Annex IV) (pages 163 and 164) relating to the population, trade and public finance of the territory, drawn up in the same manner as the tables included in the document published by the Secretariat in 1933, which contained statistical data on all mandated territories. He thanked the mandatory Power for that information.

In general, the passages relating to the various parts of the territory in each chapter followed the geographical order from the south to the north, which appeared to be logical in view of the configuration of the territory. In some cases, however, that order had not been followed. For instance, in the chapter on General Administration, the passage relating to the Bamenda division followed immediately after that of Kumba and preceded that relating to Mamfe, although the last named division was situated between the other two (pages 18-20 of the report). In order to avoid confusion, it would be particularly appropriate, as regards this territory, if the geographical order were always followed. Would it be possible to improve the presentation of the annual report in that respect ?

Mr. FINDLAY replied that that would be done.

#### INTERNATIONAL CONVENTIONS.

Count DE PENHA GARCIA noted that two further international Conventions had been applied to the territory (paragraph 10, page 7 of the report). He pointed out that it would perhaps have been useful to give a complete list of the existing Conventions as was done in the case of other territories.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 57.

<sup>2</sup> See Minutes of the Thirtieth Session of the Commission, page 69.

<sup>3</sup> See Minutes of the Thirtieth Session of the Commission, page 55.



FRONTIER BETWEEN THE CAMEROONS UNDER BRITISH MANDATE AND THE CAMEROONS UNDER FRENCH MANDATE. <sup>1</sup>

Count DE PENHA GARCIA observed that the frontier between the Cameroons under British mandate and the Cameroons under French mandate had not yet been delimited, as the French authorities had not sent a Boundary Commissioner on account of the expenditure involved (paragraph II, page 7 of the report). Did the accredited representative think the Boundary Commission could begin work on November 1st? He asked whether a reply had been received to the letter addressed to the Governor of the French Cameroons. He noted further the statement that, in two particular areas, the demarcation would be welcomed. Did that mean that the matter was particularly urgent in those districts?

Mr. FINDLAY replied that incidents had possibly occurred in those districts which implied that demarcation would be useful but not urgently necessary. The British Boundary Commission had been ready to start in 1936 and was also ready at the present time. He could not answer for the French authorities and had no knowledge of any reply to the letter addressed to the Governor of the French Cameroons.

ECONOMIC EQUALITY : CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE OF NATIONS.

Mr. FINDLAY made the following statement :

In its report to the Council on the annual report for 1935 concerning the Cameroons under British mandate, <sup>2</sup> the Permanent Mandates Commission expressed the hope that the next annual report would state whether or not the mandatory Power considered itself legally obliged to apply the rule of economic equality to imports from States which are not Members of the League of Nations.

His Majesty's Government in the United Kingdom is of the opinion that States which are not members of the League of Nations cannot claim economic equality for their goods imported into mandated territory either under the terms of the mandates or under Article 22 of the Covenant of the League of Nations. Such States can, in the opinion of His Majesty's Government in the United Kingdom, only claim equal treatment for their imports by virtue of agreements concluded to this end with the mandatory Power.

His Majesty's Government in the United Kingdom has no present intention of inviting the authorities concerned to promote legislation which would deprive States not members of the League of the economic equality which in fact they now enjoy in territories under United Kingdom mandate.

Lord HAILEY thought this was a very important declaration, as 60% of the imports came from countries which were not members of the League of Nations.

Count DE PENHA GARCIA observed that the statement was slightly different from those previously made to the Commission. He observed that the mandatory Power adopted the legal view that countries which had left the League of Nations could not claim economic equality for their goods, but that it did not intend to take action at present. The question was whether the mandated territory had taken an opportunity to secure equality of treatment in those countries for products coming from the mandated territory. The United Kingdom Government recognised that it had the right to impose differential treatment on imports from such countries. It had not done so. In exchange for that, had the Government asked for favourable treatment, on a reciprocal basis, for goods exported to those countries? The principal point involved was the export of bananas to Germany.

Mr. FINDLAY replied that as far as he was aware the United Kingdom Government had taken no such steps. Paragraph 124 of the report (page 48) showed that 79% of the exports went to a country which was not a member of the League. The country in question was interested in the production of the exports in question.

M. VAN ASBECK asked whether these goods were subject to any particular taxes in Germany.

Mr. FINDLAY could not say, but thought there was probably no tax on bananas entering Germany from the Cameroons.

Count DE PENHA GARCIA would be glad to see in the next report further details on the subject. There seemed to be a possibility of obtaining advantages for the territory by asking for reciprocity.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 51.

<sup>2</sup> See Minutes of the Thirtieth Session of the Commission, page 208.

TRANSFER OF CERTAIN HAMLETS IN THE GASHAKA DISTRICT TO THE BENUE PROVINCE.

Lord HAILEY noted the statement on page 22 of the report (paragraph 50) that approval had been given by the Secretary of State for the transfer of fifteen small hamlets in the Gashaka district to the Benue province. As the Benue province was in Nigeria, what was now the status of the persons transferred ?

Mr. FINDLAY replied that there was no change in the status of the natives as a result of the transfer. They were still under the same Administration.

Lord HAILEY asked why the consent of the Secretary of State should be required.

Mr. FINDLAY said that, in the ordinary course, he did not think it would be necessary ; in this case, he understood, the tribe was split up between the mandated territory and Nigeria.

Lord HAILEY assumed the transfer did not mean that the persons in question lost their status of protected persons and became subjects.

Mr. FINDLAY pointed out that the Northern and Southern Provinces of Nigeria were a protectorate and not colony, and that the inhabitants were " Protected Persons ".

Lord HAILEY admitted that this was correct ; there was, however a difference between the status of persons in British protectorates and those in the mandated territory. For international purposes the latter had the status of British protected persons, but for other purposes they came under the mandatory law.

M. VAN ASBECK presumed that the fifteen hamlets in question had hitherto been administered by the provincial authorities of Adamawa and now came under those of the province of Benue without in any respect undergoing a change as part of a mandated territory.

Mr. FINDLAY replied in the affirmative. He said, however, that he was not quite clear as to the meaning of the statement in question and would ask for further details to be given in the next report.

M. SAKENOBE asked why the fifteen hamlets had not been included with the Kentu area, which was transferred to the Benue province in 1932. <sup>1</sup>

Mr. FINDLAY thought that when the explanation was given it would be found that no change had taken place in the boundary of the mandated territory, but that a small tribe or community had been transferred from one side of the frontier to the other in order to bring the two parts of the tribe together.

NATIVE ADMINISTRATION : DUTIES AND SUPERVISION OF THE CHIEFS : DETRIBALISED AREAS :  
FOREST RESERVES.

M. VAN ASBECK expressed his thanks for the full information contained in the report regarding native officials in Government departments and as to native administration (page 10 *et seq.* of the report). The table on page 10 of the report (paragraph 17) gave a list of such officials in which a distinction was made between clerical and non-clerical staff. He asked in what the non-clerical work consisted.

Mr. FINDLAY replied that these officials would be post and telegraph staff, Marine quartermasters, schoolmasters, etc.

M. VAN ASBECK observed from the table on page 23 of the report that there were only sixty-one native administration officials in Kentu and that they were all employed in the villages. Did not this imply a certain backwardness on the part of this district ?

Mr. FINDLAY said that the sixty-one persons were village heads. The Kentu area was a small district and the officials were stationed at administration headquarters which was outside the area.

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<sup>1</sup> See Minutes of the Twenty-fourth Session of the Commission, page 17.

M. VAN ASBECK pointed out that the backwardness of the Kentu area had been referred to at the thirtieth session of the Commission<sup>1</sup> and was admitted by the mandatory Power on page 24 of the report. He observed that only fifty-five days were spent by administrative officers in touring this area as against fifty-eight days in the previous year. The report stated, however, that the divisional officer was in constant touch with the chiefs by letter (paragraph 58, page 24 of the report). He asked how such contact was possible in the case of illiterate chiefs.

Mr. FINDLAY replied that the administrative staff of the province in which Kentu was situated could only serve that territory in proportion to the entire province. Though the district was necessarily unvisited for considerable periods, the divisional officers were in constant communication with the village authorities.

M. VAN ASBECK observed that it was said in the report that it was not possible to send an administrative officer to assist in the collection of the taxes but that bundles of sticks had been handed to the headman representing the number of taxpayers (paragraph 59, page 24 of the report). The collection of taxes was one of the chief means of contact of the Administration with the natives and he asked whether the accredited representative was convinced that the present system would not lead to abuses.

Mr. FINDLAY was sure that the administrative officer would assure himself that the Kentu area was not neglected in comparison with the rest of the province, and would satisfy himself that no abuse occurred. These observations would, however, be forwarded to the Government.

The CHAIRMAN thought that further information on this subject could be contained in the next report.

Mlle. DANNEVIG asked how much the natives paid and what they obtained in return for the tax since they seemed to be so little in contact with the Administration.

Mr. FINDLAY said the villages in the Kentu area belonged to a community which was not entirely situated in the mandated territory. The tax was paid into the treasury of that community and the villages in question benefited like other members of the community. The amount was about £300, of which a certain percentage went to the village heads. As regards the remainder, the natives shared the general benefit which accrued to the province of which they formed part.

Mlle. DANNEVIG expressed her appreciation at the very full information given in the report (paragraphs 12 and seq., page 3) in answer to her questions last year<sup>2</sup> on the duties of chiefs. She understood that a number of chiefs had held their position before the arrival of the Europeans and had possibly greater authority than the newly appointed chiefs. She observed that the success of indirect rule was admittedly in a high degree dependent on the efficiency of the native chiefs. Were any steps taken to provide chiefs capable of replacing the older ones when they disappeared ?

Mr. FINDLAY replied that any chiefs who died would be replaced by chiefs selected by the people. In the case of the Victoria district, there were educated men who could be found for these posts. In Nigeria, it had been found that many of the native communities and tribes were anxious to have intelligent men as chiefs, and there had been a certain conflict between the old custom and the progressive element.

Mlle. DANNEVIG asked whether the mandatory Power did take any part in helping the natives to choose their chiefs.

Mr. FINDLAY replied that the administrative officers took part by giving personal advice. Moreover, the Government would not grant the powers of native authorities to men whom it considered unsuitable. The principle was, however, that the authority of the chief was conferred, not by the Government, but by the people.

Mlle. DANNEVIG observed the statement in paragraph 22 (page 12 of the report) that the chiefs made arrangements for the celebration of festivals, dances and sacrifices. Later in the paragraph, a reference was made to their administration of native law, etc. She had considered the latter to be more important, but perhaps the natives considered the former the most essential ones.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, pages 52, 53 and 54.

<sup>2</sup> *Ibid.*, page 55.

M. SAKENOBE observed the statement in paragraph 20 (page 11 of the report) that, in some hilly districts, autocratic chiefs were appointed by the Government, though, in such cases, a council of elders was appointed to curb that tendency to autocracy. How was that council elected? Were the chiefs obliged to ask the advice of such councils?

Mr. FINDLAY replied that the Government did not appoint such councils but recognised and encouraged existing councils.

He thought the chiefs in question were autocratic only by reason of their character. Under native custom as a rule the chiefs must act together with the council. The Government had merely revived the old custom of a council of elders. The council had a certain moderating influence, but this was largely a question of personality.

M. SAKENOBE asked whether it was the policy of the Administration to curb such autocratic tendencies.

Mr. FINDLAY replied that this depended on the custom of the people. If they were accustomed to an autocratic ruler, the Government would not interfere. But if they had become accustomed to a council of elders, the Government saw that such a council was respected. As a general policy, it was thought that the chiefs should act in council, as this provided safeguards.

M. VAN ASBECK observed that, according to the report, the district head of Balong and his council, who formed the native authority, did not work under the close supervision of any Government officer and had thus a better chance of showing what they could do by themselves (paragraph 30 of the report, page 15). Was it possible to leave native chiefs without supervision?

Mr. FINDLAY said the expression used was "close supervision". This term was a relative one. The administrative officer did not reside as close to this district as to the Victoria district and the Bakweri district referred to on page 13 of the report. He was at a distance of about 20 kilometres. The Balong area was on a motor-road along which district officers frequently passed.

Lord HAILEY observed that it had been possible in the Adamawa area to remove a certain district from the Schedule of Unsettled Districts (page 22). What was the effect of this measure?

Mr. FINDLAY said that in an "unsettled" district the Government had power to restrict the movements of non-natives.

M. VAN ASBECK had received the impression from the report that there was some sort of a detribalised area in the south which had been created both by the influx to plantations of labour from outside and by fishermen coming into the district from Calabar (paragraph 33, page 17 of the report). Could that area in effect be compared with the detribalised areas in other mandated territories and colonies?

Mr. FINDLAY said the only detribalised area, probably, was the town of Victoria, where there was a large influx of foreigners. The fishermen in question belonged to tribes settled in the Calabar Province in Nigeria where they had their family obligations.

M. VAN ASBECK asked whether the presence of a foreign element, such as the fishermen, which did not recognise the local authorities did not constitute difficulties.

Mr. FINDLAY said that no administrative difficulties had occurred. The situation was, however, a peculiar one and if it were not for the boundary of the mandate those natives would be in the Calabar Province. They came for temporary periods for fishing. Very few of the fishermen belonged to the mandated territory. They came from tribes on both sides of the frontier but the seat of the tribe was in the Calabar Province.

M. VAN ASBECK thought that, in that case, the fishermen must be considered as stranger natives residing only temporarily in the territory.

M. VAN ASBECK observed the note on page 126 of the report that a certain forest reserve has not been agreed to by the native authorities. Was it necessary to obtain such agreements before establishing reserves? This was an example which might well illustrate the working of indirect rule. How would the diverging views of the forest officers and the native authority concerning this matter be reconciled?

Mr. FINDLAY replied that the Government always tried to obtain the consent of the native authorities. If, however, the natives objected, the Governor had the right to establish the reserves if he thought it essential for the welfare of the community.

M. VAN ASBECK asked whether any compensation was paid.

Mr. FINDLAY replied in the negative. When it was proposed to establish a reserve in any area, the administrative officer met the natives and demarcated the area required for cultivation. Trees of value could not be cut down in the reserved area except under licence. The licence fees were divided between the Government and the native treasury.

#### ROADS.

Count DE PENHA GARCIA recalled that one of the Conventions applied to the territory during the year under review related to motor traffic. In that connection, he pointed out that the country was lacking in roads, especially in the northern part of the territory, so that the only contact with the natives in that area seemed to be through the collection of taxes. He realised, however, the great difficulty of constructing roads in that district.

Lord HAILEY considered that the fact that the country was lacking in communications was bound to affect the economic position. Had any appeal been made to the Colonial Development Fund?

Mr. FINDLAY did not think any money had been furnished by that Fund for roads, even in Nigeria.

Lord HAILEY pointed out that the Tanganyika Territory was getting assistance from the Colonial Development Fund for such an object as a road train, and in any case there still remained the power of applying for a loan. The position in the Cameroons under British mandate did not compare well with that in the French Cameroons in respect of communications. The native treasuries had large balances. Could not these be used to extend their local roads?

Mr. FINDLAY said this question would be noted. The balances in question were being saved for the purpose of road construction.

The CHAIRMAN asked whether the mandated territory had appealed in vain to the Colonial Development Fund or had thought it inadvisable to make any application.

Mr. FINDLAY could not say. Applications had been made for funds for other purposes and had been granted.

Count DE PENHA GARCIA wished to support Lord Hailey in his remarks on the necessity of road construction. This was the best way of bringing civilisation to the natives. Photographs distributed showed the difficulty of constructing roads, but the matter was so important that a great effort should be made to open up, in particular, the northern part of the territory.

The CHAIRMAN said that roads would facilitate the work of the Administration, in particular, that of the police, and would thus make for economy.

#### IMPORTS AND EXPORTS.

M. GIRAUD observed that, according to the information contained on pages 38 *et seq.*, of the report, the economic and trade position of the territory had continued to improve during 1936. For instance, the exports through the two ports of the territory had risen from £317,646 in 1935 to £445,459 in 1936 (paragraph 116, page 41 of the report), while the imports had risen from £181,340 to £242,588 (paragraph 116, page 41). Most of that trade passed through the port of Tiko, the traffic of which had considerably developed in the last few years (paragraph 110, page 38 of the report). It was curious that, according to the table on page 41, while the general trade had developed in this manner, the so-called Government import trade had declined each year and had dropped from £1,687 in 1931 to £477 in 1936. Could the accredited representative furnish any explanation?

Mr. FINDLAY thought the Government imports were mostly for public works. During the last few years also, road-making materials and equipment had entered by the Cross River.

M. GIRAUD observed that the tables in paragraph 122 (pages 44-46 of the report) gave the destination of the principal export articles. There seemed, however, to be some mistake as the tables on pages 45 and 46 relating to such articles as fish, motor-spirits, rice, salt, etc., were undoubtedly import articles.

Mr. FINDLAY agreed that there was a mistake and that the figures for palm kernels, oil, and rubber on page 46 should have followed those for cocoa on page 44.

M. GIRAUD noted the large exports of cocoa (paragraph 121, page 44 of the report) which, according to the statements in paragraphs 356 (page 124) and 377 (page 129) of the report, was a purely native product. Could the accredited representative state how far the natives took part in the production of other articles such as palm oil, palm kernels and timber ?

Mr. FINDLAY thought the cocoa production was almost entirely native and that the European plantations which had formerly produced cocoa were now growing bananas. Palm kernels, and palm oil were also native products, except that the United Africa Company had a palm plantation at Kumba, from which high-grade oil produced by a mechanical process was exported. He could not give the proportion of native palm oil.

M. SAKENOBE pointed out that according to the table in paragraph 356 (page 124 of the report), 33% of the cocoa was grown on European-owned plantations.

Mr. FINDLAY said that he did not think new cocoa was being planted.

M. SAKENOBE observed an export of 823 tons of cocoa to the French mandated territory (page 44 of the report). He presumed that this was exported by road.

Mr. FINDLAY said many natives carried their cocoa over the border to the French railway. One or two plantations also exported through French territory.

The CHAIRMAN observed that there was a natural current of trade in transit to Duala.

M. SAKENOBE supposed that there were frontier Customs posts to check such exports.

Mr. FINDLAY replied in the affirmative. Paragraph 164 (page 66 of the report) gave the number of men employed on the Eastern Frontier Preventive Service, while paragraph 108 (page 38 of the report) gave the revenue collected during the year at the Customs preventive stations. This gave an idea of the goods passing through.

M. GIRAUD asked whether all the bananas exported came from European plantations (page 44 of the report).

Mr. FINDLAY said that very few native-grown bananas were shipped. The exporting firms bought a very small proportion as the natives could not compete in the work of preparing their bananas for export.

M. GIRAUD noted that the exports of fresh bananas had risen from 1,353 tons in 1930 to 49,605 tons in 1936, and that most of the bananas went to Germany. Did the mandatory Power feel no apprehensions at this extremely rapid development ? If the cultivation of bananas continued to expand so rapidly was there not reason to fear that it would soon be difficult to find markets ?

Mr. FINDLAY said this question had not been considered by the Government. The plantations were in private hands ; they had first grown rubber, then cocoa and now bananas.

M. GIRAUD asked what was the capacity of the German market.

Mr. FINDLAY said he understood Hamburg was merely a distributing centre for Central Europe. He could not say what was the capacity of that market.

Lord HAILEY pointed out that the Germans had sufficient confidence in this trade to run their own line of steamers specially equipped for carrying bananas.

The CHAIRMAN pointed out that the bananas were produced by European plantations and it was therefore comprehensible that the mandatory Power should not feel that it was called upon to examine the prospects of these enterprises. The case would be different if the natives were engaged in risky enterprises.

Mlle. DANNEVIG said this position was the result of economic war throughout the world. All countries were producing as much as they could without regard to the others.

M. GIRAUD asked if there was any service for checking the produce exported with a view in particular to ascertaining the proportion of impurities it might contain, in order to guarantee its good and marketable quality.

Mr. FINDLAY referred to paragraph 374 (page 129 of the report) relating to the inspection of produce, mainly cocoa. The Cultivated Oil Palm Ordinance and the Produce (Inspection for Export) Regulations were now applied to the Victoria and Kumba divisions.

M. GIRAUD noted a considerable increase in imports of rice in 1936 (paragraph 117, page 42 of the report). This was presumably consumed by the natives. Did this increased import imply that there was a shortage of other foodstuffs ?

Mr. FINDLAY said that the natives of the Victoria Province had always imported rice ; the quantity had increased as a result of the increased number of labourers on the plantations.

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#### EIGHTH MEETING.

*Held on Friday, June 4th, 1937, at 3.30 p.m.*

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#### **Cameroons under British Mandate : Examination of the Annual Report for 1936 (continuation).**

Mr. Findlay came to the table of the Commission.

#### **IMPORTS AND EXPORTS (continuation) : EXPORT BOUNTIES : CUSTOMS UNION WITH NIGERIA.**

M. SAKENOBE referred to the statement in paragraph 378 of the report (page 130) with regard to oil-palm products that " oil is extracted from the fruit by hydraulic or centrifugal presses or by solvent, and is of good quality, although none has yet been produced of sufficiently low free fatty acidity to claim the whole export rebate ". He asked what was the object of the rebate in question : to whom was it given, and in what conditions ?

Mr. FINDLAY in reply referred to paragraph 7 of the report (page 6). The Cultivated Oil Palm Ordinance, 1933, therein mentioned was originally introduced in Nigeria to induce the natives of Nigeria to cultivate better palm oil. It was not at the time applied to the Cameroons, because very little oil was produced there ; but it had now been decided to extend it to the Cameroons, in order, if possible, to increase and improve the production of oil in that territory.

M. SAKENOBE gathered that the rebate was given to the exporter and not to the producer.

Mr. FINDLAY replied that the object was to benefit the producer.

M. SAKENOBE asked if there were any other forms of bounty or subsidy for high grade produce of the territory.

Mr. FINDLAY replied in the negative.

M. SAKENOBE quoted the statement in paragraph 378 of the report (page 130) to the effect that " a certain amount of palm oil and kernels from Mamfe Division and from the south-western area of the Bamenda Division is purchased by the United African Company at Mamfe for export via Calabar ". By what route was this produce transported to Calabar ?

Mr. FINDLAY replied that it was sent down the Cross River.

M. SAKENOBE enquired if any information was available as to the trade between Nigeria and the Cameroons.

Mr. FINDLAY replied that, in the absence of Customs between the two territories, there was no possibility of getting any figures on the subject. The only figures available were those supplied by exporting firms.

M. SAKENOBE referred to the import of cotton piece goods from Japan. In 1934 (see page 25 of the 1934 report), Japan exported 188,000 square yards of cotton piece goods to the territory. In 1935 (see page 30 of the 1935 report), the figure had increased to 361,000 square yards ; but the report for 1935 explained that that increase was in part illusory, for the reason that the greater part of the goods imported into the Cameroons were destined for Nigeria. In the year covered by the present report, there was a further increase of 30% in the cotton piece goods imported into the mandated territory (page 43 of the report). Did the figure once again include the proportion of the goods going to Nigeria ? Or should the Commission infer that the native's purchasing power had largely increased ?

Mr. FINDLAY answered that native purchasing power had undoubtedly increased ; but what percentage of these goods was kept in bond by traders for re-export to Nigeria he could not say.

M. SAKENOBE observed that the report made no mention of re-exports.

Mr. FINDLAY said that here again, in the absence of Customs between Nigeria and the Cameroons, there were no statistics of re-export.

Lord HAILEY assumed that it did not pay to re-export overland.

Mr. FINDLAY replied that the goods would have to be smuggled, and quoted the statement in paragraph 111 of the report (page 39) to the effect that it was unlikely " in view of the expense and difficulties of transport that such efforts to evade quota restrictions would be made ". It was possible that some of the surplus of Japanese goods went into French territory.

M. VAN ASBECK asked if there was a Chamber of Commerce or Chamber of Agriculture in the territory.

Mr. FINDLAY replied in the negative. The firms trading in the territory had generally their headquarters at Lagos or Calabar.

#### JUDICIAL ORGANISATION.

M. VAN ASBECK expressed his deep appreciation of the reply in the current report to the questions put last year.<sup>1</sup> The information supplied was fairly complete ; but paragraphs 131 and 132 (pages 49 and 50 of the report) did not give much detail in regard to the powers of the magistrates' courts.

Mr. FINDLAY explained that the magistrates' courts applied the Criminal Code ; but the penalties they were empowered to impose in criminal cases must not exceed fines of £100 or imprisonment for twelve months. In the case of magistrates with limited powers, the maximum penalties were fines of £25 or imprisonment for three months. A magistrate with limited powers would remit to a higher court any offence calling for heavier penalties than these.

M. VAN ASBECK asked if sentences by native courts to corporal punishment were liable to revision.

Mr. FINDLAY replied that no sentence of corporal punishment inflicted by a native court could be applied until the case was reviewed by a District Officer.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 61.



In reply to further questions by M. van Asbeck and M. Sakenobe, Mr. Findlay explained that the protectorate court, whose jurisdiction extended to both Nigeria and the Cameroons, was divided into two divisions—viz., a judges' court and a magistrates' court. Appeal lay, where necessary, from the latter to the former.

He added that, under the Customs Ordinance, certain Customs offences were dealt with by Customs officers; figures as to these cases would be found in Section IX of the table in paragraph 136 (page 53 of the report). Figures of the sentences inflicted by the preventive police in smuggling offences were given in paragraph 105 (page 37).

M. VAN ASBECK enquired what was the Lamido's court (paragraph 200, page 76 of the report).

Mr. FINDLAY replied that the Lamido was the paramount chief of certain areas in the Adamawa Province. He did not reside in the mandated territory.

Lord HAILEY enquired as to the extent to which orders of native courts were modified by appeal or revision.

Mr. FINDLAY referred in answer to the figures given in paragraph 146, page 57 of the report.

Lord HAILEY observed that the figures in that paragraph related to the southern areas. No figures were given for the northern areas.

Mr. FINDLAY replied that he had no figures for the northern areas. In Adamawa, appeals went to the courts of the Lamido and the Chief Alkali, or in the more serious cases to the West African Court of Appeal (see paragraph 152, page 61 of the report).

He would endeavour, if possible, to obtain further information on the point, in the case of the northern areas, for the next report.

Lord HAILEY quoted the statement in paragraph 133 (page 50 of the report) to the effect that "cases heard by magistrates are forwarded to the High Court judge of the judicial division and operate as appeals on behalf of all persons convicted". In some territories in Africa, this involved a considerable amount of revision of sentences. Was that the case with the Cameroons?

Mr. FINDLAY replied that it was an important provision, but he knew of very few cases of magistrates' sentences in the Cameroons being modified by the High Court in Nigeria.

M. RAPPARD noted that the native court fees had increased (paragraph 82, page 29 of the report). What was the explanation?

Mr. FINDLAY replied that there had not been any change in the scale of the court fees: but there were more courts than before, and prosperity was increasing. Increased prosperity meant increased litigation.

#### SLAVERY.

M. VAN ASBECK referred to the five convictions for slave dealing mentioned in paragraph 136 (page 52 of the report), and asked what penalties had been inflicted in those cases.

Mr. FINDLAY replied that he had no information at the moment as to the sentences inflicted. Some further particulars in regard to slavery in the territory would be found in paragraph 199 of the report (page 75).

#### DEFENCE OF THE TERRITORY.

M. SAKENOBE quoted the statement in paragraph 180 of the report (page 70) that "the detachment of the Nigerian Regiment of the Royal West African Frontier Force hitherto stationed at provincial headquarters at Yola was withdrawn in January". Could the accredited representative say why those troops had been moved?

Mr. FINDLAY replied that they were moved for technical military reasons (convenience of training, and so on). The Government was satisfied that, before leaving, the detachment was not required locally. The headquarters of the battalion in question were, he believed, at Kaduna.

M. SAKENOBÉ asked what was the distance from the mandated territory to Kaduna.

Mr. FINDLAY replied that he was not sure, but he thought that, in the dry season, the transport of the troops by car would take some two and a half to three days.

#### ARMS AND AMMUNITION.

M. SAKENOBÉ asked how the accredited representative accounted for the rather marked increases in the imports by private individuals of ammunition—especially revolver ammunition—during the past year (paragraph 183, page 70 of the report).

Mr. FINDLAY did not think there was any special significance in the increases. There was a fairly large European population in Victoria, who had a use for ammunition.

M. SAKENOBÉ put questions with regard to the licences to carry arms. He gathered that those licences were renewed every year.

Mr. FINDLAY replied in the affirmative. To renew a licence, the holder had to go to the licensing authority—that was to say, to the police; the police supplied the figures given in paragraph 184 of the report (page 71).

M. SAKENOBÉ asked what firearms the natives were allowed to carry.

Mr. FINDLAY replied that they were allowed flintlock guns without permission. If they wanted any other firearm, they had to have permission. It was very rare for a native to be given a licence for a rifle.

M. SAKENOBÉ asked if any attempt had ever been made to disarm the natives in the territory.

Mr. FINDLAY replied in the negative. He did not think such a step was either possible or necessary. In the ordinary course, the natives' only weapon was the machete, which was used to cut down trees, build homes, and for other purposes, as required. This was the weapon to which they turned when under the influence of excitement.

#### LAND TENURE.

M. VAN ASBECK expressed his appreciation of the information supplied, in reply to last year's questions,<sup>1</sup> in paragraph 353 of the report (page 123). He noted that that paragraph spoke of "waste land at the disposal of the community", whereas paragraph 349 (page 122) spoke of uncleared stretches of forest which "belonged to nobody". Was there not some inconsistency between those two statements?

Mr. FINDLAY replied that paragraph 349 was describing a period in the past history of the territory. There might still be bits of unclaimed forest in parts of the territory; but, generally speaking, the "uncleared stretches of forest" to which paragraph 349 alluded were now claimed as the population increased, and there was little or no land without ownership round the villages at the present time.

M. VAN ASBECK referred to the provision of land for the enlargement of native reserves, of which some account was given in paragraph 350 of the report (page 122). If the greater part of the land in the territory were now claimed, as Mr. Findlay had stated, how was the Government going to find more land as the population increased and a need arose for further extensions of the native reserves?

Mr. FINDLAY answered that a number of plantations had unused land. Presumably, the Government could buy if necessary.

M. VAN ASBECK asked if the Government had powers of compulsory expropriation.

Mr. FINDLAY was not prepared to give a definite answer as to the legal position without further notice. The question had not arisen as yet. All appropriations of land by the Government up to the present had been by voluntary purchase. It was possible for the Government to acquire land in the mandated territory for public purposes.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 63.

Lord HAILEY asked if there was any tendency on the part of the natives in the northern areas to apply for rights of occupancy.

Mr. FINDLAY replied that he did not think so at present. The land was held in the northern areas under the Nigerian system of tenure and in accordance with the rules of native rights. In the south, the transition to individual rights of occupancy had begun.

Lord HAILEY asked if there was any regulation of the transfer of land by natives in the territory to stranger natives—that was to say, natives outside the territory.

Mr. FINDLAY said that, in Nigeria, any such transfers would be restricted by native rule ; but the position was not the same in the Cameroons. There had been cases of such alienations of land. In the Kumba Division, for example, one of the chiefs had given land to natives from the Cameroons under French mandate. The practice was now being regulated by the native courts.

#### MAP OF PLANTATIONS.

The CHAIRMAN thanked the accredited representative for the map of plantations supplied to the Commission.

#### LABOUR.

Lord HAILEY asked whether the inspection of labour conditions was in the hands of the Administrative Officers.

Mr. FINDLAY replied that this was so. The Administrative Officer, when inspecting labour conditions, would generally be accompanied by a Health Officer. There was no separate Labour Inspectorate.

Lord HAILEY asked if the Government had considered the question of establishing an independent system of inspection.

Mr. FINDLAY said that the question had been considered but no further action had been taken. The establishment of an independent inspection system was not at present thought necessary.

Lord HAILEY asked the accredited representative to be good enough to give particulars in the next report of the results of the enquiry into the truck system (paragraph 212, page 80 of the report).

In reply to further questions by Lord Hailey on the provision of medical facilities for native labour, Mr. FINDLAY said that particular areas could be declared Labour Health Areas ; and all the plantations were scheduled as such. Certain timber-growing areas were also so scheduled.

Mr. WEAVER was grateful for the information supplied in paragraphs 210-212 of the report<sup>1</sup> on the truck system, and was glad to know that an enquiry was to be made. He noted, however (paragraph 212), that the system "is clearly liable to abuse". The system was in itself an abuse ; and he hoped it would not be long before it was abolished altogether.

He was grateful also for the particulars supplied in answer to last year's questions on wage-rates.<sup>1</sup> He observed that paragraph 213 (page 80 of the report) said that "the labourer does not depend for his existence on obtaining employment". Did that mean that it was recognised that wage rates were fixed on the assumption that the livelihood of the worker and his family was assured by the tribal economic system and that wages were only additional income necessary for payment of tax, purchase of luxuries, etc. ?

Mr. FINDLAY preferred to put the facts, so to say, the other way round. The reason why a labourer was prepared to accept 3*d.* or 4*d.* a day was that he was not entirely dependent on the wages he earned. Government labour, he might add, was paid 5*d.* or 6*d.* a day.

Mr. WEAVER replied that the accredited representative's answer seemed to confirm his view that these wages were not economic, and that the plantations in the Cameroons—as in other colonial territories, for that matter—were, in effect, in enjoyment of a subsidy from the native economy.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 64.

There was another point. He observed that a considerable percentage of these labourers were described as “ permanent ”. Did that mean that they were divorced from their home areas—that was to say, detribalised? He was referring to the figures given in the column headed “ Percentage who are permanent ” in Appendix III (pages 159 and 160 of the report).

Mr. FINDLAY was not prepared to answer Mr. Weaver’s second question without further notice. He would look into the question of what exactly was meant by the expression “ permanent ” in Appendix III. He observed that, in the case of one plantation, the “ percentage who are permanent ” was given as 100. He could not say that those natives were all detribalised. A more probable explanation was that in this particular case they all remained on the plantation for a whole year. The majority of native labourers were junior members of a family who went to work on a plantation for six or nine months or even more.

Mr. WEAVER said he would be much obliged if he could have an explanation of the term “ permanent ” in the next report. If the 100% of “ permanent ” labourers on the plantation to whom Mr. Findlay had referred were really there permanently, the percentage of wives (11%) would seem to be small.

In regard to the cases recorded in Appendix III, in which housing and sanitary conditions were found to be unsatisfactory, what action was taken?

Mr. FINDLAY replied that any complaints in that connection would be examined by the District Officer; and warnings to the employer would be issued, where necessary, by the Administration.

#### PUBLIC FINANCE : TAXATION.

M. RAPPARD appreciated the action of the mandatory Power in changing the system of presentation of the figures of public finance (see paragraph 74 of the report, page 27) to suit the convenience of the Commission.<sup>1</sup>

Mr. FINDLAY said that the present report gave complete figures for 1936, and it was proposed, in 1938, to give complete figures for 1937. He suggested that, if the Commission reverted to the system of taking the Cameroons report in the autumn (instead of, as this year, in June), the figures for the previous financial year, even if given in the form of a supplementary report, might be a better arrangement.

M. RAPPARD asked the accredited representative if he would maintain, generally speaking, that the collection of taxes was satisfactory (paragraphs 93 *et seq.*, pages 32 to 35 of the report).

Mr. FINDLAY replied that it had greatly improved, and was improving, but he would not say that it did not admit of further improvement.

M. RAPPARD drew attention to the scale of rates of income tax in paragraphs 94 and following (pages 32 and 33 of the report). The graduation was inversely progressive—that was to say, the rates on the lower income were higher than the rates on the higher incomes. Was that an expression of social policy?

Mr. FINDLAY did not think that could be said. The rates shown in paragraph 94 corresponded with the income-tax rates for non-natives. The only native income-tax payers were natives with ascertainable incomes—which, in practice, meant Government servants. Very few Africans therefore paid this tax. He did not think the question of graduation had been taken into account.

M. RAPPARD noted from paragraph 97 of the report (page 34) that “ the actual division of the tax demand is left to the village head and his elders or to the tribal council, as the case may be ”. Did that system work satisfactorily?

Mr. FINDLAY replied that the system applied only to the northern areas. It had been in existence for some thirty years in the northern provinces. He believed that, at first, there were difficulties; but it appeared to work satisfactorily now.

M. RAPPARD observed that, if it did, it reflected considerable credit on the civic spirit of the village head and his elders or the tribal council concerned.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 168.

Lord HAILEY asked whether a taxpayer, if he thought himself over-assessed by the village authorities, could appeal.

Mr. FINDLAY replied that one of the principal duties of Administrative Officers was to enquire into such appeals.

M. RAPPARD asked if there were many such appeals.

Mr. FINDLAY replied that, in a bad case of over-assessment, the village authorities might be censured.

M. RAPPARD asked whether taxes were always paid in cash and never in kind.

Mr. FINDLAY answered that, years ago, they were paid, he believed, in kind ; but never, so far as he knew, now. In the particular case of the cattle tax (Jangali), there would be no difficulty in payment in cash, for owners of cattle traded with the south and were thus in constant receipt of money.

M. RAPPARD appreciated the effort made by the Government of the territory to answer the Commission's questions and to supply the information requested.

#### MISSIONS.

M. PALACIOS referred to the passages in the report concerning liberty of conscience and the work of the missions, particularly Chapters XV and XVI (pages 88 and 90), which contained very interesting information on these subjects.

So much progress had been made in the Cameroons Province that there would seem to have been mass conversions, or, at any rate, conversions of persons with sufficient influence to bring in many more converts. The number of Christians, excluding catechumens, had risen in 1936 from 50,184 to 53,992 (paragraph 226, page 88 of the report). The Catholic Mission, which had most members and most churches licensed for marriages, had had 28,000 adherents in 1935. In 1936, there were 36,000, including 6,430 catechumens (paragraph 231, page 89 of the report).

The other missions were the Basel and Baptist Missions. The latter was partly American, partly English and partly German. Owing to the fall in the value of the franc and its repercussions on the Swiss franc and to the difficulty of obtaining sterling from Germany, the finances of the former were seriously affected, as would be seen from paragraph 228 of the report (page 88), and the programme in regard to the education of girls had had to be curtailed. It was stated at the end of paragraph 226 (page 88) that the Government was subsidising some of the work of the missions. Could it not assist the Basel Mission, so that it would not be obliged to curtail so praiseworthy a piece of work ?

Mr. FINDLAY answered that more detailed particulars could be given in the next report as to the extent to which the Basel Mission had been compelled to curtail its activities. The Government gave financial assistance to missions for educational and medical work done by them, provided it complied with certain fixed standards. It did not give aid to missions as such.

The CHAIRMAN asked the accredited representative to state definitely whether it was the settled policy of the Government not to give financial aid to missions as such.

Mr. FINDLAY replied that the Government did not give financial aid to missions as such.

Mlle. DANNEVIG observed that the Government left maternity work to the missions and to private initiative. Now that the missions were compelled, as it seemed, to curtail their activities, could not the Government help ?

M. PALACIOS said he was aware of the settled policy of the Government in the matter of financial aid to missions ; he had raised specially the case of the Basel Mission in view of its educational and medical work.

Mr. FINDLAY said that the wishes expressed in the Commission in regard to special aid to the Basel Mission would be brought to the notice of his Government.

Paragraph 280 of the report (page 106) showed the amounts of the grants-in-aid to missions.

M. PALACIOS pointed out that there were very few missions in the northern areas. Both Christianity and Islam had made very little progress there, though the latter had made some headway some years previously with the Njenye of Maiha and the Holma pagans (paragraph 232, page 90 of the report). For the rest, the report merely recorded attempts, unsuccessful for the most part, at evangelisation. Nor had the Sudan United Mission, which did educational work at Gurumpawo (paragraph 287, page 107 of the report), made much progress. Could the accredited representative give further particulars of this mission, and the reasons for its difficulties and lack of success ?

Mlle. DANNEVIG observed that the Sudan United Mission was not mentioned in paragraph 226 on page 88 of the report.

Mr. FINDLAY replied that the Sudan United Mission was a Protestant mission operating in the northern areas of Nigeria. Paragraph 226 of the report referred only to the Cameroons. He did not know what Church this mission represented, but he knew that it maintained schools and hospitals.

The CHAIRMAN, referring to what had just been said concerning certain missions, took the opportunity to remind the accredited representative, so far as that might be necessary, that observations made by members of the Commission were no more than observations. They were not recommendations—still less, imperative requests. It was not the Commission's duty to issue instructions. In those cases where it had observations of any importance to make, it made them direct to the Council of the League. The underlying principle was that responsibility rested with the mandatory Power. The Commission's duty was to see that nothing was done in mandated territories which conflicted with the mandates of those territories.

#### ANTHROPOLOGICAL RESEARCH : WITCHCRAFT.

M. PALACIOS thanked the mandatory Power for the very useful bibliographical information given on page 90 of the report (paragraph 233). He had been led to ask the question<sup>1</sup> to which that information was a reply because of what was said in the 1935 report on the subject of sorcery and magic. The reply to that question had already been given in the sense desired as regards Togo.

#### PRESERVATION OF ANCIENT RUINS AND OBJECTS OF HISTORIC INTEREST.

COUNT DE PENHA GARCIA thought it would be advisable to consider the possibility of establishing an ethnographical and historical museum in the territory before the prehistoric and other remains which, he gathered, had been found in different parts of the Cameroons had disappeared. Had any steps been taken up to the present to form the nucleus of such a collection ?

Mr. FINDLAY replied that he did not think so.

#### EDUCATION.

Mlle. DANNEVIG said that the chapter on education contained, as usual, a good deal of interesting information (page 90 *et seq.* of the report), which seemed to indicate that much valuable work was being done in this important field, but that progress was slow and that very much remained to be done.

One interesting point was in regard to the co-operation between the Government and the missions in the training of teachers (paragraph 242, page 93 of the report).

Another interesting point was the question of language. She noted the policy of making English the *lingua franca* of the Southern Cameroons, as announced in paragraph 243, page 93 of the report.

According to paragraph 244 (page 94), the expenditure on education from Government funds was slightly reduced during the year, in spite of the greater prosperity and increased revenue. In fact it was less than  $2\frac{1}{2}d.$  per head of the population. In particular, the amount of money spent on education in the northern areas, which was stated in 1935 to be £500, now proved to be only £128 when calculated on the basis of actual expenses incurred instead of on a proportional basis, as in the previous year. £128 was a very insignificant sum.

Mr. FINDLAY confirmed Mlle. Dannevig's figures as shown in the report.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 65.

Mlle. DANNEVIG, continuing, said that it was gratifying to see the importance attached to practical education (paragraphs 250-252, 265, 274) in many of the schools, and particularly the efforts made in the Kake Elementary Training Centre to train teachers to give the people—that was to say, not only pupils, but also the inhabitants of the country in general—instruction in house-building and agricultural work (paragraphs 247 *et seq.*, pages 94 to 96 of the report). The schools thus evidently became centres of civilisation to which great importance attached in a general way.

She noted from paragraph 239 of the report (page 92) that all artisans had to be imported from outside the territory.

Mr. FINDLAY said that artisans were trained outside the territory, but natives of the Cameroons had the opportunity of going to Nigeria for such training.

Mlle. DANNEVIG further noted that there was no agricultural school in the territory, though it was stated in paragraph 271 (page 103 of the report) that the Education Department was prepared to help the Basel Mission in the Kumba Division with a special grant towards the establishment of such a school when a definite and satisfactory system was put forward. What were the prospects of an agricultural school being established there or elsewhere?

Mr. FINDLAY replied that the establishment of such a school in the Cameroons would involve very heavy expenditure. But more money was being spent every year by the Administration in assisting the educational work of the missions: if the Basel Mission could establish the proposed school at Kumba, he thought the Government would give it a grant.

Mlle. DANNEVIG, continuing, said that a rather striking feature was the large proportion of infant—as compared with elementary—classes. It appeared, for example, from the table in paragraph 268 (page 102 of the report) that about 1,000 out of a total of 1,271 children in Government schools were in “infant classes”. The situation seemed to be similar in the mission schools (paragraph 279, page 105 of the report). At what age did the children frequent these infant classes? Did it mean that older children only reached infant standards?

If the children could only frequent the schools for three or four years, she thought that education given after ten years of age would be much more valuable and lasting than education before that age.

Mr. FINDLAY replied that possibly the natives of the Cameroons began their infant classes later than would be the case elsewhere.

Mlle. DANNEVIG would be glad if further information on the question of infant classes could be given in the next report.

She added that no figures were available as to receipts by missions in respect of school fees or expenditure on staff (paragraph 280, page 106 of the report). Would it be possible for information on this subject to be given in the next report?

Mr. FINDLAY replied that information on these points was available in the case of assisted schools. In the case of unassisted schools, if the missions could not or would not supply information, the Government was not in a position to do so.

Mlle. DANNEVIG asked what was the nature of the girls' vocational school referred to in paragraph 270, page 102 of the report.

Mr. FINDLAY understood that this school trained girls as teachers.

Mlle. DANNEVIG remarked that last year there was only one woman teacher in the territory.

Mr. FINDLAY, interposing, explained that there was only one certificated girl teacher in the territory who was a native of the territory.

Mlle. DANNEVIG, continuing, said that education in the northern areas seemed to be very little developed. In the Kentu area there were no schools, not even a Koran school (paragraph 288, page 108 of the report). The only education available for this population of some 7,000 inhabitants was that given to six boys sent to school in Nigeria (see paragraph 288). Ten boys had been sent there by the chiefs, but three had run away, and one had had to be returned to his parent as being unlikely to make satisfactory progress. What prospects were there for the establishment of schools in that part of the territory? Again, paragraph 281 (page 106

of the report) stated that there were no schools with classes beyond middle II, even in the Southern Province. Parents could not afford to pay the fees of schools outside the territory.

What expenditure, if any, on education had been incurred in the northern areas besides the very small sum spent by the Government ?

Mr. FINDLAY replied that £128 had been spent on education by the Government in the northern areas (paragraph 244, page 94 of the report) and £875 by the native administration (paragraph 246, page 94 of the report).

Mlle. DANNEVIG thought that £128 was a very small sum for the Government to devote to this purpose in the northern areas ; she hoped it would see its way to increase the amount in future.

She referred to the Dikwa Elementary School, which was mentioned in paragraph 289 of the report (page 108), but without any particulars as to the numbers of pupils or teachers. She would be glad to have further information on that point in the next report.

Lord HAILEY reverted to the question of language (paragraph 243, page 93 of the report). Had the Government definitely decided not to educate in the vernacular in the southern area but to proceed as soon as possible to education in English ?

Mr. FINDLAY replied that such was the policy adopted. It was the policy rendered necessary by the diversity of tongues spoken by the people, the effect of which had already been to develop a form of pidgin English.

Lord HAILEY remarked that the decision ran counter to the general policy of the Colonial Office Advisory Resolutions.

Mr. FINDLAY was aware of that. But the policy had been forced on the Government by the circumstances, in the special case of the southern part of the territory.

#### ALCOHOL AND SPIRITS.

M. SAKENOBE said that, according to paragraph 302 of the report (page 110), the whole of the northern area and the Bamenda and Mamfe divisions of the Cameroons Province were areas in which the sale of spirits to, and the possession of spirits by, natives was prohibited. But the Kumba and Victoria divisions of the Cameroons were not, it appeared, prohibited areas in that sense. He noted that there was again an appreciable increase of importation of alcoholic liquors as compared with 1935 (page 111 of the report). The mandate stipulated that the mandatory Power should exercise strict control of the sale of spirituous liquors.

Mr. FINDLAY said that spirits could only be sold or distributed by licence-holders and natives could only obtain them from licensed stores. As would be seen from paragraph 310 of the report (page 112), the number of licences was very small. All licences required Government approval. Furthermore, the import duties on spirituous liquors were kept at a high level.

Control was thus exercised by the Government through (a) the system of licences and (b) the import duties. He did not think there was any need at present for further control.

M. SAKENOBE thought that more effort should be made to check this upward tendency in the consumption of spirituous liquors by the natives.

M. GIRAUD asked whether the increase in the imports of certain spirituous liquors in 1936 was due to increased consumption by the natives.

Mr. FINDLAY replied that the increased consumption was probably mainly that of natives, because the European element had not increased in numbers, nor had their purchasing power increased.

It must be remembered that five or six years previously there had been a marked decrease in the consumption of spirits owing to the depression. With the return of prosperity, it was natural that consumption should increase. He did not think that the position, as it stood, gave cause for concern. Moreover, the increased revenue from the import duties on spirits might be regarded as implying a diminution in illicit native distilling.

Lord HAILEY asked what imported spirits the native drank.



Mr. FINDLAY replied that the native drank gin—ordinary gin, not trade gin. He hoped he had not given the impression that the natives were drunkards. That was by no means the case.

Lord HAILEY pointed out that consumption appeared from the report to be less than a thousandth part of a gallon per head of the population per annum : so that it could not be said that the increase in consumption had gone very far !

The CHAIRMAN added that the Moslem elements of the population presumably did not drink alcohol ; nor were all the members of the population adults.

The Commission of course welcomed the return of prosperity, but would not wish it to be reflected solely or primarily in increased consumption of alcohol. The accredited representative would no doubt agree that the general object of the Government's policy should be to check the tendency of the natives to spend money on alcohol.

Mr. FINDLAY said that, if there were any sudden or large increase in imports of alcohol for native consumption, the Government would no doubt take steps to control it.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA asked whether the statement in paragraph 313 (page 113 of the report) that " no advantage has as yet been taken of the 1933 amendment to the Medical Practitioners and Dentists Ordinance " meant that the ordinance was inoperative and had been abandoned wholly or in part.

Mr. FINDLAY replied that there had been no applications under the ordinance.

Count DE PENHA GARCIA observed from paragraph 315 of the report (page 113) that some of the hospitals were built with non-permanent materials. Could the accredited representative give the Commission any details as to the efforts being made to replace these buildings by more permanent erections ?

Mr. FINDLAY answered that the hospital at Bansa was, he knew, in process of transformation ; but he did not know how far the work had gone. The Mamfe hospital was being rebuilt in permanent materials.

Count DE PENHA GARCIA suggested that, in future reports, the European staff should be shown in addition to the native staff in the table in paragraph 317, page 114 of the report.

Paragraph 319 (page 114) spoke of malaria as " the commonest complaint met with in Europeans ". Were recent researches—for example, the work done in Tanganyika—into the prophylaxis of malaria taken into account in the territory ?

Mr. FINDLAY felt sure that the medical authorities in Lagos, with whom rested the control of the medical services in the territory, were in touch with recent research on this subject ; but he would not fail to put Count de Penha Garcia's point to them.

Count DE PENHA GARCIA noted from paragraph 318 of the report (page 114) that there was a decrease of £687 in the expenditure on medical and health services. In view of the situation in the territory, that decrease could only be viewed with regret. He would be glad if the next report could show an increase in the expenditure under that head.

He gathered that some of the dispensaries referred to in paragraph 324 of the report (page 115) were none too well housed, that the medical aid given was not gratuitous, and that the charges made were even increasing. He hoped something would be done to improve the buildings.

Mr. FINDLAY replied that the native administrations did what they could with the money they had. He would draw attention to the matter.

Count DE PENHA GARCIA explained that this suggestion was for the central Administration to give the native administrations financial aid in this connection. He recognised the great attention which was now being paid by the Government to the question of dispensaries.

There seemed to be an improvement in child welfare institutions. He hoped there would be an expansion of child welfare centres.

As regards health in prisons (paragraphs 171-175 of the report, pages 68 and 69), the death rate of 51 in 1,000 seemed very high ; but he was glad to note that the unsatisfactory prison building to which paragraph 174 referred was to be rebuilt.

He was grateful for the information given on pages 116-118 of the report. In the matter of wayside clinics (paragraph 328, page 116 of the report), he would welcome further information in the next report.

Mlle. DANNEVIG referred to the excellent work of the Buea Child Welfare Centre (paragraphs 193 and 339, pages 74 and 119 of the report), financed and worked by private initiative, the Save the Children Fund and the Ladies League of Nigeria. She welcomed the opening of welfare centres by progressive chiefs (paragraph 339) : but could not the Government do something also to extend the establishment of those centres ?

Mr. FINDLAY replied that the Director of Medical Services was very enthusiastic on the subject and was doing all he could by gifts of medical equipment and the like. The medical authorities hoped to extend the establishment of the centres.

#### DEMOGRAPHIC STATISTICS.

M. RAPPARD presumed that the figures of the population for 1936, given in paragraph 401 (page 135 of the report), were approximate, as there was no census, in the European sense of the word, in the territory.

Mr. FINDLAY replied that there was no census in the Cameroons Province ; but the information for the northern areas was rather more definite, since the names of all adult males and details of live-stock and special crops were recorded each year in connection with the revenue assessments (see paragraph 97, page 33 of the report). The figures so obtained were of course checked by the figures of previous years. It was hoped every year to get nearer the true figures.

Lord HAILEY asked if the assessment officers took into consideration the relative numbers of males and females.

Mr. FINDLAY replied that there was no uniform or fixed rule in the matter. There was no compulsory registration of births or deaths.

M. VAN ASBECK asked what were the numbers of the non-British European population, and the German population in particular.

Mr. FINDLAY undertook to give the figures in the next report. He believed he was right in saying that the German population in Victoria was approximately 230 in number.

Mlle. DANNEVIG remarked that the population figures appeared to show a proportion, roughly speaking, of one child to each woman. Was that normal ?

Mr. FINDLAY replied that it was not normal. The mortality rate was of course very high amongst children. The Assessment Report on Bansa, which he had submitted at the morning's meeting, would give Mlle. Dannevig certain additional information on the point.

Mlle. DANNEVIG understood that the native women were unwilling to say how many children they had, believing it to be unlucky to do so.

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. Findlay for his assistance and for the information he had given to the Commission.

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#### NINTH MEETING.

*Held on Saturday, June 5th, 1937, at 10.30 a.m.*

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#### **Tanganyika Territory (continuation) : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations on Tanganyika subject to paragraph (a) of the observation concerning economic equality (Annex 7).*

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TENTH MEETING.

*Held on Monday, June 7th, 1937, at 4 p.m.*

**Syria and Lebanon : Procedure to be followed in examining the Petitions.**

The CHAIRMAN said he had had distributed to the Commission the petitions relating to Syria and Lebanon on which no report had been submitted. He asked the various rapporteurs to state whether, in their view, any of the petitions should be examined in the presence of the accredited representative of the mandatory Power, and if it would be advisable to request the mandatory Power to place its representative at the disposal of the Commission during the present session.

PETITION, DATED APRIL 9TH, 1936, FROM M. ABDALLAH MAHMOUD AKKARI, SAFITA  
and

PETITION, DATED APRIL 13TH, 1936, FROM M. AHMED EL-FIL, JOURNALIST, AND OTHER  
INHABITANTS OF MASSIAF.

M. RAPPARD said that these two petitions and the annexed observations of the mandatory Power contained contradictory statements; it would therefore be necessary to examine the petitions and observations with the assistance of the accredited representative of France. These two petitions, however, were not of such importance or urgency as to justify a request to send an accredited representative to the present session. Under those circumstances, he proposed that the examination of the petitions should be postponed to the next session, when they might be examined with the assistance of the accredited representative.

*M. Rappard's proposal was adopted.*

PETITION, DATED FEBRUARY 4TH, 1936 (WITH ANNEX), FROM DR. CHICHAKLI, HAMA.

M. VAN ASBECK explained that this petition should be examined with the co-operation of the accredited representative of France, since it related to the general policy of the mandatory Power. The petition, moreover, did not call for immediate examination. M. van Asbeck therefore proposed to postpone the examination of the petition till the next session.

*M. van Asbeck's proposal was adopted.*

PETITION, DATED FEBRUARY 9TH, 1936, FROM M. RACHID EL HOUSSAMI, M. BEHJAT CHEHABI AND OTHER SYRIAN ADVOCATES, COMMUNICATED BY MAITRE FAYEZ KHOURY, PRESIDENT OF THE BAR ASSOCIATION.

M. PALACIOS, while recognising that petitions such as this one, for which he was Rapporteur, should be examined in the presence of the accredited representative of the mandatory Power, explained that the development of Syrian policy and a desire not to delay further the discussion on the petition in question<sup>1</sup> had decided him to submit his report at once to the Commission for its consideration, should the latter agree to such a course.

*M. Palacios' proposal was adopted.*

PETITION, DATED JUNE 26TH, 1936, FROM MME. FORTUNÉE SFER.

M. VAN ASBECK observed that the mandatory Power had not yet sent any observations on Mme. Fortunée Sfer's petition. As it was not urgent, he proposed that its examination should be postponed till the next session.

*M. van Asbeck's proposal was adopted.*

PETITION, DATED APRIL 5TH, 1936, FROM M. TALLAL, CHIEF OF THE TAY TRIBE, AND OTHER CHIEFS AND NOTABLES OF UPPER JEZIRE, KAMECHLIE.

Count DE PENHA GARCIA said it would be very difficult to examine this petition without the assistance of the accredited representative. It raised the question of the protection of a minority of 150,000 inhabitants whom the signatories of the petition considered to be threatened by the termination of the mandate.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, pages 107 and 108.

The CHAIRMAN thought it would be difficult for the Commission to examine such a question at the present juncture, and that the study of the petition in question might be postponed till the next session.

*The Chairman's proposal was adopted.*

**Tanganyika Territory (continuation) : Frontier between Tanganyika and Mozambique.**

After an exchange of views, *the Commission adopted the text of its opinion to be submitted to the Council on the agreement of May 11th, 1936, between the United Kingdom and Portugal relating to the delimitation of the frontier between Tanganyika and Mozambique (Annex 7).*

**Tanganyika Territory (continuation) : Observations of the Commission (continuation).**

After an exchange of views, *the Commission adopted paragraph (a) of its observation relating to economic equality which had been left over at the last meeting.*

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ELEVENTH MEETING.

*Held on Tuesday, June 8th, 1937, at 3.30 p.m.*

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**Progress of the Commission's Work.**

The CHAIRMAN presumed that his colleagues had not failed to notice that the Commission had been working at a slower rate during the last few days. He desired to give the following explanations to those who might have been surprised at this departure from the Commission's usual practice.

In principle, the opening of the extraordinary session for the consideration of the position in Palestine had been fixed for May 31st, but, as the Commission was aware, the Government of the United Kingdom had stated that it could not be ready to discuss the matter by that date. In order to modify as little as possible the arrangements made, it was decided to open the ordinary session, originally fixed for June 14th, on the date fixed for the extraordinary session—May 31st. For the work to proceed at the normal rate, it would have been necessary for all the accredited representatives to arrive at Geneva a fortnight earlier, but, for various reasons, this had not always been possible. As a result, there had been a slack period between two very active ones; this slack period would, however, come to an end in two days, and could, in any case, not have been avoided.

**Cameroons under British Mandate (continuation) : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning the Cameroons under British mandate (Annex 7).*

**Nauru (continuation) : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning Nauru (Annex 7).*

**New Guinea : Petition dated November 19th, 1936 (with Two Annexes), from Sir John Harris, Secretary of the Anti-Slavery and Aborigines Protection Society, London.**

The Commission examined Lord Hailey's preliminary report on this petition.

Mlle. DANNEVIG pointed out that when the incidents out of which Sir John Harris's petition arose were first discussed,<sup>1</sup> she had suggested that the uncontrolled area where these formerly unknown natives had been found should be turned into a native reserve where non-native activities were prohibited, but her colleagues were of opinion that that could not be done. Some action should in any event be taken to protect the natives in this area who had, till now, had no contact with white men. Moreover, the whites who desired to enter the area were probably not well informed about the natives and their customs, and it was most regrettable that they should go there before officials and anthropologists, thus perhaps destroying the last opportunity scientists would have of studying this kind of primitive society, and giving a bad impression of the intentions of the white men, and thus endangering the lives of

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 18.

future visitors. Access to the uncontrolled area, in her opinion, ought to be refused—for the time being—to all persons other than scientists and officials, and it was also desirable that these natives should be prevented from being employed as labourers outside their domain for the sole benefit of the white man.

COUNT DE PENHA GARCIA approved of Lord Hailey's report, which dealt with incidents that had caused considerable feeling in the United Kingdom and should therefore be examined very carefully. The people in question were entirely primitive, and very special precautions were necessary in regard to their contacts with civilised peoples. It was unfortunate that these conditions should still exist, in spite of the mandatory Power's administration. He had already drawn attention to the part played in the matter by the absence of communications in the uncontrolled area, which consisted partly of forests, for the moment impenetrable. Lord Hailey, in his report, had made a well-balanced analysis of the incidents, from the legal standpoint. He had said—and this was important—that Mr. Leahy had acted in self-defence. For the rest, Lord Hailey's conclusion was quite justified. No more permits should be issued until the influence of the Administration had been established in the area in question in such a way as to ensure safety, and, in Count de Penha Garcia's opinion, permits should be withheld from missionaries as well as from prospectors, seeing that the activities of the former were liable—in the case of natives such as those in question—to cause unfortunate incidents.

The CHAIRMAN pointed out to Lord Hailey that, while he alone was responsible for the report itself, the Commission was responsible for the conclusion. It might be different—and a similar situation had occurred in the past—from the conclusion to be drawn from the Rapporteur's report, and the Rapporteur was under no obligation to endorse it.

M. RAPPARD pointed out that the Commission would shortly be hearing the accredited representative of the mandatory Power: it would, in consequence, be premature to draft the conclusion immediately; he proposed, therefore, that the question be adjourned. So far as principles were concerned, Lord Hailey's report contained a recommendation regarding general policy, and the Commission, by adopting it, would be departing from its usual practice, which had always been not to give advice of that kind.

The CHAIRMAN thought M. Rappard's proposal for adjournment was fully justified, but it had, of course, always been understood that the conclusion of the report on the petition would be provisional until the accredited representative of the mandatory Power had been heard. However, Lord Hailey's suggestion—he desired to emphasise that fact—did not differ from the Commission's observations on the same subject in 1935 and 1936, namely:

1935. — “ The Commission draws attention to the dangers which result from the freedom of access into regions not yet under the control or influence of the Government, involving danger to the lives, not only of non-natives, but also of the carriers and the native population. It hopes that these regions will not be thrown open to any private activities until the Administration has been able to study the conditions of the population and established a certain degree of public authority.”<sup>1</sup>

1936. — “ It (the Commission) has noted that access to certain areas over which the Administration has not yet established full control, is henceforward to be forbidden to all persons other than natives.”<sup>2</sup>

M. RAPPARD thought the question was mainly one of drafting.

M. VAN ASBECK was in agreement, in principle, with the Chairman.

Lord HAILEY desired to make it quite clear that what he had had in mind in drafting his preliminary report was to place before his colleagues the somewhat complicated facts scattered throughout a number of documents, in order that they might be in a position to discuss the matter with the accredited representative; the conclusion could perhaps be discussed after that had taken place. His own primary concern was to secure a change in the system by which persons were given permits to enter the uncontrolled areas.

The CHAIRMAN proposed that the conclusions on the petition should be separated from the observations to the Council with regard to the mandatory Power's administration. In that

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 230.

<sup>2</sup> See Minutes of the Twenty-ninth Session of the Commission, page 212.

way, the conclusion concerning the petition would be closely related to the facts. The observations would be drafted after the accredited representative had been heard.

*The procedure suggested by the Chairman was approved.*

M. PALACIOS agreed in general with the observations made by his colleagues and the Chairman. He felt, nevertheless, that all exaggeration should be avoided. What had happened was unfortunate, but it was, unhappily, largely unavoidable if these distant and unexplored regions were to be opened up to civilisation. For that reason, M. Palacios supported Lord Hailey's report, which seemed to him to be both strong and prudent. Speaking generally, M. Palacios did not think it advisable, in dealing with such a complex question as that of the controlled regions, the regions under partial or complete influence, and the regions covered by patrols in New Guinea, to suggest any rules of conduct to the mandatory Power. In M. Palacios' view, it was sufficient to draw attention to the necessity of preventing unfortunate or disastrous consequences. Scientists, missionaries, and even prospectors, were very often great pioneers who successfully preceded the Administration, courageously making up for its unavoidable disabilities, inciting its intervention and assisting it in carrying out its plans and the tasks of government and economic administration.

Mlle. DANNEVIG said a question of principle was involved—the natives were entitled to special protection, and the Commission should not overlook that fact in its observations to the Council.

Count DE PENHA GARCIA repeated that he approved Lord Hailey's report, though he thought the procedure suggested by the Chairman was preferable. The importance of the incidents referred to in the petition should not be overestimated. It was most regrettable that natives had been killed and wounded, but, unfortunately, similar incidents often occurred in certain territories and more often than not the Administration was not responsible.

M. VAN ASBÉCK drew attention once more to the warnings given on several occasions by Lord Lugard (Minutes of the Twenty-seventh Session, page 18) and by the Commission itself in its observations in 1935 and 1936, which would justify somewhat more severe strictures on the part of the Commission. In his opinion, however, it would be better to refrain from drafting the observation or the conclusion until the accredited representative had been heard.

The CHAIRMAN proposed the following text, subject to any necessary changes after the accredited representative had been heard :

“ The Commission,

“ Having examined the petition dated November 19th, 1936, from Sir John Harris and the mandatory Power's observations thereon :

“ Deplores the incidents which gave rise to this petition—incidents it has already had occasion to consider.

“ As regards the general problem of the admission of non-natives into areas not yet under the control of the Administration, it refers to its observations, submitted to the Council on the occasion of the examination of the report on the administration of the mandated territory.”

*The text proposed by the Chairman was adopted provisionally.*

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## TWELFTH MEETING.

*Held on Wednesday, June 9th, 1937, at 10.30 a.m.*

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### **South West Africa : Preliminary Discussion concerning Certain Items in the Annual Report for 1936.**

The Commission exchanged views concerning certain items in the report of the Union of South Africa on the administration of the mandated territory of South West Africa during 1936.

### **Distribution among the Members of the Commission of the Questions to be examined in the Annual Reports of the Mandatory Powers (continuation).**

After a short exchange of views, the *Commission agreed* to some modifications of the distribution, among the members, of the questions to be examined in the annual reports of the mandatory Powers, but *decided* for the moment not to change the order of these questions.

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### THIRTEENTH MEETING.

*Held on Thursday, June 10th, 1937, at 10.30 a.m.*

#### **Togoland under British Mandate : Examination of the Annual Report for 1936.**

Mr. W. J. A. Jones, C.M.G., Chief Commissioner of the Northern Territories, Gold Coast, accredited representative of the mandatory Power, came to the table of the Commission.

#### WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN, after welcoming the accredited representative, repeated the remarks already made<sup>1</sup> concerning the report on the Cameroons under British mandate. He thanked the mandatory Power for having expedited the preparation of the report on Togoland so that it could be examined at the present session.

#### GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. JONES made the following statement :

As on the previous occasion when I had the privilege of appearing before the Mandates Commission, I desire to avail myself of the Chairman's courteous invitation to make a brief statement in amplification of the report on Togoland under British mandate.

#### *Economic Equality : Case of States ceasing to be Members of the League.*

At the examination of the report for 1935,<sup>2</sup> the Commission enquired whether or not the mandatory Power considered itself legally obliged to apply the rule of economic equality to imports from countries which had ceased to be members of the League of Nations. To this enquiry, I am instructed to make the following reply :

" In its report to the Council on the annual report for 1935 of Togoland under British mandate, the Permanent Mandates Commission expressed the hope that the next annual report would state whether or not the mandatory Power considered itself legally obliged to apply the rule of economic equality of imports from States which are not members of the League of Nations.

" His Majesty's Government in the United Kingdom are of the opinion that States which are not members of the League of Nations cannot claim economic equality for their goods imported into mandated territory either under the terms of the mandates or under Article 22 of the Covenant of the League of Nations. Such States can, in the opinion of His Majesty's Government in the United Kingdom, only claim equal treatment for their imports by virtue of agreements concluded to this end with the mandatory Power.

" His Majesty's Government in the United Kingdom have no present intention of inviting the authorities concerned to promote legislation which would deprive States not members of the League of the economic equality which in fact they now enjoy in territories under United Kingdom mandate."

If, in the course of my general observations, I refer more frequently to the northern section than to the southern, I ask that I may be excused. The reason is that I have a more intimate and recent knowledge of the northern section than of the southern, and I think it is also true to say that more progress has been made in the former, generally speaking, than has been the case in the latter.

#### *Administration.*

As Section V of the report indicates (page 2), the year under review has witnessed remarkable progress in the development of native administration, or to use the synonymous term, indirect rule, in the northern section. Unfortunately, it is not possible to report equally satisfactory results in the southern section, where many difficulties, which remain to be overcome, have prevented the introduction of indirect rule in the proper sense of the term.

When I was here in November 1935, M. van Asbeck asked me what was the essential distinction between direct and indirect rule.<sup>3</sup> In my reply, I stated that it was, in the main, financial. By this, I meant that, so long as the native authorities lack the power to raise local revenue by means of taxation and in other ways, and continue to rely on the Central

<sup>1</sup> See page 59.

<sup>2</sup> See Minutes of the Thirtieth Session of the Commission, page 209.

<sup>3</sup> See Minutes of the Twenty-eighth Session of the Commission, page 75.

Government to provide all local improvements, so long must the system of administration remain and be termed "direct". In such a system, the native authorities have no real executive and financial responsibilities. Their functions are purely judicial; consequently, they cannot be said to have commenced their education in the art of self-administration.

In the northern section, the native authorities have now had entrusted to them a considerable measure of financial control, which they exercise under the general supervision of the Administrative Officers. It is no exaggeration to say that, in the exercise of this heavy responsibility, the native authorities have, despite the fact that the majority are completely illiterate, exceeded our highest expectations. They were energetic in the collection of the tax and on several occasions suggested means whereby local revenue might be increased. Furthermore, they have displayed praiseworthy judgment in the matter of expenditure. Their suggestions show clearly that they are anxious to serve the best interests of their people and to promote their welfare. In no case that has been brought to my notice have the chiefs themselves, for example, recommended an increase in their own personal salaries.

The improvement of water supplies, the provision of increased facilities for medical treatment and the advancement of education are the three principal items of expenditure advocated by them, all of these being calculated to benefit the people as a whole. I should like here to mention that without being prompted, the native authorities of Dagomba and Mamprusi have expressed a desire to engage an engineer—and, naturally, to pay his salary—to supervise the construction of water supplies, which take the form of wells or small reservoirs, and other works which the Administrative Officers have neither the time nor the knowledge to carry out efficiently.

Generally speaking, the policy which we pursue is to entrust the native authorities with the maximum amount of responsibility that they can be expected to bear. They have made mistakes and will continue to do so, but these mistakes have an educative value. It is also our policy to show them by our attitude towards them that we have confidence in their sense of honesty. For example, the native treasury at Yendi frequently has £300 to £400 in its safe, one key of which is kept by the clerk and the other by an elder. Were one of the keys to be kept by the Administrative Officer, the native authorities would feel that they were not being trusted, and it would be impossible to develop in them that sense of honesty and probity which is so essential for the education of the native authorities to undertake ever-increasing responsibility and for the development of native administration. So far, our confidence has not been abused.

I think it is a well-known fact that the technical and scientific departments have never, in any colony, viewed the introduction of indirect rules with any great favour. They have generally felt that it meant a limitation of their powers and an encroachment on what they considered to be their rights. It will therefore, I think, interest the Commission if I read an extract from a report by the Director of Veterinary Service, which will show that he, at all events, appreciates the value of indirect rule as a means whereby closer contact can be established between the heads of the various departments and the native community. He writes as follows :

"It may seem superfluous to deal with a political change in the report of a scientific department, but so great is the influence of the native administration in the northern territories on the work of the Veterinary Department that a short *résumé* of its effects is essential. Until recently, it was difficult to get criticisms from the northern territory native, even from the chiefs, who tended to be "yes-men". The revival of rule through native institutions has caused a renaissance of mental activity and of an interest in the work of the Government which did not exist previously. Though these remarks affect mainly chiefs and functionaries, they also apply to the peasant to an increasing extent. Nowadays, most of the work of the department is performed in the northern territories in co-operation with the native administrations and their officials. For instance, in the past, the collection of cattle for anti-rinderpest immunisation was done directly by the Veterinary Officer and cattle patrols. Now it is done by the native authorities with cattle patrols helping, the presence of the latter being necessary to detect any epizootic disease.

"At each district's annual native administration conference, the section Veterinary Officer attends and place his views before the conference; instead of a bored and acquiescent audience, as was so common in the past, keen interest is shown and every suggestion of the Veterinary Officer is discussed on its merits by the chiefs and clans. Such candid opinion is valuable and whereas, a few years ago, regret was expressed in this report that criticism was lacking in the northern territories, this apathy had disappeared and criticism is usually sensible and constructive. From a departmental point of view, the change is excellent and the general impression of work is that of co-operation with the inhabitants instead of the suspicion that the Veterinary Officer was merely one of the pests, though possibly not altogether malign, which was inflicted by a capricious providence."

What the Veterinary Officer writes above is true with regard to other departments, all of which are taking a genuine interest in the development of native administration and are prepared to co-operate to the fullest extent with the native authorities.



The criticism sometimes made of indirect rule is that it is merely a subterfuge adopted by Administrative Officers to enable them to obtain funds for their pet schemes without the necessity of obtaining the approval of the higher authorities. I can assure the Commission that, in so far as the northern section is concerned, that is not the case. So far as is possible, expenditure is left to the native authorities to decide. The procedure is that the medical officers, veterinary officers and the local representatives of other departments attend the annual estimates meeting and present their requirements for the coming year. Then they are followed by the subordinate authorities, who urge the claims of their respective areas for improvements. No European officer is present when the native authority, with the assistance of its clerk, discusses the draft estimates prepared by the Administrative Officer and decides upon its final recommendations. If the money is available, the recommendations of the native authority are generally accepted. It can, therefore, truly be said that every effort is being made to teach the native authorities not only how to raise revenue but—and this is more important and difficult—how to spend it to the best advantage, having regard to the interests of the people as a whole.

Shortly after the close of the financial year, two educated chiefs of the colony, both members of the Legislative Council, paid a visit to Yendi and other places to study the system of indirect rule. On their return to the colony, they stated publicly that it could not but assist the development of the country and that what had impressed them most were the happy and frank relations and the mutual confidence existing between the Government officials and the native authorities, and the fact that the latter had such a large say in the administration of local affairs.

As regards the southern section, no real progress can be expected until native treasuries with a regular revenue are established, and the native authorities exercise some measure of financial control. The obstacles which have to be removed before the desired object can be attained are set out in the report (Section V, pages 2 *et seq.*). One of these obstacles is confederation. The natives are quite prepared to contribute towards a purely local object, but when it comes to pooling all their money for a common object they become suspicious and disinclined to pay their quota. How this difficulty is going to be overcome is, of course, a question for future consideration.

#### *Communications.*

With regard to roads, I would like to emphasise that all the labour engaged on them is paid at local rates. To enable this to be done, in so far as the northern section is concerned, the Government has increased the amount allocated for the purpose by 25%. This sum has been apportioned, in the form of grants-in-aid, among the various native administrations according to the length of the roads in their various areas and the traffic using them. To these grants-in-aid are added the amounts voted by the native administrations themselves for this purpose. All expenditure for the maintenance of roads is now under the control of the native authorities.

I would also mention that the Government has voted £1,500 for the consolidation of the main road in the Krachi area. This road provides direct communication between eastern Dagomba and Krachi, on the one hand, and the wealthy cocoa areas of the Eastern Province on the other. It has already proved of great benefit to the people of the mandated area in that it has enabled them to obtain a good market and reasonable prices for their surplus produce, live-stock and poultry. When we have completed the reconstruction of the bridges, this road will come within the category of "all-weather" roads, and will be open throughout the year.

#### *Public Finance.*

I have nothing to add to the report on public finance. The figures are, as in the past, calculated on the formula which, as M. Rappard has remarked, is tolerated by the Commission.

#### *Taxation.*

At the examination of the last report, <sup>1</sup> M. Rappard, I think, asked if he might have some statement as to the reaction among the people towards direct taxation, and, in this connection, I should like to quote two incidents as indicating what that reaction has been.

Prior to the introduction of direct taxation, one of the duties of the natives in a particular area was to build cattle kraals for immunisation purposes, and, now that the tax has been introduced, it has been decided to pay those engaged on this work. One day, a native administration clerk went to pay a certain man, in the presence of the Administrative Officer, the amount he had earned—namely, 4s.—and the native remarked: "This is quite the best investment I have ever made in my life; three weeks ago, I paid 2s. in taxes, and I now get 4s. back".

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<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 93.

The other incident was when two educated chiefs who were making a tour of the territory asked the natives the amount of their tax and whether they liked paying taxes. To the surprise of the chiefs the natives replied that they thought taxation an excellent idea. They said : " If you walk 200 yards along this road, you will find a dispensary where we and our families can obtain free treatment in the case of illness ". They said they considered they were getting a very good return for the small amount they were called upon to pay.

I think those two incidents show clearly that the natives of the northern section and of the northern territories are quite in favour of direct taxation. They much prefer it to being called upon at all times to contribute in kind to the maintenance of the chiefs and to being called upon to work on roads at any odd moment, and being fined if they refuse to obey the commands of the chief for that particular class of work. I should also like to say that there is not the slightest doubt that, if the occasion arises when more funds are required, the natives of the northern section and the northern territories will be perfectly willing to have the incidence of taxation increased. Actually, we have, in the northern territories, received two applications already from the native authorities for permission to increase the incidence so that they might have more funds at their disposal for works of benefit to their people.

I should like to mention—a fact which is not stated in the report—that all European officers in the protectorate and in the mandated territory voluntarily contributed to the funds of the native treasuries in the areas in which they were stationed. This gesture on their part created a most favourable impression among the natives, and especially among the educated elements. I should also like to say that a British firm having a store in Tamale contributed £100 towards the cost of a dispensary in Dagomba, and a mining company paid £50 both to Dagomba and Gonja to support the native administrations, the amount being what it considered a fair contribution on behalf of its European employees.

In one part of the report, you will find that the people of Tapa, in the southern part of the northern section, have been somewhat truculent (paragraph 41, page 12). They have put forward rather foolish claims to independence and at one time there was some doubt as to whether they would pay their taxes. They did pay them to the Krachi native administration, and this might be a prelude to the abandonment of their foolish pretensions to independence.

I should like to emphasise that the incidence of the tax, which might appear very low to members of the Commission, was deliberately fixed so that the ordinary peasant would have no difficulty whatever in paying it without having to leave his home to earn the amount. It is probably well-known that, in certain colonies, the tax was fixed at a rate which necessitated the people leaving their homes and finding employment in mines, perhaps in other territories, in order to earn the amount of the tax. This led to some disruption in the social life of the people. Such disruption has not occurred in the northern section of the territory, where the tax is fixed at a rate which the poorest person can afford to pay without difficulty. Consequently, as I say, it has been paid willingly and without the slightest protest from any quarter. There were a few instances where the natives said they would like to work and earn the amount of the tax, and in such cases work was provided for them either on station buildings or on roads near their own homes.

The chiefs are, I think, entitled to the fullest possible praise for the way in which they have collected the taxes. They did this without the slightest assistance from the Administrative Officers and without having to penalise any of the people for failure to pay. The assistance given by the Administrative Officers has merely been in the preparation of the nominal rolls and in the checking of the amounts collected in the various areas against the sums calculated as being due. Apart from that, the work has been entirely carried out by the native authorities with their own personnel.

Attached to the report you will find the regulations made under the Native Treasuries Ordinance. Unfortunately, the regulations given in Appendix VI, page 104, are not in the amended form ; they are the old original regulations issued in 1934, which subsequently had to be very considerably amended.

The regulations as amended permit of the collection of taxes by communities as well as from the individual. You will find that in the case of Gonja—a portion of which lies in the mandated territory—taxes are paid under what is known as the " lump-sum system " of assessment. The whole area was assessed at £1,520, and it was left to the native authorities to apportion that amount among the various subordinate chiefs according to the wealth of the particular areas. The incidence varied from 3s. in Salaga, the commercial centre, to 1s. right out in the bush, where the people have no opportunity of disposing of their produce at a profitable rate. In other parts, the tax was what might be called an individual tax, though actually it was paid very much on the lump-sum system of assessment. The lowest unit taken was the compound. Assuming that there are six taxable males in a compound, that number is multiplied by the incidence and the total represents the amount due from the compound. It is invariably found that the head of the compound pays the whole tax on behalf of the adult males resident in his compound, though he receives individual receipts for each taxable male. It will thus be seen that, in effect, it is the lump-sum system of assessment that has prevailed throughout the whole territory in the collection of taxes.

Lord HAILEY asked for particulars of the more recent regulations amending those of 1934.

Mr. JONES : The last amendment was, I think, made in February of this year.

As regards the regulations, I should also like to mention that, as amended, they provide for the punishment of those who fail to pay the tax or incite others to refuse to do so. The penalty is a fine of £5 or six month's hard labour, or both, but, as I have already said, it has not been necessary to apply these penal clauses in any single case.

#### *Trade.*

Of trade, I need only remark that the people have enjoyed really great prosperity during the year. The rise in the price of cocoa has led to a considerable increase in the amount of money in circulation, which benefited, not only the cocoa farmers, but also the producers of foodstuffs and owners of live-stock. Even in the northern section, as far north as Pusiga, near the French frontier, the natives have directly benefited, inasmuch as they have been able to dispose of their bullocks at a price between 40% and 50% higher than they have been obtaining in the past few years. In the Krachi and Dagomba areas, large quantities of yams and other foodstuffs have been sent down for sale to the eastern provinces. It will thus be seen that the rise in the price of cocoa has proved a great boon, not merely to the southern section, where it is grown, but to the northern section as well.

#### *Judicial.*

The judicial statistics are now given in the form required last year<sup>1</sup> and, I think, present a clear picture of the situation. Offences under the Motor Traffic Ordinance represent a large proportion of the cases reported to the police; overloading and having defective brakes being the commonest offences. Personally, I think that there is a far stricter enforcement of the motor traffic regulations in the colonies than in England and perhaps even on the Continent. If you were in a position to examine the statistics more closely, you would not, I think, find there were many cases of speeding or dangerous driving; the statistics, as a whole, are a testimony to the law-abiding nature of the people of the mandated territory.

The native courts have carried out their work with increased efficiency. So far as the northern section is concerned, the figures by no means represent the number of disputes settled by the chiefs. It is only when arbitration by the head of the family or the local village headman fails to effect a settlement that recourse is had to a native court. At the request of the health authorities, all sanitary offences in the northern section are heard by the native courts, as they have found by experience that they receive more sympathetic treatment in the native courts than they do in the magistrates' courts. They are perfectly satisfied with the native courts, which take sanitary cases quite seriously and impose appropriate fines.

In the southern section, of course, sanitary offences continue to be heard by the magistrates.

Two years ago,<sup>2</sup> Lord Lugard expressed the fear that the fewness of the appeals from the decisions of the native courts might be due to the ignorance of the people as to their rights to appeal. On my return to the northern territories, I went carefully into that matter and found that his fear was by no means justified. In the financial year 1935/36, there were twenty-five appeals from the native courts in the northern territories and the northern section, of which no fewer than twenty-three came from the native courts in the less developed areas where the people still wear leaves and might be thought not to know what their rights are. There was not a single appeal from the native courts of Dabomba and Gonja, where the people are more sophisticated than in other parts. The truth is that the native courts do carefully consider the cases brought before them and endeavour to reach a fair decision on the evidence given.

#### *Police.*

With regard to police, mention may have been made in the report of the existence of a native administration police force. Attached to each native administration is a force of five, six or even twenty police, the men in many cases being old soldiers. They are well disciplined and receive their training under the direction of the Commissioner of Police. They have been

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 94.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 84.

taught simple sanitation and the detection of rinderpest, and in their tours of inspection have proved most useful in bringing to the notice of the various departments matters of interest and concern to them. I should like to say that a very senior British General, who recently paid a private visit to the northern section, inspected these men at Yendi and commented most favourably on their smart appearance.

### *Religion.*

At the examination of the last report,<sup>1</sup> the Commission expressed some concern at the poor progress made by the missionary societies working in the northern section. My experience leads me to the conclusion that Christianity makes but little headway among a native community which has developed a sound social system of its own. When a people has passed beyond what might be called the family-group system into a system of rule by chiefs, it is generally found that the missionaries do not make as much headway as among more primitive people. This is certainly true in the case of the Dagomba. As they find their present code of ethics suitable to existing conditions and stage of development, they see no reason for adopting another; consequently, very few are converted to Christianity. They are not antagonistic to the missionaries; on the contrary, being very tolerant by nature, they assist them in very many ways but, as I say, they are not readily converted. In the Krachi area, the situation is perhaps somewhat different. There, there is no social system observed by the people as a whole and the strong hold which the Dente fetish has over them probably provides the explanation for their disinclination to embrace the Christian faith.

It is perfectly true that in the northern section the missionaries are not making any considerable progress, and the explanation, I think, is that I have given. It must also be remembered that, as was foreshadowed by Christ himself, Christianity has a disruptive influence on the social life of the people, a fact which has been brought home to the native authorities in parts of the northern territories where Christianity has made progress. It has fallen to my lot recently to answer a memorandum by the Bishop of the White Fathers Mission, in which he expressed his dissatisfaction with the attitude of the native authorities, and I should like to emphasise that it was not the attitude of the native authorities that was the real trouble; it was the fact that those who became converted to Christianity thought that by so doing they could throw off the control of the family heads and chiefs, and, naturally, the native authorities resented this and made their quite legitimate protest.

The policy of the Government is to ensure for the individual, whether he be Christian, pagan or Mohammedan, complete liberty of conscience and worship. In my opinion, it would be manifestly unfair to deny to the pagan the same measure of liberty of thought and decision which it is our object to ensure for the Christian. In other words, it is not the duty of the Government, as I see it, to bring any pressure to bear on the people to abandon their pagan beliefs, provided of course that they do not involve the performance of any barbarous practices.

In paragraph 162 of the report (page 49), reference is made to possible traces of Christianity in the religion of the people. Personally, I do not place any credence in that idea. Civilisation in the northern section has spread from North Africa downwards, and if there has been any penetration of religion it must have been a penetration of the Mohammedan religion rather than of Christianity. The writer of that section might perhaps have told you that one of the most primitive tribes in the northern section has a version of the downfall of man in the Garden of Eden. They say that at one time the sky was very low, so low that you could put your hand up and touch it, and in the sky grew yams, maize and millet; there were also to be found cattle, sheep and goats. You could have everything you wanted, but God laid down one stipulation—that no one could take anything without first asking His permission. Resemblance between their story and that of the Old Testament is to be found in the fact that a woman was at fault. An old lady returning from her wanderings called upon God, who did not answer; she called a second time but He did not answer; she called a third time and still He did not answer. She thereupon reached up to the sky and took what she needed and, as the story goes, the sky then receded and God said: "For the future you will live by the sweat of your brow". That as a literal translation of the story.

There is another story which resembles that of Jacob's Ladder. The people of Pusiga in the mandated territory say that years and years ago they lived in the sky and merely came down to earth by means of a ladder to dance and amuse themselves. One day some mischievous gnomes cut the ladder and they have never since been able to return to the sky.

It will perhaps interest the Commission to know that there is, however, one authentic case of a Christian rite forming part of a pagan festival. It is found at Elmina. When the Portuguese landed at Elmina they probably celebrated Mass. The natives saw this Mass and were attracted by the ritual, and to-day at the opening of a lagoon they celebrate the festival of Anthony Bum. Part of the rite performed at this festival closely resembles the Mass of the Catholic Church, the only tragedy being that the sacrifice of a dog is connected with it.

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<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 101.

*Education.*

At the examination of the 1935 report, <sup>1</sup> regret was expressed at the lack of educational facilities available in the northern section. This has to some extent been remedied by the opening of a school at Yendi with boarding accommodation for a hundred pupils. The cost of the buildings—namely £1,000—was defrayed out of native administration funds. The number of applicants for admission greatly exceeded the vacancies, an indication of the remarkable change in the attitude of the chiefs and people towards education, due, in my opinion, to the fact that the management of the schools has been entrusted to the native authorities. Formerly, it was a case of compelling the chiefs to select children for attendance at the schools, but now there is strong competition for admission. Approximately 75% of the children selected will, in due course of time, become chiefs, but before their appointment as such they will work for the native administrations in one capacity or another.

The prejudice of mothers is gradually being overcome. In the past, they have been a real stumbling-block, as they did not like to see their children taken away from their homes, feeling that if they went to school they would never return. This situation has been overcome by the arrangement of what is known as "Mothers' Days". The mothers are invited to spend two or three days at the schools, where they can see for themselves how their children are fed and generally treated. Transport is arranged for them where possible and they are entertained during their visit. This form of propaganda is proving very successful indeed, and I have personally seen old ladies wearing nothing but bunches of leaves taking a keen interest in the work of the school and in the preparation of the food to be served to the children.

With regard to paragraph 187 of the report (page 56), I would explain that it is not a lack of funds to meet the cost of buildings which prevents the more rapid extension of educational facilities, but a shortage of teachers of northern territory origin. It is obviously useless to place in charge of the schools teachers who are unable to speak the local language, as all teaching in the infant classes is carried out in the vernacular. Furthermore, it has been shown by experience that teachers from the colony take little or no interest in the children outside the classrooms. They are quite content to teach them the three R's, but once that is over they regard their duty for the day as finished and neglect what is perhaps the most important part of their work. Teachers from the colony are not keen on the development of native administration and fail to teach the children a proper sense of their civic responsibilities. The northern territory teachers, on the other hand, are keen supporters of indirect rule and take great pains to inculcate in the children a proper respect for their native authorities.

In the opinion of the Administrative Officers, it would be detrimental to extend education in the northern section and in the northern territories until we have teachers of northern territory origin available for the work. We are trying to fill this shortage by sending to Achimota each year four boys, the best of their year, from the Tamale middle school, and we hope that, by 1941, the situation will be more or less satisfactory. I should like to impress on the Commission that it is wrong to ask us to give the children the wrong type of education; it is also, in my view, unwise to turn out more boys with Standard VII certificates than we have work for. We have seen large numbers of boys turned out who wave the seventh standard certificate in our faces and ask for jobs; when the jobs are not forthcoming, they become discontented and are of very little use to themselves or to the community as a whole. I personally feel that we are progressing quite fast enough with education in the northern section and that we are working on very sound lines.

I should also like to mention that, at a recent meeting, the Dagomba Native Authority stressed the importance of teaching the children the history of their people, their constitution, laws and customs. They do not wish the children to become detribalised, and, on the suggestion of the second senior chief, a series of lectures on the subjects I have mentioned has been arranged. I am told that the lectures are extremely interesting and informative, and will be continued.

Paragraphs 180 to 190 of the report (pages 54 to 56) do not give a proper indication of the importance attached to practical education in the schools in the northern section. Run in connection with each native administration school is a mixed farm where the boys are taught to use ploughs drawn by oxen, and where they learn how to compost manure and the value of it for increasing crops. In addition, they are taught simple carpentry and masonry. The native authorities themselves are very keen on this aspect of education and attach more importance to it than they do to the ability to read and write.

It is quite possible that next year we shall be able to arrange for boys to be examined in their knowledge of mixed farming and in general practical education. This is due to the fact that the White Fathers Mission in the northern territories is arranging for practical education to be given to the boys attending its schools. One examination can then be set for all the children in the northern territories.

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<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 209.

*Public Health.*

You will see from the report that at Bawku there is a hospital containing a ward of six beds only (paragraph 203, page 61 of the report). This proved totally inadequate and the Mamprusi Native Administration has provided funds for a new ward of twelve beds which will shortly be opened.

The northern section of the mandated territory will be well provided with village dispensaries when those in course of erection at Karaga and Zabzugu are completed. There will then be four serving different parts of the territory, the other two being at Garu in Mamprusi and at Grabe in the Krachi area. These dispensaries are very popular and unquestionably do most useful work. The cost of the buildings is defrayed out of native administration funds. They are in charge of men who have undergone a course of training in both nursing and dispensing, which lasts about four or five years, most of the men having passed the London matriculation examination before starting the course. These nurse-dispensers, as they are called, are very keen on their work and have gained the confidence of the people to a quite remarkable extent. The dispensaries are under the supervision of medical officers who visit them at regular intervals. Cases of serious illness are sent to the hospital for treatment.

With regard to trypanosomiasis, it was not mentioned in the report that a party consisting of a Senior Medical Officer, an entomologist and trained African personnel has now begun a survey of the northern section of the mandated territory and of the northern territories with a view to ascertaining the incidence of this disease in the various areas. Curative and preventive measures will be carried out by this party simultaneously with the survey. When once the extent of the problem is definitely ascertained, steps will be taken to diminish, if not eradicate, this disease, which is accompanied by such a high rate of mortality. Excellent work has been accomplished at Nakpanduri and the Senior Medical Officer assures me that there is reason to hope that the spread of trypanosomiasis among the B'Moba has been arrested.

Large scale experiments in what we term "aggressive clearings" have been carried out by the veterinary department at Pong-Tamale. These experiments definitely establish the value of such clearings, but whether similar measures are capable of general application over extensive areas remains to be determined.

As indicated in the report, the policy with regard to sanitation is educative rather than coercive in nature. We do not resort to punitive measures, except where it is absolutely essential in the interests of the community. I might mention that, in the larger towns, thanks to there being funds at the disposal of the native administrations, we are now able to replace the very unsatisfactory pit latrine by what are known as "septic tank latrines". These tank latrines are very popular with the people—so popular, in fact, that they have to be closed periodically as they are liable to be overworked.

*Animal Health Department.*

My final comment is with regard to the Animal Health Department. The future prosperity of the northern section undoubtedly lies in the development of the cattle and live-stock industry generally, and not so much in agriculture; we have, therefore, recently submitted for the consideration of the Secretary of State a scheme which will involve expenditure by the Government of £10,000 on the development of animal husbandry in the mandated territory and the northern section. In the opinion of the Director of Veterinary Services, there is every reason to believe that we shall be able to increase the cattle population of the northern section by at least 50% within a reasonable period. When I point out that only 10% of the cattle consumed in the Gold Coast Colony is produced locally, you will realise what an extensive market we have awaiting us if only we can provide the beasts, and we are confident that we can do so by the establishment of cattle farms, the object of which is to increase the size and marketable value of the beasts.

The CHAIRMAN thanked the accredited representative for his statement. It gave the impression that the inhabitants of the territory had already reached a fairly high level of evolution. Still more remarkable was the information given by the accredited representative concerning the zeal, initiative and public-spiritedness shown by the native authorities. It was the first time that the Commission had received such evidence concerning an African territory under mandate. Mr. Jones had touched upon practically all the aspects of the social life and administrative activities of the territory, thereby probably answering in advance a good many of the questions that the members of the Commission intended to ask.

M. RAPPARD also paid a tribute to the accredited representative for his very frank and vivid statement. He observed that, in some respects, Mr. Jones disagreed with the annual report in its interpretation of certain facts. He assumed that the report had either been written by Mr. Jones or had been shown to him.

Mr. JONES said that in his statement he had amplified certain portions of the report, but had not disagreed with it. Most of that part of the report which dealt with the northern section had been written either by himself, or other officers working in that area, but other parts he



had read for the first time two weeks ago. He had in some cases pointed out omissions in the report. For instance, the report stated (page 18) that the native treasuries regulations provided for both the capitation tax and the lump sum of assessment. This was not in accordance with the regulations included in Appendix VI. The reason was that the amended native treasuries regulations had not been included in the report.

M. RAPPARD said that was one of the points which he had in mind. The other point was in respect of education.

#### FORM OF ANNUAL REPORT.

The CHAIRMAN noted that the authors of the report had taken account of the request previously expressed by the Commission and that the report now contained footnotes referring to previous reports and to the Minutes of the Commission. He thanked the mandatory authorities for complying with that request.

#### STATUS OF THE TERRITORY.

M. PALACIOS noted that, as usual, the report stated (paragraph 3) that the territory was administered as an integral part of the Gold Coast, in accordance with the provisions of the mandate.

Under the terms of Article 9 of the mandate, the mandatory Power could, in fact, "administer the territory as an integral part of its territory". Nevertheless, certain expressions used in the report did not seem fully to take into account the legal status of the territory as indicated above. For example, it was said in paragraph 6, page 2, that the northern section of Togoland was "regarded as an integral part of the northern territories" of the Gold Coast. It would seem that the correct term would be "administered as". In paragraph 182 (page 55 of the report), reference was made on two occasions to Togo and "other parts of the Gold Coast". In the maps at the end of the report, the confusion was also obvious. Only in the south, the Ho district and the greater part of that of Krachi were shown fairly clearly in a distinct colour. In the north, the very method of representing Gonja, Dagomba and Mamprusi seemed to prove that large parts of the territory under mandate were considered as integral parts of the Gold Coast.

Mr. JONES replied that in paragraph 182 of the report the wording should be "as in the Gold Coast". There was no difference between the administration in the northern and southern sections of the territory, and the sentence regarding the former in paragraph 6 should read "the northern section is regarded as an integral part of the northern territories for the purpose of administration".

#### INTERNATIONAL CONVENTIONS.

Count DE PENHA GARCIA observed that paragraph 5 of the report contained a list of international Treaties which had been applied to the territory. These had certainly all been published in the *Official Gazette*. He asked whether, in addition, regulations had been issued for the application in the territory of some of the Conventions in question. For instance, the first Convention mentioned, which referred to the protection of the fauna and flora of Africa, involved certain obligations on various public services. Was it thought sufficient merely to publish the Convention, or were any special regulations issued?

Mr. JONES thought that in most cases the despatch from the Secretary of State covering the Treaty was sent to the Head of the Department concerned, with special instructions.

#### FRONTIER BETWEEN TOGOLAND UNDER BRITISH MANDATE AND TOGOLAND UNDER FRENCH MANDATE : POSITION OF THE EWE TRIBE.

Count DE PENHA GARCIA referred to a letter which had appeared in the weekly newspaper *West Africa*, of April 10th, 1937, to the effect that the delimitation between the British and French zones had resulted in hardship to the inhabitants and had caused large numbers of the Ewe people to emigrate from the territory. Was there any truth in the statement?

Mr. JONES said the Ewe tribe had been divided long before the delimitation of the boundary between two territories. The tribe extended from the River Volta in the west to Anecho in the east of Togoland under French mandate. If any migration had taken place, it was not caused by the delimitation but by the fact that the natives thought they obtained more favourable treatment in one area than they did in another.

The CHAIRMAN asked of how many persons the tribe of the Ewe consisted and how many had been affected by the change in frontier between the territories under French and British mandate.

Mr. JONES thought such figures would be difficult to obtain. The accounts of emigration were in any case grossly exaggerated. He did not think the delimitation of the frontier could have this effect, and there must be some other cause.

The CHAIRMAN observed, if he remembered rightly, that the Commission had been informed that the delimitation was in the interests of the natives and that the object was to prevent the separation of members of the same tribe.

Count DE PENHA GARCIA thought the question was important, since the frontier obviously cut the tribe into two parts, of which one remained in the mandated territory, with its tribal unity weakened. Had that fact been taken into account? For instance, how were the chiefs chosen?

Mr. JONES said the Ewe tribe had never had one paramount chief. There were many Ewe people in the Eastern Province and in the mandated territory, but they did not all owe allegiance to one chief. In his view, the delimitation of the frontier had in no way been detrimental to the tribal organisation of the Ewe.

The CHAIRMAN did not wish to insist on the point, particularly as the letter in the newspaper *West Africa* was only signed by a *nom de plume*. But he would be glad if further information on the subject could be included in the next report. The Franco-British declaration on the delimitation of the frontier provided that people affected by the change of frontier should have the option of residing in the territory to which they had formerly belonged.

Mr. JONES said the situation at present was the same as it had been for the last twenty-five years. There had been no redivision of the Ewe people.

Lord HAILEY referred to the agitation originating some years ago at Lome for the reintegration of the tribe.

M. VAN ASBECK observed that that agitation seemed to confirm the truth of the letter.

ECONOMIC EQUALITY: CASE OF STATES CEASING TO BE MEMBERS  
OF THE LEAGUE OF NATIONS (*continuation*).

Count DE PENHA GARCIA observed that the statement on this subject which Mr. Jones had read was similar to that made by the accredited representative for the examination of the annual report on the Cameroons.<sup>1</sup> Since the territory was in a position to claim reciprocity, he would like to ask whether anything had been done to secure more favoured treatment in countries which had ceased to belong to the League of Nations.

Mr. JONES was not aware of any steps having been taken. There had formerly been reciprocity in respect of cocoa, which was shipped via Palime in French mandated territory rather than from Accra, on account of the more favourable treatment granted in France to produce shipped from the French port. This was no longer the case, as would be seen from paragraph 86 of the report (page 25).

Count DE PENHA GARCIA said his question referred to countries which had left the League. The territory had adopted a policy of equal treatment and was therefore in a position to approach such countries and obtain privileges in return for such equality of treatment.

Mr. JONES said this was a question which the local government in the Gold Coast would be glad to examine.

M. VAN ASBECK observed that, in the case of the Cameroons, there were large exports to former Members of the League. He asked if this was the case with Togoland.

Mr. JONES said the principal export was cocoa, This was bought by firms operating in Accra and shipped together with cocoa of other origin. It was therefore difficult to state the destination of the cocoa from Togoland. As far as he knew, the principal importers were

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<sup>1</sup> See page 61.



Germany, the United States of America and the United Kingdom. He observed that the Cameroons had a port, whereas Togoland had no coastline, and the statistics were therefore difficult to establish.

Count DE PENHA GARCIA appreciated that difficulty. It was unfortunate that statistics were unobtainable showing the destination of the exports from Togoland.

#### ADMINISTRATION OF AMALGAMATED STATES.

M. VAN ASBECK expressed his great appreciation of the explanations given on pages 2 to 6 of the report in respect of the Southern Province. He observed the statement in paragraph 20 regarding amalgamated States. This paragraph seemed to imply that the States in question had district treasuries of their own. On the other hand, two years ago,<sup>1</sup> and again on the present occasion, the Commission was told that there was no indirect rule in this area and that the main criterion for the existence of indirect rule was the introduction of native treasuries. How were these seemingly contradictory statements to be reconciled ?

Mr. JONES thought the meaning of the paragraph in question was that, if direct taxation were introduced, each division in the amalgamated States would prefer to have its own treasury. None of the divisions had treasuries or revenue of their own, nor had they any financial independence. The writer of the paragraph was looking to the future.

M. VAN ASBECK pointed out that the paragraph stated that these divisions would find it difficult to "relinquish their financial independence".

M. RAPPARD referred to the sentence in paragraph 21 referring to the "voluntary acceptance of a levy imposed by and controlled by the State." Could the accredited representative explain the meaning of this phrase ?

Mr. JONES said the idea of a levy was well known in the neighbouring colonies. If it were necessary to carry out any public work, the money was borrowed and subsequently covered by means of a levy. The people were generally willing to contribute to pay off a debt, but not to pay taxes for work which had still to be done. The word "voluntary" was used because there was no legal machinery to compel people to pay this contribution.

He agreed that there was no great distinction between a direct tax and a compulsory levy imposed by the State.

The CHAIRMAN observed that paragraphs 20 to 23 of the report had been found by some members of the Commission to be lacking in clearness, and asked the accredited representative to be good enough to give further explanations in the next report.

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#### FOURTEENTH MEETING.

*Held on Thursday, June 10th, 1937, at 3.30 p.m.*

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**Syria and Lebanon : Petition, dated February 9th, 1936, from M. Rachid el Houssami, M. Behjat Chehabi and Other Syrian Advocates, communicated by Maitre Fayez Khoury, President of the Bar Association, Damascus (continuation).**

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 5).*

**Petitions rejected in virtue of Article 3 of the Rules of Procedure in respect of Petitions : Report by the Chairman.**

*The Commission noted the Chairman's report (Annex 3).*

**Togoland under British Mandate : Examination of the Annual Report for 1936 (continuation).**

Mr. Jones came to the table of the Commission.

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 75.

DIRECT AND INDIRECT ADMINISTRATION : ADMINISTRATION OF AMALGAMATED STATES (*continuation*) : AUTHORITY AND STATUS OF THE CHIEFS.

Mr. JONES desired first of all to clear up any confusion that might be occasioned by the wording of paragraphs 20-23 of the report (pages 5 and 6).

A few points should, he said, be borne in mind :

1. There was no legal machinery in the southern section for enforcing payment of a levy or tax. All payments were therefore voluntary, and were rightly so termed.

2. Financial independence connoted the power to raise local revenue by means of taxation or in other ways, and the exercise of some measure of control over expenditure by the native authorities. With the one exception of the Akpini State, no State or non-amalgamated division could be said to possess any financial independence.

3. The natives in the southern sphere, in common with the natives of Ashanti, apparently had no objection to contributing for a specific purpose, but they strongly objected to a general levy for the maintenance of local government in their particular area.

4. In using the term "levy" instead of the more accurate term "tax", the writer probably had in mind the objection of a certain section of the Gold Coast community to the latter term, which, for some unknown reason, was associated with slavery.

Bearing those facts in mind, paragraphs 20-23 of the report might be paraphrased as follows :

" 20. The formation and methods of operation of State treasuries have been one of the principal subjects of discussion by the State councils of the amalgamated divisions, and here again it must be reported that progress has been slow. From their past history, it was only to be anticipated that the individual divisions should be reluctant to adopt a system which will involve the pooling of all revenue from the component units and the placing of such revenue under the control of the State council. Each division would prefer to have control of its own revenue, if and when the raising of it is sanctioned. This objection to the centralisation of the control of all local revenue to be derived from the component parts of a State has hitherto been, and continues to be, the main stumbling-block to the establishment of State treasuries on a proper basis.

" 21. In almost every division comprising these States, the principle of controlled treasuries is accepted, provided that the control is exercised by the local council in each division, and the people as a whole have expressed their willingness to contribute to a fund to meet the recognised needs of their own community. To all intents and purposes, this means the collection of a levy for a specific object—a system which is sanctioned by native custom. Between the acceptance of the principle of a levy for a specific purpose and the acceptance by the people of an annual levy which is imposed by ordinance and the proceeds of which are subject to control by the State council, a wide gap exists, and this gap can only be bridged by the growth of mutual confidence between the various divisions forming a State and by the gradual realisation by the people as a whole of the advantages to be gained from pooling their revenue and centralising the control of expenditure."

M. VAN ASBECK asked whether a similar process of amalgamation was taking place in the Gold Coast.

Mr. JONES replied in the negative.

M. VAN ASBECK asked who were members of the State councils.

Mr. JONES said these councils were composed of the chief of each division and one or two of his counsellors.

M. VAN ASBECK asked whether customary law governed the appointment of the chiefs, or whether they were elected.

Mr. JONES said that, in the southern section, the chiefs were chosen from the members of certain families. There might be more than one candidate, in which case the people decided, usually through the elders, who should be elected.

M. VAN ASBECK asked whether there was a paramount chief in the amalgamated divisions, and, if so, how he was chosen.

Mr. JONES said that when amalgamations were formed the chiefs agreed among themselves who should be paramount chief. The successors of the latter would also become paramount chiefs.

M. VAN ASBECK said great credit was due to the administrative officers for the magnificent work described in paragraph 64, page 17 of the report. Paragraph 73 on page 20 gave a very clear idea of the real value of native rule.

Lord HAILEY asked whether chiefs in the mandated territory were subject to the same procedure for destooling as chiefs in the Gold Coast, and whether control over destooling was exercised by the Administration.

Mr. JONES said this procedure was only adopted in the southern section. Control was exercised by the Administration.

Lord HAILEY asked whether chiefs were destooled as frequently as was formerly the case in the Gold Coast Colony.

Mr. JONES did not think the practice had ever been as common as in the colony.

The system for the appointment of chiefs in the northern section was entirely different from the system adopted in the southern section. Under the Gonja, Mamprusi and Dagomba Constitution, the head chief might appoint quite a young man as village headman. If he proved satisfactory, he was promoted, and if in the direct line might even become paramount chief.

In the north, no chief exercised any power by virtue of his appointment by his own people. He became a native authority when the Governor conferred on him power to exercise authority, and conducted the native court only when the Governor appointed him as president or member.

Lord HAILEY noted that there was a definite appointment in one case and recognition in the other.

Mr. JONES said that, in consequence, there were no depositions in the northern section. The people of the Krachi district had recently threatened to depose the chief because he was in favour of direct taxation. The administrative officers made it perfectly clear that he would remain the native authority until the Governor revoked his authority. As a result, the Krachi ruler was more firmly established in his position than ever.

He desired to emphasise that the Administration did not appoint chiefs who had no claim whatsoever to the post. It waited until the people had elected or appointed their man in the north, and then recognised him and conferred definite authority upon him.

M. RAPPARD asked what would happen if the people changed their minds.

Mr. JONES said the Administration would make no change if it were satisfied that a man had done no wrong. He added that, at the same time, a chief could not be maintained in his position against the will of the people : that would necessitate a very large police force.

Lord HAILEY said the question was specially important in Togoland because of the frequency with which chiefs were destooled in the neighbouring Gold Coast area. He assumed from the references in paragraphs 37 and 64 (pages 11 and 17 of the report) to tribute that, where taxes could not be imposed, the chiefs still took tribute in kind and service.

M. VAN ASBECK said the Commission had been informed in 1936<sup>1</sup> that, in the northern area, tributes, presents and services had been abolished.

Mr. JONES said that statement was not quite correct. The chiefs had succeeded in collecting the taxes throughout the northern section ; consequently, tribute in kind had everywhere been abolished. They were, however, still allowed to exact one or two days' labour a year on their farms, because the salaries the native Administration was able to pay them were not sufficient to cover their expenditure. Some of the chiefs had very heavy claims on them, for entertaining and so on.

In the south, the chiefs took no tribute in kind or in services. As in the colony, they had, unfortunately, to rely very largely on the revenue derived from the native courts for their sustenance.

Lord HAILEY asked whether they did not also obtain revenue from leasing tribal land to strangers.

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<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 89.

Mr. JONES replied in the affirmative, but added that the elders had a considerable rake-off on such revenue.

Lord HAILEY noted that, to put an end to tribute, it was necessary, not merely to impose a tax, but also to raise sufficient revenue to pay the chiefs enough to live on.

Mr. JONES said the greatest imposition on the people was undoubtedly tribute in kind. The labour on farms had never been onerous.

#### LOANS.

M. VAN ASBECK, referring to a remark made by the accredited representative at the previous meeting<sup>1</sup> with regard to the raising of levies, asked from whom loans were obtained in the south, and what supervision was exercised over the rate of interest.

Mr. JONES said he did not know that loans had actually been raised. In the Gold Coast, there was usually a fairly wealthy native in each area—cocoa farmer, for instance—who was prepared to use his wealth for his own benefit.

There was no legal machinery, at present, by means of which the administrative officers could exercise supervision. The proper procedure would be to impose a tax and set up native treasuries. Abuses—assuming they existed—would then disappear.

M. VAN ASBECK said it seemed to him a matter of some importance that the officers should be given powers to exercise supervision. Did the accredited representative not think it would be comparatively simple to introduce the necessary legal reform ?

Mr. JONES said that, so far as Ashanti was concerned, there was an ordinance forbidding the raising of a levy without the permission of the Chief Commissioner. A similar measure might be enacted for the southern section.

The Mandates Commission was proceeding on the assumption, however, that loans were actually raised in the manner suggested. He was by no means sure that that was the case.

The CHAIRMAN, in view of the character of the lenders, supposed that loans were generally granted at usurious rates.

Mr. JONES said that natives always asked for a very high rate of interest.

Lord HAILEY asked how the money could be recovered, since the native courts could not recognise the transaction.

Mr. JONES said the British courts might recognise it, though they had power to reopen a transaction and award what they considered to be reasonable interest.

M. VAN ASBECK pointed out that there were many illegal ways of enforcing the recovery of a loan, without recourse to the courts. The whole position with regard to borrowing in the southern section looked rather unsatisfactory, one was inclined to think.

#### PUBLIC FINANCE.

M. RAPPARD was glad to note<sup>2</sup> that figures were now given for the calendar year ending December 31st of the previous year, and not for the fiscal year ending in March of that year, as on previous occasions. The figures were not of great importance, however, being based on coefficients.

#### TAXATION (*continuation*) : NATIVE TREASURIES.

M. RAPPARD said the main point in the fiscal history of the territory was the introduction of direct taxation (pages 17 *et seq.* of the report). But why was the sanction of the Secretary of State for the Colonies deemed to be necessary ? Was not the Governor the competent authority ?

<sup>1</sup> See page 93.

<sup>2</sup> See Minutes of the Thirtieth Session of the Commission, page 85.

Mr. JONES pointed out that on all important questions of policy the Governor submitted his recommendations to the Secretary of State.

M. RAPPARD said the accredited representative's general remarks about the rate of the tax were more reassuring than the remarks on page 17 of the report. He presumed the wording was not well chosen. The report seemed to suggest that, while the flat rate of the tax in any given area might not be too high for the ordinary taxpayer with an average income, it might be far too much for the poor man. The accredited representative, however, did not seem to think it was too high even for the poorest people.

Mr. JONES said that the wealth of the individual and the rate of income did not vary much in the northern territories and the northern section.

M. RAPPARD said that was what he would have expected. Only on that supposition could a flat rate be maintained. Generally speaking, differentiations in income led first to the establishment of classes and finally to the introduction of some form of income tax.

Everything that had been said about the introduction of the tax and the administration of the native treasuries was of the greatest interest. Nowhere else were taxes paid with such enthusiasm. The Administration was to be congratulated.

Mr. JONES said that, in the opinion of the administration officers, the chiefs collected between 98% and 99% of the total tax due. The actual yield was over £8,000 more than the estimates.

M. RAPPARD noted that tax was collected by means of serially numbered receipt discs (paragraph 68, page 18 of the report). The amount collected seemed, however, to have exceeded the sum represented by the receipt discs. Did that mean that some taxpayers did not receive discs?

Mr. JONES said that, in the case of Mamprusi and Dagomba, no fewer than three additional lots of discs had to be ordered from the Crown Agents to cover the payments made, and that every payer received a receipt disc.

M. RAPPARD said that, in view of the remarks about the fiscal or financial morality of the inhabitants of the southern section, it was the more surprising that the payment of taxes was a coveted privilege.

A somewhat bewildering picture was painted in paragraph 137 of the report (page 43) of the ethics of the South Togolander.

Mr. JONES said there was no comparison between north and south. The natives of the northern section had so far proved themselves trustworthy, but apparently the same degree of trust could not be reposed in the natives in the southern section in so far as money was concerned.

M. RAPPARD said both north and south seemed to find their champions in the Administration. The passage he had referred to was very interesting, but so literary in style as to be misleading.

M. RAPPARD understood that the direct tax was a flat capitation rate in every district based on average income. But, in that case, some rather misleading expressions were used—for instance, ". . . but the amount the individual is called upon to pay does bear a definite relation to his income" (page 18 of the report).

Mr. JONES said it was explained later that there was very little variation in income.

M. RAPPARD asked why the incidence of the tax on the Nanumba was increased on their amalgamation with the Dagomba from 1s. to 2s. (paragraph 71, page 19 of the report).

Mr. JONES said that, when direct taxation was about to be introduced, the Administration was given to understand that the virtually unanimous consent of the people was necessary. The District Commissioner made his own assessment in the Nanumba district and then enquired what the people and chiefs thought would be a fair rate. The Nanumba were just as wealthy as the Dagomba, who were assessed at 2s. 6d., but they thought this too high and were finally assessed at 1s. When it was pointed out to the chief that that would bring in very little, the people readily agreed to pay 2s.

M. RAPPARD thanked the accredited representative for his information. He hoped the situation with regard to taxation would always be as satisfactory.

Mr. JONES said the highest expectations of the most optimistic administrative officers had been exceeded, both in the northern territories and in the northern section.

M. SAKENOBÉ asked why a lump-sum system of assessment was adopted in the Gonja area (paragraph 70, page 19 of the report).

Mr. JONES said the chief and the native authority thought that the most appropriate method of collection in that particular area.

M. SAKENOBÉ noted that the tax in the Krachi district yielded £580, whereas Gonja was assessed at a much bigger lump sum, £1,520.

Mr. JONES said the actual incidence in the Krachi area was higher, but there were many more taxable males in Gonja.

It was thought at first that a considerable section of the population in Krachi would decline to pay the tax, but in the end it was collected everywhere.

M. SAKENOBÉ asked whether the native treasuries in the mandated territory had a share in the Benefits Trust Fund established for the assistance of the poorer native Administrations.

Mr. JONES replied in the affirmative. The school at Kpembe, for instance, which served the Gonja area, received a grant of £100 from the fund towards the cost.

M. SAKENOBÉ asked what were the subdivisional treasuries referred to in the Native Treasury Regulations, 1934.

Mr. JONES said a big area like Dagomba would be divided into sub-divisions and in many of the sub-divisions were sub-divisional treasuries which corresponded to sub-accountancies in the Government system. They were entitled to spend money up to the amounts approved in the estimates. Any surplus of revenue over expenditure was remitted to the Central Native Treasury.

M. SAKENOBÉ pointed out that, according to paragraph 72 of the report (page 20), the Central Government took no part of the proceeds of direct taxation.

Mr. JONES said the Government did not take a penny from the proceeds of direct taxation or any other form of local revenue. They were all spent locally by the native authorities under the supervision of the administrative officers.

M. SAKENOBÉ asked whether all the money collected in the Gonja district in the mandated territory went to the central treasury of Gonja. The Gonja district formed only a very small part of the Gonja Province in the northern territory.

Mr. JONES said it would be paid to the native treasury. The whole of the amount collected in any one year was not necessarily spent in that year. In a year when revenue from the mandated area was only £100, £200 might be spent there and in another year only £50.

M. VAN ASBECK asked whether surplus revenue collected, for instance, in Gonja or in Dagomba was used for expenditure throughout the whole district, irrespective of whether it was the part placed under mandate or those parts belonging to the northern territories of the Gold Coast.

Mr. JONES replied in the affirmative.

M. VAN ASBECK asked whether, in that case, the revenue from a part of the mandated territory could be spent in the general interests of the native area concerned.

Mr. JONES replied in the affirmative, but added that, in point of fact, far more of the money of the native treasuries was spent in the mandated section than was collected there.

M. RAPPARD asked what was covered by the word "amount" in the statement of revenue and expenditure of the Dagomba native treasury for the half-year 1936/37 (page 94 of the report).

Mr. JONES said the column contained the sums collected in 1935/36 and corresponded to the column headed "Actual" in the estimates of revenue for 1936/37 for the Krachi native treasury (page 98).

M. RAPPARD said that the terminology used was not always easy to understand. A footnote would have been helpful.

Mr. JONES thought it would be more satisfactory if, in future, the complete estimates were furnished separately for the whole of Mamprusi, Dagomba, Gonja and Krachi, together with particulars as to how much revenue was derived from the mandated territory and what proportion of the expenditure was incurred there.

#### IMPORTS AND EXPORTS.

M. GIRAUD said the economic situation appeared from the figures to be very satisfactory. Cocoa exports had increased considerably in quantity and even more in value.

It was regrettable that, because there were no seaports, the only figures available as regards foreign trade were those furnished by the Customs Offices on the frontier of Togoland under British and French mandate. Would it be possible to give at least an approximate estimate of the amount of trade passing through the Gold Coast, as had been suggested by the Commission in 1936? <sup>1</sup> That would not appear difficult, as various roads converged on the Senchi motor ferry. The report stated (paragraph 78, page 21) that such figures would not be very accurate; nevertheless, detailed statistics for exports *via* the ferry had been established by the Agricultural Department (paragraph 91, page 27 of the report). Were those figures, which were given in great detail, therefore not accurate?

Mr. JONES could only confirm the remarks in paragraph 78 of the report with regard to the difficulty of supplying the statistics for which the Commission had asked.

The figures given in paragraph 91 were very approximate. Cocoa exports could easily be estimated, as this product was packed in bags of a standard capacity.

M. GIRAUD said that what the Commission wanted was an approximate estimate of trade to the west, not an accurate figure checked by a Customs Office. At present, it could make no comparison of exports and imports, as the figures obviously bore no relation to one another.

Mr. JONES said he would convey this request to the Gold Coast authorities.

M. GIRAUD observed that the report contained no information as to the sources of imports nor the destination of exports. A list of the principal importing and exporting countries had already been asked for. <sup>2</sup>

Mr. JONES said he would bring the matter to the notice of the Administration.

Cocoa was bought by firms operating throughout the eastern provinces of the colony, and cocoa from the territory was bulked with the rest. It would be difficult to ascertain how much was produced in the southern section. Figures showing the destination of the cocoa exported from the Gold Coast ports could, however, be produced if they were of interest to the Commission.

M. GIRAUD asked what were the Preventive Service stations (paragraph 286, page 85 of the report).

Mr. JONES said there were Customs stations along the frontier to prevent smuggling and to ensure that duty was paid on goods imported from the adjacent French territory.

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<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 90.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 82.

M. GIRAUD asked whether the figures for animals imported through the quarantine stations of the veterinary department of the northern section and animals passing through the Preventive Service stations in the southern section (paragraph 286) should not be added together to give the total imports of live-stock.

Mr. JONES said that would give the proper total. In the southern section, the chief animals imported were sheep, goats and poultry. There were very few imports of cattle.

Most of the live-stock passing through the quarantine stations was on its way to Ashanti and the Gold Coast, but it was more convenient to collect the import duty at the place of entry.

M. SAKENOBÉ thought the proper place for the quarantine station statistics of live-stock imports was after paragraph 92 of the report (page 28).

Mr. JONES said that the quarantine stations were under the control of the veterinary department, which was, to some extent, responsible for the collection of the import tax on live-stock. There was no objection, however, to adding the figures to the trade statistics, if that were more convenient.

#### SAVINGS BANKS.

M. GIRAUD asked whether the natives had shown any tendency to save now they were becoming more well-to-do.

Mr. JONES said savings bank deposits had increased by over £1,000, but it was more usual for the natives to use their money to buy concrete blocks, tin sheets for roofing, etc., to improve their property for their own occupation or with a view to leasing it to a firm.

#### JUDICIAL ORGANISATION.

The Commission decided to adjourn the examination of this section of the report until 1938, the position having been examined as recently as November 1936,<sup>1</sup> whilst no special questions arose at this moment.

#### POLICE (*continuation*).

M. SAKENOBÉ asked how the Government police were recruited.

Mr. JONES said there were two sections—the literate, or blue police, most of whom were natives of the colony and Ashanti, and the illiterate, or escort police, who were usually natives of the northern territory. Many of the latter had served as soldiers.

M. SAKENOBÉ asked whether the Government police had any difficulty in getting into touch with the natives.

Mr. JONES said the literate police had some difficulty, but were usually accompanied by an escort man who spoke the local language and acted as interpreter.

M. SAKENOBÉ asked whether the work of the Native Administration and Government police differed.

Mr. JONES said that it did, although the Native Administration police did patrols with the Government police in some of the larger towns more as a matter of training.

#### ARMS AND AMMUNITION.

M. SAKENOBÉ noted that a good many firearms had been registered during the year (paragraph 129, page 40 of the report). He presumed the lowering of the licence fee meant that the Administration was trying to get all guns registered.

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<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 94.



Mr. JONES said that was so. There was a penalty for failure to register.

M. SAKENOBE asked for information in the next report as to the total number of guns licensed. This increased every year, as the licence was for the life of a gun.

Mr. JONES thought there would be no difficulty in stating the total number of guns registered in the territory down to the end of the year, but pointed out that the life of a cap gun was only about three years. The barrel exploded or white ants ate the stock.

#### LAND TENURE : ALIENATION OF LAND.

Lord HAILEY asked whether there was any control over the leasing and sale of land by the chiefs to "stranger natives", particularly in the south, with a view to preventing them from reducing unduly the amount of land available for their own communities.

Mr. JONES could not speak with any knowledge of the southern section. Paragraph 247 of the report (page 72) seemed, however, to indicate that the Administration was satisfied with the position.

Lord HAILEY said there was a reference in paragraph 244 (page 71 of the report) to very considerable sales of forest land. It was stated that there was full legal control over alienation in both sections of the territory, but the facts caused him some misgiving. The fact that land was leased to "strangers" seemed to indicate that a chief might be in a position to use his political powers at the expense of the tribe or community, since land given to strangers reduced the area available for those members of the community who had not sufficient land.

If the accredited representative was satisfied that sales were not excessive, he would leave the matter there, but he would be glad to hear, in a future report, whether there was any danger to the natives.

Mr. JONES took note of the request.

Lord HAILEY asked to what extent strangers claiming to have acquired land before the ordinance came into force in the northern area had succeeded in establishing their right to occupancy.

Mr. JONES said the areas concerned were being surveyed. In eight or nine months, it would probably be possible to give a clear indication as to the extent of the sales. No sales after the introduction of the Land and Native Rights Ordinance would be recognised.

M. VAN ASBECK attached importance to the legal aspect of the matter. Apparently considerable areas of land had been sold to cocoa farmers—who were presumably "stranger natives"—although those sales were thus outside the provisions of paragraph 2 of Article 5 of the mandate and were therefore unenforceable in a court of law.

Mr. JONES said that, if land were sold to a non-native of the mandated territory without the sanction of the Administration, the sale would not be upheld if challenged in the courts—that was to say, the purchaser would be unable to obtain a good title to the land.

M. VAN ASBECK said the same impression was conveyed in paragraph 247 of the report : "Article 5 of the mandate differentiates between sales of land to natives of Togoland and to non-natives of the mandated area, but no such distinction is made by the vendors, who are not desirous of putting obstacles in the way of a possible purchaser". Vendors and purchasers might not be very much interested in the provisions of the mandate, but should not the Administration take steps to see that these provisions were observed ?

Mr. JONES said the administrative officers in the southern section were faced with one very great difficulty. There was no provision in the Administration Ordinance under which they could deal with unauthorised sales—that was to say, the administrative officers could not evict a person. In the northern section, on the contrary, they could do so under the Land and Native Rights Ordinance if, after due notice, the claimant failed to establish his title to the land.

At the present time, the only means whereby the Administration might safeguard the land for the use of the natives of the soil was by a series of actions before the court to challenge the right of vendors to be regarded as natives within the definition of the term as given in the Administration Ordinance, and this could only be done with the co-operation of the chiefs, who would have to appear as plaintiffs in the actions. This co-operation would probably not be forthcoming, as the chiefs were the vendors and had benefited personally from the sales.

M. RAPPARD asked why there was no ordinance for the southern section in a matter of such vital importance to the operation of the mandate and the interests of the natives.

Mr. JONES was unable to answer that question.

M. VAN ASBECK was somewhat amazed to find that, after fifteen years of the mandatory regime, legislative effect had not been given to so important a provision as Article 5, paragraph 2, of the mandate.

Mr. JONES understood it was originally thought that the Administration Ordinance was sufficient, but, unfortunately, experience had proved that, in the absence of any power of eviction, it was somewhat ineffective in execution.

Lord HAILEY said what was required was an ordinance providing for the approval of the Administration before any land was sold to a non-native and for the eviction of the purchaser, should that be necessary.

Mr. JONES agreed.

M. GIRAUD asked whether, since the social organisation of the natives in Togoland was more highly developed, there existed, as in certain African territories, a method of verifying native property rights making it possible to deliver to those concerned a form of "title" to the land.

Mr. JONES said the term "title to land" implied the registration of title. There was no such thing in the Gold Coast as registration of title to land.

He might describe the situation as follows: a person claimed to have purchased land. He went to the courts, perhaps because the chief had sued him for trespass, and there he established a claim to the land.

Lord HAILEY understood that the Gold Coast courts virtually admitted prescriptive title on long occupied and developed land.

Mr. JONES agreed. Cases of the following kind frequently occurred. Land said to be owned by A was mortgaged to a firm and, when the time came for the firm to foreclose, A's family came forward and said that they owned the land as a family, having instructed A to purchase it and supplied him with the money. For that reason, very few firms would accept any property, whether land or houses, as security for trading purposes.

He could not say that the Gold Coast was more advanced than any other African territory, but it was certainly moving in the direction of individual ownership and had perhaps gone a little farther than other territories.

M. VAN ASBECK asked whether land was owned by the chief, as suggested in paragraph 247 of the report, or by the community.

Mr. JONES explained that a chief could not be said to own land. He was the trustee, on behalf of the community, of the land attached to his stool.

M. VAN ASBECK said he would be glad if more precise information on that point could be given in the report.

Mr. JONES said the position with regard to land in the Gold Coast—and presumably it was much the same in the mandated territory—was as follows: All land was supposed to be vested in the paramount chief on behalf of all the people subject to his stool. Every divisional or sub-divisional chief was the custodian, on behalf of the paramount stool, of such lands as were attached to his particular sub-divisional stool. No chief had the right of his own accord to dispose of land. He could only do so with the sanction of the elders, who were, so to speak, the representatives of the people.

M. VAN ASBECK said chiefs appeared, from the report, to alienate land for their own account.

Mr. JONES replied that some chiefs had disobeyed local customs ; and they had probably paid the penalty for doing so. It was alleged that one of the main reasons for deposition in the Gold Coast was that a chief had sold communal land and pocketed the proceeds.

M. VAN ASBECK said he had got the impression from the statements made by the accredited representative that, in this respect, native customary law was not strong enough to regulate the matter. Therefore, apart from the execution of the terms of the mandate, it seemed that European supervision was necessary.

Mr. JONES agreed.

#### SITUATION OF WOMEN : PROSTITUTION.

Mlle. DANNEVIG was astonished to see (paragraph 138, page 43 of the report) that chiefs issued general orders from time to time that all unmarried women must marry within a specified time.

Mr. JONES said that in the southern section women had engaged in prostitution to a greater extent than elsewhere. Those orders were issued to prevent prostitution.

Mlle. DANNEVIG said the accredited representative had stated in 1936<sup>1</sup> that some of the women went to the coast and misbehaved. Should not a law be enacted so that they could be sent back ?

Mr. JONES knew of no law in any country under which people could be returned against their will.

The CHAIRMAN observed that a mandated territory was different from other territories. The first duty of the Administration was to exercise guardianship and to look after people who were unable to look after themselves.

#### LABOUR.

Mr. WEAVER noted with interest the progress made towards the abolition of compulsory labour.

He asked how many days' work was done in the very few cases in which work on the roads or public buildings had to be provided for those unable to pay the new tax (paragraph 68, page 19 of the report).

Mr. JONES said that, if the incidence of the tax were two shillings, a native would do six days' work.

Mr. WEAVER assumed from paragraph 141 of the report (page 45) that, in the southern as in the northern area, it was the policy of the Government not to employ compulsory labour if it could be avoided.

Mr. JONES replied in the affirmative, adding that compulsory labour was most unsatisfactory.

Mr. WEAVER asked whether the accredited representative could give any further information concerning measures to safeguard the health and welfare of migrant labour (paragraph 144, page 45 of the report).

Mr. JONES said that, just before he left, a proposal was under consideration by the medical authorities to open what might be termed a quarantine station at Bawku, in the far north, where all labour from the adjacent French territory would undergo a medical examination. Men who were not physically sound would be returned to their homes.

Some of the labourers failed to obtain employment and had not sufficient money to get back. Recent enquiries seemed to show that they were unable to support themselves on the whole of the homeward journey, and had to be treated in hospital for exhaustion. The whole matter was under consideration in connection with the report submitted by the Labour Bureau, information regarding which would probably appear in the next report.

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<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 98.

Mr. WEAVER asked whether migrant labour was able to use motor transport.

Mr. JONES said it was using lorry transport far more frequently than hitherto. It was probably cheaper than subsistence on the longer journey on foot.

Mr. WEAVER asked whether the movement of migrant labour could be canalised.

Mr. JONES thought that might be done with the co-operation of the mining companies and bigger firms who needed a certain amount of labour. The labour would then have to be collected at a key town and transport arranged for. He did not think that aspect of the matter had been considered up to the present.

#### FREEDOM OF CONSCIENCE : MISSIONS (*continuation*).

M. PALACIOS wished to thank the mandatory Power for having given, in accordance with a request made in the previous year,<sup>1</sup> an interesting account of the religious conceptions of the pagan people in the territory (paragraphs 156 to 165, pages 47 to 50 of the report). Those conceptions varied considerably in different districts, but all showed one common characteristic—animism. Pages 47 and 48 of the report even contained a bibliographical list to complete the study. Moreover, the members of the Commission had heard the accredited representative make, in his statement, certain strange observations on the matter of Christianity, interpreting what was said in paragraph 162 of the report (page 49). Freedom of conscience was, in any event, respected both for the Christians and the pagans, the only restriction being the prevention of barbarous practices.

According to the report, there were a certain number of Moslems, especially in the north (paragraphs 149 and 154, pages 46 and 47 of the report). Would it be possible to state approximately what proportion of the population they represented ?

Mr. JONES thought this information could be obtained from the last census.

M. PALACIOS enquired whether the report could also give information regarding the number of converted Christians.

Mr. JONES believed that information was communicated two years previously.

M. PALACIOS recalled that in paragraph 153 (page 47 of the report) it was said that complaints had been received to the effect that native authorities interfered with the Christians in their religious observances, by forcing them to work on holy days. Were such cases numerous ? Had the mandatory authorities found it necessary to intervene in order to ensure that Christian customs were respected ?

Mr. JONES said there had been no complaint whatsoever in the mandated territory.

M. RAPPARD asked what attitude the Administration adopted with regard to the conflict between the spread of Christianity and the maintenance of the local structure of society.

Mr. JONES said it was very difficult to reply in a few words. In his opinion, there would be no difficulty if the missionary societies adopted as tolerant an attitude towards native law and custom as the pagan was prepared to adopt towards Christian practice.

M. SAKENOBE asked whether the missionaries did any medical work.

Mr. JONES said that the Roman Catholic nuns did very useful work in the southern section by arrangement with the Medical Department, which supplied them with drugs and dressings and assisted them in other ways. There were no medical missions in the north.

#### EDUCATION (*continuation*).

Mlle. DANNEVIG found the progress made in education in the territory somewhat slow. According to the financial statement on pages 118 and 120 of the report, expenditure on education from Government funds was much the same in 1936 as in 1935—namely, about £8,323—in spite of the improved financial situation. She assumed that the figures given on page 111 were proportional. Could not exact figures be given ?

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 100.

Mr. JONES thought the figure for grants-in-aid was the exact figure, and was wrongly described as proportional on page III.

Mlle. DANNEVIG understood that great difficulty was experienced owing to the shortage of trained teachers, the supply of whom did not by any means keep pace with the demand.

Mr. JONES said that would apply in the north rather than in the south.

Mlle. DANNEVIG asked whether the Administration contemplated any special measures to overcome the difficulty. Where and how were teachers trained, and about how many new teachers were available every year ?

Mr. JONES said teachers for the Catholic Mission were trained at Cape Coast, and those for the Ewe Presbyterian Mission at Akiopong. It was possible that some of the teachers trained at Achimota found employment with these missions.

Mlle. DANNEVIG asked whether the four young men training at Achimota, who were referred to in the accredited representative's general statement,<sup>1</sup> would go to native administration schools.

Mr. JONES replied in the affirmative.

Mlle. DANNEVIG had found no information about the number of pupils and teachers in Government schools and Native Administration schools. Generally speaking, it was difficult to see from the report which schools belonged to the mandated territory and which were in the Gold Coast.

Mr. JONES said there were no Government schools as such in the mandated territory. There was one Native Administration school, and that was the only school apart from the mission schools. There were Native Administration schools at Bawku, Gambaga and Kpembe which served the Gonja area. They were not run directly by the Government, although under the supervision of the provincial inspectors of schools. The teachers were supplied by the Government, and material, messing, maintenance and buildings were under the control of the native authorities.

Mlle. DANNEVIG referred to the accredited representative's general remarks on education and asked whether there was not a considerable difference between the kind of education necessary for teachers and the education to be provided for the bulk of the population.

Mr. JONES said his remarks had perhaps been misleading. The junior Native Administration schools provided education up to standard III, most of it of a practical nature. Of, say, a hundred boys in such a school, seventy-five would probably return to their village communities as farmers, etc., at the age of fourteen or fifteen. The remaining twenty-five would go on to Tamale Central School and fifteen of them might reach standard VII. It was not desired to turn out more standard VII boys than could be provided with reasonable occupation.

Mlle. DANNEVIG asked whether the Administration considered education up to standard III very valuable to the mass of the people.

Mr. JONES said it was regarded as valuable, especially the practical education. Information concerning the number of pupils in the schools could be supplied.

Mlle. DANNEVIG asked whether girls' schools went up to standard III and whether domestic subjects were taught.

Mr. JONES said a good many girls went up to standard VII. There was considerable scope for educated girls. Some were employed as teachers in girls' schools, others as nurses. Employment at the telephone exchange was very popular.

Mlle. DANNEVIG asked whether the girls went on working after marriage.

Mr. JONES said they did. An order had recently been made providing for leave with pay during pregnancy.

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<sup>1</sup> See page 89.

Mlle. DANNEVIG asked whether the complaints that practical education was not given in the mission schools applied to the higher or only to the lower classes.

Mr. JONES said everyone was given practical education in the Native Administration schools, including chiefs' sons.

The reason why the mission schools had not taken up practical education was probably the cost. Bullocks and cows, as well as implements, had to be bought, and kraals built for cattle.

Mlle. DANNEVIG asked whether the Government could not assist the missions in that respect, as such practical education was considered particularly valuable.

Mr. JONES did not think the cost of practical education was taken into account in assessing grants-in-aid.

#### ALCOHOL AND SPIRITS.

M. SAKENOBÉ said the statistics of liquor sold in the southern section (page 58 of the report) were not very reassuring. There had been a considerable increase in the sale of liquor in general (from 318 gallons in 1935 to 2,476 gallons in 1936) (paragraph 196, page 58 of the report). In particular, the sale of gin and whisky had increased (1,719 and 685 gallons respectively as compared with 820 and 480 in 1935). The consumption of wine and beer had also increased to a surprising extent (paragraph 197 of the report).

The increase was put down to increased prosperity and the consumption of liquor in connection with the "celebration of belated funeral customs of those persons who died during the lean years" (paragraph 199, page 58 of the report). Was the mandatory Power contemplating any measures to check the tendency? He noted that the number of convictions under the Liquor Ordinance had decreased (paragraph 200, page 58 of the report).

Mr. JONES believed it was common knowledge that attempts to make the people of the Gold Coast sober by legislation had failed lamentably and had led to a crime hitherto unknown—the illicit distillation of gin or native liquor.

He did not view the increased consumption of spirits with any great alarm. Per head of the population, the quantity was very small. It was better for the people to drink imported alcohol than the very harmful drink they had consumed during the lean years, when they could not afford to buy imported liquor.

M. SAKENOBÉ asked if statistics of the number of licences issued in the southern section could be supplied.

Mr. JONES took note of the request.

M. SAKENOBÉ pointed out that, in the report for 1935, it was noticed that the import of liquor into the Krachi district, as well as illicit distillation, was increasing.<sup>1</sup> Had any measures been taken?

Mr. JONES said the police were continually on the watch for cases of smuggling and illicit distillation. He believed there had been some advance in both these matters.

M. SAKENOBÉ noted that there had been no convictions in the northern section (page 59 of the report). Did that mean illicit distillation had ceased or had it merely escaped police vigilance?

Mr. JONES thought it would be a bold assertion to suggest that it had stopped altogether.

M. SAKENOBÉ noticed that Government clerks were allowed a small amount of liquor in the northern section.

Mr. JONES explained that the Chief Commissioner was entitled to give them authority to buy a fixed quantity of spirits each month.

M. SAKENOBÉ asked whether that did not have a bad effect on other natives.

Mr. JONES said that very few natives were entitled to this privilege.

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<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 105.

PUBLIC HEALTH (*continuation*).

In reply to a question by Count de Penha Garcia, Mr. JONES said that the climate of the mandated territory was no worse than that of other parts of West Africa.

Count DE PENHA GARCIA remarked that the climate in West Africa was generally supposed to be somewhat unhealthy.

Public Health expenditure had increased slowly and steadily, which showed that the mandatory Power was trying to improve the position. What proportion of the expenditure on public health was absorbed by the general health services and what proportion was actually spent in the territory ?

Mr. JONES was unable to reply without looking into the matter. A very clear idea of expenditure in the mandated territory would be found on page 112 of the report.

Count DE PENHA GARCIA was anxious to arrive at some idea of the expenditure per head of the population. He calculated it to be 9*d.* per head, but he would like to know how that compared with the expenditure for the whole population of the Gold Coast and what were the relative densities of population in the Gold Coast and in the territory.

Mr. JONES thought that figures could be provided. The mandated territory was treated quite as well as the Gold Coast.

Count DE PENHA GARCIA asked whether the four European doctors referred to on page 60 of the report devoted their whole time to the territory.

Mr. JONES said that one of them performed services in the Gold Coast. The others devoted their whole time to the territory.

Count DE PENHA GARCIA thought their work must be somewhat heavy, with a population of 350,000. He was aware, of course, that considerable use was made of native assistants.

Mr. JONES thought the proportion of doctors to population was greater in the mandated territory than in the Gold Coast.

Count DE PENHA GARCIA noted that the number of in- and out-patients in the hospitals had increased considerably (paragraph 209, page 62 of the report). Did that mean that the Africans realised the advantages of hospital treatment or did it indicate that there had been a considerable increase in certain diseases.

Mr. JONES said that question could only be answered on the basis of statistics for a number of years. He did not think that disease was on the increase, but attributed the larger attendance at hospitals to an increase in the natives' confidence in European medical treatment.

Much depended on the personality of the individual doctor, and the figures might drop in one year because a doctor was less popular than his predecessor.

Count DE PENHA GARCIA observed that there had, nevertheless, been an increase in some diseases. He asked whether health statistics were kept by a special department or by the doctors.

Mr. JONES said they were kept by the doctors.

Count DE PENHA GARCIA said the only place at which definite importance seemed to be attached to statistics was Ho, and only there could they be regarded as trustworthy (paragraphs 232 and 233, page 67 of the report). What was the cause of the increase in infantile mortality in this district (125 per thousand as compared with 85 per thousand in 1935) ?

Mr. JONES said he would have to refer that question to the medical authorities.

Count DE PENHA GARCIA stated he would like further information in the next report. He realised that the basic figures were small and that the death of even six or seven children might cause the death rate to rise considerably.

Mlle. DANNEVIG understood that the attention of the Secretary of State for the Colonies had been drawn in the British House of Commons to the unsatisfactory health conditions in the Gold Coast and the high infantile and ordinary death rate. Was anything done in the mandated territory to prevent under-nourishment and to induce the natives to grow suitable foodstuffs?

Mr. JONES did not think much had been done apart from propaganda by medical officers. It was very difficult to persuade any population to give up its customary diet.

There was an acute shortage of meat in the southern section, which could only be remedied by producing more, so as to reduce prices; but that would take time. There was no shortage of starchy foods.

The question asked in the House of Commons referred to the immigration of under-nourished and diseased natives from neighbouring territories and not to natives of the mandated territory or the Gold Coast.

Count DE PENHA GARCIA noticed that sleeping-sickness caused serious ravages. Was treatment voluntary or compulsory?

Mr. JONES said no compulsion was applied at present.

M. SAKENOBE pointed out that compulsion was justified because sleeping-sickness was a social disease.

Mr. JONES said a proposal to make each chief responsible for patients from his area was under consideration. This had proved satisfactory in the northern territories.

Count DE PENHA GARCIA hoped the mandatory Power would continue to give a full description of health measures in its report.

He noted that the grant to missions for maternity and child welfare was very small. The missions were doing valuable work and ought to receive some support.

Mr. JONES said they probably received bandages and medicines as well as a grant.

#### CATTLE.

Mlle. DANNEVIG, recalling that the accredited representative has just referred to a shortage of meat, asked whether the country was unsuitable for cattle.

Mr. JONES said it was not suitable in the southern section—there were too many tsetse flies and not enough suitable grazing-ground.

#### WATER SUPPLY.

Mr. JONES said one of the crying needs of the northern territory was an improved water supply. A Water Department had now been formed under a water surveyor and expenditure of £7,000 was provided for in the current year. The programme would probably extend over six years.

#### FORESTS.

Count DE PENHA GARCIA asked why the third forest reserve provided for by the (Gold Coast) Forests Ordinance had not been constituted (paragraph 250, page 73 of the report).

Mr. JONES presumed that the survey of the area was not completed.

Count DE PENHA GARCIA asked what steps were taken to replace the timber destroyed when forests were burnt to provide cocoa land.

Mr. JONES said very little forest land was burnt by accident. It was far too green to burn naturally. There had been no reforestation.

Count DE PENHA GARCIA asked whether steps were taken to replace forests destroyed to clear off tsetse flies.



Mr. JONES said no areas had been cleared of tsetse flies in the southern section. The tsetse fly required low and not high shade and was found principally in ordinary savannah or orchard country. Cutting down the bush there did not deprive the natives of anything of which they made considerable use.

Count DE PENHA GARCIA pointed out that the destruction of vegetation had a bad effect on the land, removing its protection against heavy rains.

Mr. JONES said that at the moment clearings were only carried out at the main-road river-crossings and around water-holes, where the people obtained their supplies. There had been no extensive clearings in any part of the territory.

Count DE PENHA GARCIA hoped care would be taken to prevent the ill effects of excessive deforestation.

He asked why reserves were created in forest areas. Was there any economic motive ?

Mr. JONES said the main idea in the Gold Coast was to maintain the necessary humidity for cocoa-growing and to preserve water supplies.

A member of the Forestry Department known as the " utilisation officer " was examining the economic aspect of timber, but the cost of transport from the territory would kill any export market.

#### MINES.

Count DE PENHA GARCIA asked for fuller information about the hematite and gold deposits referred to in paragraph 287 of the report (page 85).

Mr. JONES said they were not likely to be of commercial importance, owing to transport difficulties. Gold was not found in remunerative quantities.

He handed in two copies of a geological report on the territory.

The CHAIRMAN asked whether he had understood the accredited representative to refer to mining companies previously. <sup>1</sup> It had nevertheless been said that there were no mines in the territory.

Mr. JONES said this remark applied to the northern territory, which was part of the Gold Coast.

#### STATISTICAL INFORMATION REGARDING TERRITORIES UNDER MANDATE.

The CHAIRMAN said that, in accordance with a suggestion made by the Mandates Commission at its twenty-third session <sup>2</sup> and approved by the Council on September 28th, 1933, <sup>3</sup> the Secretariat had issued a document in 1933 containing statistical tables relating to trade, public finance and population in the mandated territories (document C.565.M.272.1933. VI, 1933).

It would assist the Secretariat to keep this document up to date if the mandatory Power would include each year in the annual report a table similar to that relating to Togoland under British mandate in the document mentioned. This course, the advantages of which were obvious, had already spontaneously been adopted by the authors of the annual report on Ruanda-Urundi and also, but only to some extent, by the authors of the reports on Western Samoa and Togoland under British mandate.

Mr. JONES took note of this request.

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for his very valuable assistance.

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<sup>1</sup> See page 104.

<sup>2</sup> See Minutes of the Twenty-third Session of the Commission, page 188.

<sup>3</sup> See *Official Journal*, November 1933 (Part I), page 1323.

## FIFTEENTH MEETING.

*Held on Friday, June 11th, 1937, at 10.30 a.m.*

### **South West Africa : Examination of the Annual Report for 1936.**

Mr. F. P. Courtney Clarke, Secretary for South West Africa, Mr. H. T. Andrews, accredited representative for the Union of South Africa to the League of Nations, and Major C. H. L. Hahn, M.B.E., Native Commissioner, Ovamboland, came to the table of the Commission.

#### WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN, speaking on behalf of the Commission, expressed his regret at the absence, for reasons of health, of Mr. C. T. te Water, High Commissioner for the Union of South Africa in London, and its good wishes for his rapid recovery.

He welcomed Mr. Courtney Clarke, Mr. Andrews and Major Hahn. The Commission had had the advantage of working with Mr. Courtney Clarke in 1930 and with Mr. Andrews for some time past, and was glad to be able to do so again. It was grateful to the mandatory Power for facilitating the discussion of the annual report by delegating two officials from the mandated territory to attend its meetings.

#### GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. COURTNEY CLARKE expressed the regret of the mandatory Power at the death of the late M. Manceron. He offered cordial greetings to M. Manceron's successor, M. Giraud. He proceeded to make the following statement :

In view of the absence of the High Commissioner, Mr. te Water, who is unfortunately prevented from being in attendance owing to illness, it falls to me, on behalf of the South African delegation, to thank you for your words of welcome.

In doing so, I have been asked by Mr. te Water and Dr. Conradie, the Administrator of South West Africa, to convey to you their greetings. Further, I would like to express my personal appreciation of being accorded, once again after seven years, the honour of appearing before you.

The year before last,<sup>1</sup> Dr. Conradie was able to inform you that he saw signs of improvement after the disastrous years of drought and depression through which the territory had passed, although he qualified his remarks by the statement that the territory had much leeway to make up. From the annual report for 1936, which is now before you (page 19), you will see that, in the interval, steady progress has been made, and that the territory is at present enjoying almost "boom" conditions. As the result of an abnormally good rainy season, the flocks and herds of the farmers are flourishing, and the demand for karakul pelts, and the high prices obtainable in consequence, has given them a substantial income unknown for years: the diamond mines are again working, the copper mines are reopening, and mineral development is generally on the up-grade. In consequence, there is practically no unemployment.

The removal of the spectres of poverty and economic collapse has naturally reacted on the general situation, and a further softening of political asperities may, it is hoped, be looked for as a result of the attention of the people being diverted to the more congenial occupation of making money.

Although South West African affairs have recently received more attention from the Press than usual, I think I can say with certainty that its inhabitants, both European and native, are at present both peaceful and prosperous, content to leave the settlement of political issues to time and the development of events.

The reports of the two commissions appointed by the Union Government to enquire into the constitutional and economic problems of the territory have been laid before you, and the decisions of the Union Government in regard to the findings of the Constitution Commission are set out in the annual report (pages 4 *et seq.*)

In regard to the Economic Commission's report and that part of the report of the Constitution Commission dealing with finance, a definite decision had not been reached when our latest annual report to the Mandates Commission was prepared.

Since then, certain important aspects of these matters have been dealt with, and I desire now to lay before the Commission, two documents (Annex 4) thereon. The first is a summary of the financial provisions which came into force on April 1st, 1937. The second is a letter

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 155.

from the Secretary for Finance, dated March 17th, 1937, on certain important aspects of the Economic Commission's report, and on the economic relations between the Mandatory and the territory itself.

These documents speak for themselves, and I have now the honour to hand them to you, Mr. President, for your information and that of the Mandates Commission.

In regard to the natives, I can say that they have shared to the full the prosperity enjoyed by the Europeans. From Major Hahn, the Native Commissioner of Ovamboland, you can obtain confirmation of this statement as far as Ovamboland is concerned, and he will be able, if desired, to answer any questions in regard to the tribal life of these people you may desire to ask. In regard to the other natives, I may mention that just before I left Windhoek, I received a deputation of Hereros headed by their two leading chiefs, Headmen Hosea Katuka and Nikanor Hoveka, who came spontaneously to bid me farewell, and to convey their assurances of loyalty to the Government.

I am now, Sir, at your disposal to answer any questions you may desire to put to me and my colleagues.

GENERAL ADMINISTRATION : REPORT OF THE CONSTITUTION COMMISSION : QUESTION OF THE INCORPORATION OF SOUTH WEST AFRICA IN THE UNION AS A FIFTH PROVINCE : ATTITUDE OF THE GERMAN POPULATION : QUESTION OF DUAL NATIONALITY : PETITION FROM THE EUROPEAN POPULATION.

The CHAIRMAN said that the Commission was glad to receive the assurance that the conflict between the two elements of the European population was becoming less severe and that, under the influence of renewed economic prosperity in the territory, they were working peacefully and no longer showing a desire to precipitate a solution of the problems dividing them.

In that connection, the Chairman pointed out that, a year ago<sup>1</sup> the Commission had already been told that there was less tension among the Europeans; nevertheless, shortly afterwards, the report of the Commission on the Constitution of South West Africa had appeared, which gave an entirely different impression. The general situation in the territory—of which the disagreements between Europeans was one aspect—had led the Constitution Commission to a conclusion which, if it were justified, revealed, on the contrary, a state of affairs which was disquieting for the present as for the future, should it not be remedied. That conclusion was one which the Constitution Commission had expressed in the following terms :

“ The form of government, though sound in conception *per se*, has failed because it does not fit the character and circumstances of the governed. ”

The Chairman wished also to draw the attention of the accredited representative to the fact that, after reading the report of the mandatory Power for 1936 in conjunction with the conclusions of the Constitution Commission, the Mandates Commission was surprised to note how little the mandatory Power had done to give effect to those conclusions. The brief paragraph on page 6 of the report stating that :

“ The Union Government trusts that the measures indicated above will be sufficient and effective and that it will not be forced to have recourse to further steps ”,

hardly appeared adequate as a response to the Constitution Commission's recommendations. In particular, the mandates Commission noted that there was no reference in the annual report for 1936 to the Constitution Commission's recommendations on the subject of native administration.

The accredited representative had just submitted two documents<sup>2</sup> containing the conclusions of the Constitution Commission on the public finances of the territory and on the economic relations between the Mandatory Power and the mandated territory. In view of the purpose of that supplementary documentation, it did not fill the gaps in the annual report to which the Chairman had thought it necessary to refer.

Mr. COURTNEY CLARKE replied that, in pages 4-6 of the report, the mandatory Power dealt with the issues which it believed to be the most important and the most likely to concern the Mandates Commission—namely, the political and financial position. It did not refer in that connection to the problems of native administration for the reason that the Union Government was perfectly satisfied with the present position in regard to native administration in the mandated territory.

At the same time, if there were any matters in connection with native administration to which the Constitution Commission's report referred, on which the Mandates Commission desired information, he was there to give it. Wherever the Constitution Commission criticised details, action had been taken in the mandated territory accordingly. There was a case, for example, where the Constitution Commission criticised conditions in a native reserve (in particular, the prevalence of venereal disease). He was in a position to state the action taken in that particular case. If there was any matter, in that connection, on which he had not the information desired, particulars could be furnished in the next report.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 126.

<sup>2</sup> See Annex 4.

The CHAIRMAN said he had seen Press articles relating to a petition said to have been sent to the League of Nations by certain sections of the European population in the mandated territory. Presumably the petition in question had passed through the hands of the mandatory Power, and it was stated that it dated some time back; but it had not yet reached the Mandates Commission. The articles in question made insinuations in that connection which the accredited representative would no doubt desire to dispel.

Mr. COURTNEY CLARKE was glad of the opportunity of dealing with the insinuations to which the Chairman had referred, and stating the facts in the matter of the petition.

One of the principal German witnesses before the Constitution Commission saw the Secretary for External Affairs some time since, and expressed a wish to make certain observations in the form of a memorandum on the findings of the Constitution Commission. The witness in question submitted this memorandum, which was some twenty-seven pages in length with seventy-five pages of annexes, through him (Mr. Courtney Clarke); it was sent on the following day to the Department for External Affairs. He understood that this document was a more comprehensive one than that originally discussed with the Secretary for External Affairs, which he had not seen. It was entitled, as far as he could remember: "Comments on the Findings of the South West African Commission . . . On Behalf of the German Population of South West Africa".

Obviously a document of this character required careful consideration by the mandatory Power, and, in particular, by the Minister for External Affairs, before it was sent on to Geneva. It reached the Department for External Affairs, however, after the Secretary had left with the Prime Minister for the Imperial Conference in London. It was now under examination, and would, of course, be forwarded in due course.

The CHAIRMAN recalled that, under a decision of the Council, petitions must be forwarded to the League of Nations within six months of their receipt by the mandatory Power. On what date, he asked, had the petition in question reached the mandatory Power?

Mr. COURTNEY CLARKE stated that it was received by him on April 15th and forwarded the same day to Pretoria, reaching the External Affairs Department on April 16th.

He added, in reply to questions by M. van Asbeck and the Chairman, that the petition would certainly reach the Commission before the autumn session, and he was sure the Union Government would give careful consideration to the suggestion that an accredited representative should be present during the Commission's examination of the petition.

The CHAIRMAN remarked that it was in the mandatory Power's interest to be represented during the examination; it was the normal procedure in such cases.

M. VAN ASBECK said he would postpone such further questions as he had to put till the petition came up for discussion.

Lord HAILEY asked whether the evidence given before the Constitution Commission would be published.

Mr. COURTNEY CLARKE said it was not at present intended to publish the evidence. He was under the impression, however, that the Union Government had supplied the Mandates Commission with a copy of it.

M. DE HALLER said that no copy of the evidence had been received.

Mr. COURTNEY CLARKE undertook to supply a copy.

Replying to the Chairman's opening remarks on the alleged difference between the standpoint of the annual report of 1936 and the report of the Constitution Commission, he wished to point out, first that the Constitution Commission in its report was dealing with a position which was now of the past. Since the Constitution Commission's appointment, there had been a general appeasement and a steady improvement, to which the Prime Minister had referred in a debate in the Union Parliament in April last.

In the second place, the territory had had the benefit of remarkable rains at the end of 1934 with their corollary in the shape of increased prosperity and corresponding relaxation of tension.

The Constitution Commission, as the Mandates Commission was no doubt aware, was not unanimous in its conclusions; and the Union Government was not prepared to endorse the Commission's conclusions in the sense of abandoning the existing policy of co-operation with the European inhabitants of the territory in the territory's development. The Union Government had decided to give the existing system a fresh trial under conditions of prosperity, but felt, at the same time, that the hands of the central administration must be strengthened, and the proclamation of March 27th was issued for that purpose.

The CHAIRMAN, on behalf of the Commission, referred to the following statement on page 4 of the report :

“ The Union Government is of opinion that to administer the mandated territory as a fifth province of the Union, subject to the terms of the mandate, would not be in conflict with the terms of the mandate itself.”

Moreover, the mandatory Power stated in its report that “ it feels that sufficient grounds have not been adduced for taking such a step ”.

The Commission did not propose, at this juncture, to express any opinion on a method of administration of the scope of which it had had no opportunity of forming an opinion and which the mandatory Power—as it stated—did not contemplate adopting ; but it desired to make all legal reservations concerning the opinion expressed on page 4 of the annual report.

Mr. COURTNEY CLARKE took note of the Chairman's observations. In view of the mandatory Power's statement, quoted by the Chairman, to the effect that “ sufficient grounds have not been adduced for taking such a step ”, he felt that the question was a hypothetical one.

The CHAIRMAN explained that that was exactly why the Commission was not proposing to discuss it.

M. PALACIOS observed that questions concerning the status of the territory were always linked up with the question of the status of its inhabitants. In the present discussions on South West Africa, however, they were so closely inter-connected that he had been unable to ascertain whether it was the problem of the possible administration of the territory as a fifth province which had caused the Germans to adopt their present attitude or the attitude of that considerable proportion of the white population, with its historical and external ties, which had given rise to the movement in favour of the administration of the territory as a fifth province. In any case, there appeared to be a relation of cause and effect between both those questions.

Although he would have been glad to know on what grounds the mandatory Power based its contention that the administration of the territory as a fifth province was compatible with the mandate, he would not press the matter, the importance of which was emphasised by the reservation made by the Chairman on behalf of the Commission.

As for the question of the Germans, he would confine himself for the moment to asking for certain explanations.

The special report of the Constitution Commission dealt *inter alia* (pages 51-52) with the problem of dual nationality and mentioned the difficulties resulting from the fact that persons of German origin, nationalised as Union nationals in accordance with the London Agreement of 1923, also claimed German nationality. The report brought out the contradiction between Germany's claims to the allegiance of the naturalised persons in question and the principles embodied in the London Agreement of 1923.

The Constitution Commission stated, in its report, that it was regrettable that the question of dual nationality should have become an issue of internal politics instead of being settled by the mandatory Power, whose rights were affected by the attitude of the naturalised Germans.

The mandatory Government stated on page 5 of its annual report that it did not recognise the validity of any claim to dual nationality within the territory. It also stated that that claim had no foundation either in law or in fact. Persons who had been naturalised as Union nationals were, in the mandated territory, exclusively Union nationals, as the Prime Minister and General Smuts had declared in 1924. Every claim, demand or excuse *vis-à-vis* the Mandatory, based on German nationality, was unjustified and founded on untenable grounds. The Union Government demanded the full and undivided loyalty of its nationals, and would be bound to take all available measures against acts which were incompatible with such loyalty.

The mandatory Government's attitude thus appeared to be clearly defined and, for the moment, he would not criticise it. He simply wished to know whether the accredited representatives were in a position to state whether any steps had been taken or were contemplated, either in the sphere of internal or external politics, to give practical effect to that attitude.

Had the Administration of the territory met with any difficulties in 1936 as a result of the claim of naturalised Germans to dual nationality, and, if so, how had those difficulties been met ?

Mr. COURTNEY CLARKE replied that the question of dual nationality was undoubtedly a thorny one. As was well known, the law of different countries differed on the point.

The statement of the position in the annual report merely recapitulated the position under South African law. It did not represent an attempt to introduce any change in the position. He considered that the declaration of the Union Government was clear and spoke for itself.

M. PALACIOS noted that the Government of the Union of South Africa had communicated to the League of Nations Proclamation No. 51, of March 27th, 1937, relating to public bodies

and political organisations, and to the participation of certain persons in those bodies and organisations. The mandatory Power had attached a copy of the protest made in April last by the German Minister in Capetown and the reply from the Government of the Union of South Africa, dated the 15th of that month. The German Minister, referring to the declaration of the Government of the Union of South Africa, published on December 11th, 1936, regarded that Proclamation as a special and exceptional law directed against the Germans, promulgated on the basis of allegations which he considered unproved and the application of which might be aggravated by the unlimited scope which it afforded for the arbitrary decision of the administrative authorities. The Union Government recognised that the activities of some Germans who were not British subjects were the immediate cause for the promulgation of the Proclamation, but added that the latter applied equally to persons who were not British subjects and did not involve any discrimination. M. Palacios would like to know if there had been any other protests on the subject.

Mr. COURTNEY CLARKE was not aware of any other protests.

M. PALACIOS said that the German contention was that the Proclamation was one of many aggressive measures taken against the Germans. The latter felt that their cultural and economic interests had suffered despite the London Agreement of 1923. What they wanted, they said, was not mere hospitality offered as a favour or a matter of courtesy, but equal rights with the nationals of other States and of the Union.

That state of affairs was reflected in a large number of newspaper. He would mention, for instance, the *Deutsche Allgemeine Zeitung* of June 6th, and the *Frankfurter Zeitung* of May 5th.

This last-mentioned journal contained the following passage :

“ These apprehensions are by no means without foundation in respect of one of the more important branches of culture—*viz.*, education and language. This is shown by the fact that the German language is not allowed, as General Hertzog says it is, as a third official language in addition to English and Afrikaans. On the contrary, in defiance of the assurance embodied in the signature of the Cape Agreement of 1932, this demand of the German population, who constitute nearly one half of the entire population of South West Africa, has never been met. It is sufficient illustration of current conditions to refer to the proposal of the Administrator of South West Africa to convert the German private schools into Government schools. The proposal is in the nature of an ultimatum. The suspension of the subsidy to German private schools in the new South West African budget is a clear and unmistakable threat.”

Mr. COURTNEY CLARKE said he could not possibly accept the picture painted by the *Frankfurter Zeitung* as a true picture of the position.

It was correct that German was not recognised as a third official language : but in every other respect it was on an equal footing with English and Afrikaans. It was used by all who wished to do so in the Assembly, in correspondence with the authorities, in the courts and in the schools.

As to the private schools, it was true that certain of those schools, which the German element could no longer afford to maintain, were taken over some years ago by the Government by agreement with the German parties concerned. The education expenditure of the Government had been very largely increased as a result. The reference at the end of the quotation from the *Frankfurter Zeitung* to the suspension of Government grants to German private schools was misleading, as it applied to all private schools, not only to the German schools (as was suggested). In the case of one particular German school, a big private school which was affected under the proposal to withdraw the Government grants, the Administration had offered to take it over and run it as a good High School with German as the language of instruction, in the same way as the other Government German schools. The Administration was prepared to shoulder the additional cost to meet the needs of the local German population.

M. RAPPARD said he would try to put to the accredited representative the position.

The Constitution Commission was appointed by the Union Government, and was selected presumably with the utmost care with a view to affording enlightened and independent information to the Union Government on the issues involved. The members of the Constitution Commission differed on certain minor points ; but they were agreed in respect of two general conclusions :

In the first place, they reported in favour of administration of the mandated territory “ as a fifth province of the Union, subject to the terms of the mandate ”.

The Chairman had already referred to that question on behalf of the Mandates Commission, and M. Rappard would therefore say no more on the matter at the present time.

In the second place, the Constitution Commission was unanimous in finding that the present form of administration was a failure.

The Mandates Commission had been considering the affairs of South West Africa for the last fifteen years. The members of the Mandates Commission were not citizens of the Union of South Africa nor did they represent the Union's interests. They had had their apprehensions for a long time past as to the administration of the territory: but never had they taken such an entirely pessimistic view, never had they expressed themselves in such radically condemnatory terms, as the Constitution Commission of Union Government nationals appointed by the Union Government itself.

He was frankly amazed at the mildness of the reactions of the accredited representatives of the territory. Their reactions seemed to be entirely different from those of the Mandates Commission. It must inevitably have been difficult for the Mandates Commission, when it read the Constitution Commission's report, to avoid the conclusion that it had itself been cajoled by a form of official optimism administered in some fifteen doses in fifteen successive years.

Mr. COURTNEY CLARKE hoped M. Rappard was not altogether serious in his reference to the fifteen doses of official optimism.

As to the difference which M. Rappard and other speakers found between the view-points of the Union Government and the Constitution Commission, he could only repeat what he had already said—namely, that the Union Government had been reluctant to sweep away the existing Constitution. It felt that the Constitution Commission in its report was reporting on a state of affairs which was entirely abnormal. The drought of the years 1932-1934 was, he believed, without parallel since 1864/65; and it had synchronised with the aftermath of the world depression.

Was it not possible that both the Constitution Commission and the Union Government might have reason on their side? The Constitution Commission might have been right in what it said about the position at the time it reported: but the Union Government was taking a longer view in the decisions at which it had arrived.

M. VAN ASBECK failed to understand the accredited representative's argument that both the Union Government and the Constitution Commission might be right. As to the latter, the three memoranda submitted by the three members of the Constitution Commission contained no reference to the drought, and very little reference to the position of the territory in the years 1932-1934. Their argument that the existing administration was a failure was based, not on temporary circumstances, but on fundamental conditions in the territory.

Mr. COURTNEY CLARKE regretted that he could not carry the matter any further than he had done. He had no instructions from his Government in the matter.

M. RAPPARD asked whether the Mandates Commission was to assume that the Union Government accepted the conclusions of the Constitution Commission to the effect that the former administration of the territory was a failure.

Mr. ANDREWS felt that such an assumption would hardly be justified. The Union Government's attitude towards the finding of the Constitution Commission was set forth—briefly, it might be, but clearly—in its "Declaration on the Administration of South West Africa", published on December 11th, 1936, after careful consideration of the Commission's report. That declaration was embodied in paragraph 10 of the annual report for 1936, and, *inter alia*, expressed the Union Government's opinion that "the existing form of Government had been judged not so much on its merits as a form of administration for the country, but rather as a means of promoting the divergent ideals harboured by the different sections of the population about the future of the territory". That, combined with the subsequent legislative action which aimed at strengthening the hand of the Administration, was surely the answer to M. Rappard's observation.

M. RAPPARD said that, however diplomatically Mr. Andrews might put the issue, there was an implied repudiation of the conclusions of the Constitution Commission by the Union Government.

Mr. COURTNEY CLARKE dissented. It was a common experience for the recommendations of Commissions not to be carried out in their entirety. The appointment of the Commission in question might nevertheless have served in itself a very useful purpose—for the ventilation of existing differences and so on.

M. RAPPARD said he could only note that the Union Government had been more generous to the Constitution Commission than the Constitution Commission to the Union Government.

Mlle. DANNEVIG pointed out that, in addition to the—she would say surprisingly—sweeping condemnation by the Constitution Commission of the political system in South West Africa—which must, she would have imagined, have created a very difficult position for the Administration of the territory in relation to the different sections of the population—there were other criticisms in the Constitution Commission's report, for example, on the native



administration. The accredited representative had told the Mandates Commission<sup>1</sup> that the Union Government was "perfectly satisfied with the present position in regard to native administration in the mandated territory". The Constitution Commission was by no means satisfied. How did the accredited representative reconcile the two attitudes in this particular case?

Mr. COURTNEY CLARKE replied that, as he had explained already, the Union Government had confined itself to the financial and political aspects of the position to the omission of other problems, such as native affairs, for the reason that it considered the political and financial aspects the more pressing and the more important. He was prepared, however, as he had stated, to deal in the next report with any points raised by the Mandates Commission in regard to the native administration.

Lord HAILEY understood that the Union Government, in its preoccupation with the political situation, thought it sufficient to issue the Proclamation of December 11th, 1936, and that that was why it had made no reference in the annual report to paragraphs 392-401 of the Constitution Commission's report. He, and no doubt other members of the Mandates Commission, would have been glad if the Union Government had made some reference, at any rate, to the recommendations of the Constitution Commission in paragraphs 393, 395, 396, 398 and 399 of its report, instead of leaving them for the annual report for 1937.

Mr. COURTNEY CLARKE said that Lord Hailey had correctly described the Union Government's attitude. Lord Hailey's observations would be laid before the Union Government, and his wishes would be met in the annual report for 1937, if not earlier.

The CHAIRMAN said that, before passing to the consideration of the report in detail, he proposed to summarise the morning's discussion for the information of the accredited representatives.

The Constitution Commission's report embodied two distinct conclusions, which, in the view of that Commission, were possibly connected—namely :

(1) A formal condemnation of the present form of government of the mandated territory ;

(2) An expression of the opinion that there was no legal objection to the administration of the mandated territory as a fifth province of the Union.

The weakness of the mandatory Power's reactions to the first of these conclusions had surprised several members of the Mandates Commission. Hence the observations which they had made. It must not be concluded, however, from those observations that there was any secret predilection on the part of the Mandates Commission in favour of the "fifth province solution". The observations which had been made bore no relation to the Constitution Commission's second conclusion in favour of that solution. Their sole purpose was to induce the mandatory Power to give fuller attention to the Constitution Commission's general criticisms.

M. RAPPARD said that the Chairman's summary exactly reproduced his own view. Nothing he had said implied, directly or indirectly, any sort of support of the "fifth province solution".

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## SIXTEENTH MEETING.

*Held on Friday, June 11th, 1937, at 3.30 p.m.*

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**South West Africa : Examination of the Annual Report for 1936 (continuation).**

Mr. Courtney Clarke, Mr. Andrews and Major Hahn came to the table of the Commission.

### INTERNATIONAL CONVENTIONS.

COUNT DE PENHA GARCIA observed that no international conventions had been extended to the territory during the year under review and that a complete list of treaties applicable to South West Africa was promised (paragraphs 6 and 7, page 3 of the report). He enquired whether the Convention on the Protection of the Fauna and Flora had been applied to the territory.

Mr. COURTNEY CLARKE said that an Ordinance had been passed in the local House of Assembly during the present year in order to give the necessary legal sanction to this Convention.

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<sup>1</sup> See page III.



POLITICAL ORGANISATIONS : PROCLAMATION OF MARCH 27TH, 1937.

The CHAIRMAN observed that the Commission had, at the previous meeting, heard an optimistic description of the political situation of the territory, in particular, the differences between the two elements of the European population. The accredited representative had said that the Europeans were now thinking less of their political differences and were devoting themselves to repairing the ravages of the drought and profiting from the improved economic conditions. That being the case, the Chairman asked why it had been considered necessary to issue the Proclamation of March 27th, 1937, condemning certain political organisations. Regulations for putting this measure into execution had been issued on April 19th, 1937—that was to say, less than two months ago.

According to *The Times*, of April 20th, a Gazette Extraordinary, published in Windhoek on April 19th, named as political organisations the Deutsche Bund and two other organisations which appeared to consist of non-German elements, and July 1st was fixed as the date after which only British subjects might be members of these organisations. *The Times* added that this action had caused some surprise after the conciliatory tone of General Hertzog's note to Germany a few days earlier, but that it was probably provoked by the defiant statement made by the Deutsche Bund. These recent happenings, as well as the comments to which they had given rise, did not seem to confirm the reassuring statements of the accredited representative.

Mr. COURTNEY CLARKE said he had wished to convey the impression that the position had greatly improved, but that did not mean that the territory had entirely overcome its troubles. He then referred to the work of the Commission of Enquiry and quoted the following passage from a speech by the Prime Minister in the House of Assembly on April 6th, 1937 :

“ It is true that, during the sitting of the Commission there was a period of inaction. The German element became less active, there was less of cross purposes, and the German element was calmer, and better relations arose than had existed before. But the Government of our country is called upon to govern there and to see that order is properly maintained, and after our experience in the past we simply could not remain perfectly quiet so that things could happen again which had happened there some years ago. The Commission found, and we found, that steps had to be taken to prevent the past being repeated. Accordingly, the proclamation was then issued to which the Leader of the Opposition referred, a Proclamation which was intended to prevent, or rather to put powers into the hands of the Administrator, the minute that attempts were again made to act as in the past, to take the necessary steps to oppose them. We must either be prepared to govern the country properly so that we can render an account to those who can call upon us for an account, or we must simply abandon the country.”

Mr. Courtney Clarke then quoted the following passage from a speech by the Administrator recorded in the Press on April 26th, 1937 :

“ In connection with the recently published proclamation, which declared certain organisations as political, and under the terms of which foreigners were not allowed to participate in politics in this country, because they were not prepared to undertake political obligations, he had to state that, after publication of the Proclamation, the German Consul and the Leader of the Deutsche Bund had been to see him, and had asked for time to allow them to reorganise the Bund. Assistance was promised and also that nothing definite would be done until the matter had been settled. The Consul had asked for time until the end of May in order to gain time for the reorganisation of the Bund, and the Administration had promised not to take any decisive steps until such time. Shortly afterwards, however, the Leader of the Deutsche Bund had repeatedly challenged the Union Government and this Administration in the papers and had made declarations against both. The Administration then had to say to itself that, if it waited any longer, the position would remain the same and the time would be utilised for propaganda activities. The difficulties would have remained the same, and probably the Bund would still have to be declared political, because the declarations of the Führer did not refrain from politics. He had therefore felt compelled to declare the German Bund a political organisation.”

He pointed out that two other organisations, the political parties of Union origin, had also been declared to be political bodies.

The CHAIRMAN was interested in the dispute that divided the Europeans solely on account of its possible effects on the general situation in the territory, since there was a risk that it might paralyse the administration and hinder development. In his view, moreover, the dispute was not one which called particularly for the Commission's attention. Those concerned in it were either subjects of the mandatory Power or foreigners from Europe whose natural protector was their Government.

RECRUITMENT AND TRAINING OF EUROPEAN AND NATIVE ADMINISTRATIVE STAFF.

M. VAN ASBECK noted that Chapter V on page 6 of the report consisted of an enumeration of the nominations and promotions among the administrative staff of the territory, but nothing was said of the administrative organisation in general or of the number of officials (European and native). Would it be possible to include in future reports a brief review of the administrative organisation of the territory, indicating the possible modifications made during the year, the actual strength and distribution of the European and native staff, etc. ?

Mr. COURTNEY CLARKE said the information on the administrative strength was contained in the annual estimates of which copies were supplied to the Commission. For instance, in the estimates for the year ending March 31st, 1938, under vote 1 there were fifty Europeans and five natives. In the vote for agriculture there were twenty-two Europeans and four natives. The estimates were prefaced by a memorandum on the salaries paid.

In reply to a further question, he said the natives under vote 1 were messengers. Complete details were given of natives employed in the police as sergeants, corporals, constables, etc., making a total of 177.

M. VAN ASBECK asked whether there were any educated natives occupying higher posts.

Mr. COURTNEY CLARKE replied in the negative. There was a difficulty in obtaining educated natives even for such posts as interpreters and teachers.

M. VAN ASBECK referred to a criticism of the magistrates by Mr. Lardner-Burke on page 46 of the report of the Constitution Commission. Mr. Lardner-Burke said the magistrates were of the weakest type, with one or two outstanding exceptions. Who was Mr. Lardner-Burke ?

Mr. COURTNEY CLARKE said he was an old resident in the territory. He was an attorney at Windhoek and the editor of the *Windhoek Advertiser*. His criticism was perhaps too severe, though there had been difficulties with the staff. The reason was that many South Africans did not wish to serve in South West Africa and there was difficulty in getting the best type of men. Recently, a number of young men of a better type had been transferred to South West Africa. The Prime Minister, in a recent letter to the Civil Service Commission, had stressed the importance of sending the best type of men to the territory under mandate. The difficulty was that the public services in the Union were at the moment also understaffed.

Lord HAILEY asked whether the officers now being supplied came from the Department of Justice or the Department of Native Affairs.

Mr. COURTNEY CLARKE said they could come from either. In either case, qualifications in law were required.

Lord HAILEY asked whether the authorities still gave a bonus to officials who had studied Bantu.

Mr. COURTNEY CLARKE was not certain of the present position. There was still a diploma in Bantu and he thought that any clerk obtaining the diploma was granted an increase in salary. Officials were encouraged to go in for this examination.

M. VAN ASBECK asked whether the accredited representative was now satisfied with the quality of the administrative officers transferred to the territory, so that the complaint to which he had referred would soon be unfounded.

Mr. COURTNEY CLARKE thought the position had improved since the criticism was made. Many of the officials were, however, probationers. He could not say how they would turn out.

M. VAN ASBECK observed that the whole of the report by the Constitution Commission contained allusions to the difficulty of getting the right type of administrative officers. The impression given was that there were special difficulties in the mandated territory. What definite measures had been taken to overcome that difficulty ?

Mr. COURTNEY CLARKE said that, at the beginning of the depression, expenditure had had to be cut down and many officials had been dismissed. This had created a feeling of distrust among the officials. As the report by the Constitution Commission pointed out, South West

Africa did not offer the same amenities of life as the Union, so that officials were loath to take the risk of expatriation. Recently, however, the Union Government had arranged that after five years' service in the territory officials could be retransferred to the Union. This provision had brought about an improvement.

M. VAN ASBECK observed that, in every colonial administration, some posts were less pleasant than others. Was any expatriation grant paid to officials going to the territory ?

Mr. COURTNEY CLARKE said an allowance of £60 to married men and £30 to single men was paid. To police, who were regarded as a South West African force and recruited in the territory, half these allowances were paid.

M. RAPPARD observed the complaints on page 70 of the Constitution Commission's report that the territory was under-policed and under-staffed (paragraph 349). It was also stated that vague charges were frequently made that the administration was established on too elaborate a scale (paragraph 350). The report added that no savings were possible on the police expenditure and that there was no concrete evidence that the administration was too elaborate. He gathered that the territory was under-staffed, but the financial position was such that this could not be otherwise.

Mr. COURTNEY CLARKE said that was so. The territory was two-thirds the size of the Union, and had a scattered population. The Administration tried to give the population the same services in respect of education, etc., as in the Union, but was hampered by the financial situation. In 1931, as a result of the depression, the budget had been reduced by £200,000, and many officials had been dismissed. The staff was now again expanding, though strict economy was still necessary. The officials were undoubtedly over-worked. For instance, Ovamboland, which was 400 miles in length and 250 miles in width was governed by four officials. Since the Constitution Commission's report, the staff had been strengthened, and there were now six officials, including the district surgeon and a plague inspector.

M. VAN ASBECK hoped that the next year's report would contain a statement on the entire subject of the administrative staff. After such criticisms had been made, it might be advisable to give a clear picture of the position.

Mr. COURTNEY CLARKE took note of that suggestion.

#### STRENGTHENING OF RELATIONS BETWEEN THE UNION GOVERNMENT AND THE TERRITORY.

M. VAN ASBECK noted the statement on page 82 of the Constitution Commission's report (paragraph 427) that the territory suffered from the fact that it was not better known to either the Union Government or the Union Parliament. Since the Union Government was the mandatory Power, this was a very surprising charge. There was a similar criticism on page 42 (paragraph 175) where it was stated that the visits of Cabinet Ministers were few and far between and of short duration. Was there any justice in those statements and if so, what measures were being taken ? It was stated on page 9 of the same report (paragraph 17), that although the Mandatory could override anything done by the Administrator, the latter practically exercised the powers of an autocrat. All those remarks led to the conclusion that the Union Government did not show the interest in the territory that might be expected.

Mr. COURTNEY CLARKE said the view expressed on page 82 of the Constitution Commission's report was that of Mr. Justice van Zyl, who was arguing in favour of his particular views for a change in administration.

With regard to the remark on page 42 of the same report, the Administrator of the territory who was an officer of practically Cabinet rank and under the orders of the Prime Minister, visited Capetown every year and discussed questions concerning the territory with the Prime Minister and other Ministers. Every month, memoranda were sent to the Union Government on important questions. Visits of members of Parliament were encouraged, and last year some twenty members had paid a visit to the territory and expressed their satisfaction at the information obtained. That practice was growing. Great efforts were made for increased publicity. The Railway Department had completed a brochure on the attractions of the territory, the possibilities of shooting etc., The production of a film was contemplated. The Administration of South Africa was doing its best to remove the reproach that people of the Union were not sufficiently acquainted with the territory.

MUNICIPALITIES.

M. VAN ASBECK thanked the accredited representative for the information contained on page 59 of the report regarding health work carried out by the municipalities. He asked whether regular information on the development and work of the municipalities could be included in future annual reports.

Mr. COURTNEY CLARKE replied in the affirmative.

ADMINISTRATION OF OVAMBOLAND AND OTHER TRIBAL AREAS.

Mlle. DANNEVIG noted the statement in the annual report that the Finnish Mission was doing good work (paragraph 303). The report of the Constitution Commission said this was a prohibited country for white men (paragraph 73, page 20). Did this mean that there were no white men in the area except the missionaries and the Administrative Officers, and that no other white men had the right to enter?

Major HAHN said there were three missionary societies in the area—that was to say, Anglican, Roman Catholics and the Finnish Mission. There was also a trading store and a recruiting station, but Ovamboland was essentially a native territory.

Mlle. DANNEVIG observed the statement in the Constitution Commission's report that the native education in the hands of the missionaries was not all that it might be (paragraph 83, page 21). It was also stated in paragraph 78 (page 21) that the task of the civil administration was made more difficult by the missionaries. She would be grateful for some explanation of these statements.

Mr. COURTNEY CLARKE referred to the statement by the Director of Education in paragraphs 234 to 236 (page 40) of the annual report regarding the work of the mission schools. The missions had done good work, but there was great competition between the various societies, a position which was not unknown in other parts of Africa. The Central Administration at Windhoek had received complaints that the missions were tending to break up the tribal organisation. The Administration had to rely on indirect rule and allowed the native chiefs to govern under the direction of its officers. This was a good principle which was in accordance with the native policy of the Union. It was, therefore, necessary to maintain the tribal system. In Ovamboland, it had been found that the activities of the missions were tending to break up the tribal system. The Director of Education had, therefore, been sent to Ovamboland to make an enquiry, and it would be seen from his findings in paragraphs 234 to 236 of the annual report that the educational side of the mission work was very poor.

Mlle. DANNEVIG asked whether, having found the education so poor, the Administration should not assist the missions on whom it relied for the education of the natives.

Mr. COURTNEY CLARKE said this was the object of the inspection carried out by the Director of Education. It was proposed to send either the Director or an Inspector in future years. After the Director of Education had returned, a conference was held at Windhoek, which all the missionary societies were invited to attend. The Finnish missionaries had not been present, but representatives were sent by the Anglicans and Roman Catholics. Certain restrictions on the expansion of mission and school areas were agreed upon. The missionaries were asked not to open any further "bush schools" but to confine their activities to their main stations and to put education on a sound footing there.

Major HAHN, at the Chairman's request, made a statement on the general administrative position in Ovamboland. He said the area was governed on the principle of indirect rule, which meant that the natives were allowed to rule under the supervision of the Administrative Officers. There were seven tribes which had no chiefs, but were governed by councils consisting of headmen. Only three of the tribes were under hereditary chiefs. If any question arose which the chief could not settle, the Administrative Officers gave advice and, if necessary, decisions. In the case of tribes without chiefs, the councils of headmen met at regular intervals to try cases. Any native not satisfied with the verdict of the council could appeal to the Administrative Officer. Each headman was in charge of a district area, and had the right to try natives. The accused persons could appeal to the tribal council, and there was a further appeal to the Native Commissioner.

There were two Administrative Officers, a chief officer at Ondonga, and an assistant officer stationed at Otjikango, one district surgeon who inspected the missionary hospitals periodically, and gave medical treatment at Ondonga and at out stations. He further attended to the health of the staff and examined all labour recruits before they left Ovamboland. There

was also a rodent inspector, who attended to questions relating to bubonic plague. In the Kaokoveld, there was a European police officer, and in the south of Ovamboland, there was a game reserve with a police officer in charge under the Native Commissioner.

M. VAN ASBECK observed the statement on page 20 of the Constitution Commission's report that the Native Commissioner required the help of a few more European assistants for the proper carrying out of the work allotted to him (paragraph 76). What measures had been taken ?

Mr. COURTNEY CLARKE said an additional clerk had been supplied. Wireless communication had been established so that Major Hahn could consult the authorities. An additional officer had been sent to help in the registration of natives for the purpose of taxation. The officer in the Kaokoveld, who was a police officer, was to have been replaced by a civil official but for the time this had not been found possible. The additions to the staff had perhaps not been as extensive as one would have liked, but the Administration was limited there as elsewhere by the shortage of funds.

M. RAPPARD agreed that indirect rule called for a smaller staff, but it required, not a few extra clerks, but officers who could supervise the native rulers. He asked how Major Hahn was able to travel about the territory and whether he was in direct contact with native affairs.

Major HAHN said he had two motor-cars and travelled at regular intervals to all parts of Ovamboland. He had a staff of messengers who kept him informed, and he was able to reach most of the important centres in the territory within a day. He met the headmen and chiefs who submitted matters requiring his decision. He could say that he was informed within thirty-six hours of any important occurrence except during the rainy season when communications were impossible. That season was, however, also the planting season when the natives put aside their disputes and engaged in the work of planting.

Mr. COURTNEY CLARKE gave an instance of the fact that no European could go to the territory without Major Hahn's knowledge. The Administrator had on occasion sent a police officer to the Kaokoveld to make confidential enquiries. The local chief immediately reported the arrival to Major Hahn and refused to give any assistance until the latter arrived. There was a complete native intelligence system.

Lord HAILEY said this appeared to be an admirable system of personal rule. But what were the exact relations under the Ordinance between the Administration and the Ovambo people ? Were the powers of the Administrator similar to those under the Union, in which the Administrative Officer exercised the powers given by the Administration Act to the supreme chief ?

Mr. COURTNEY CLARKE said the Native Administration Act of 1927 had been applied to South West Africa (*vide* Proclamation No. 15 of 1928). All the laws of the territory were applicable in Ovamboland although they were not all enforced. He observed that in paragraph 56 of the Constitution Commission's Report (page 16) the Native Commissioner of Ovamboland was quoted as stating that the system of Government in Ovamboland was one which was *left entirely to the natives*. This statement taken from its context and without the explanation given in cross-examination by the members of the Commission might easily lead to misunderstanding.

The Administration of this tribal area, equally with other areas, was directed from Windhoek and the officer-in-charge submitted monthly reports on his activities and, if necessary, special reports. Recently, he had been brought into wireless communication with the capital of the territory so that, if the necessity arose, he could communicate at once with the Administration. Furthermore, all the laws applicable to the territory applied in Ovamboland. The Native Commissioner was not vested with the powers of a magistrate as unfortunately he was not qualified in law and when the necessity arose the magistrate of one of the other districts had to be appointed as magistrate for Ovamboland. As Native Commissioner, however, he had powers under the Native Administration Act.

In practice, however, the native chiefs or native tribal councils were allowed to settle disputes and try cases under native custom, subject to the direction of the Administration's native affairs officers, but, if the occasion arose or it was regarded as necessary, cases would be brought down for trial within the police zone as was recently done in the case of some Okavango natives who had burnt certain Bushmen alleged to have been guilty of stock theft ; or a magistrate would be sent up to try the case on the spot. Fines had also been imposed by the Administrator under powers vested in him as supreme chief under the Native Administration Proclamation. The policy adopted in Ovamboland followed that adopted in the early Cape days in the Transkei, where resident political officers were appointed who, as they slowly

consolidated their influence, took the reins of Government gradually into their hands, with this exception that, so far, it had been found convenient to allow many matters which, under a European system of law, would be classified as crimes or criminal offences to be dealt with as torts under native customary law.

Immense changes had taken place since Major Manning, the first Native Commissioner and an officer of the old Transvaal Native Affairs Department, was placed in charge of this area and laid the foundations of the system at present in operation.

The native tribal customs had been gradually modified. Those regarded as objectionable on the grounds of public policy had been suppressed and many reforms had been introduced and enforced, such as laws against veld fires, protection of fruit trees, cutting of timber, etc.

Major Hahn had been somewhat modest in his statement and had, for instance, omitted to say that he had constructed 1,200 miles of road, which had facilitated communications in his area.

M. VAN ASBECK asked whether the Ovambo tribes had any native treasuries.

Major HAHN said there was no financial administration in Ovamboland, but the natives contributed to the Tribal Trust Fund. Corn was used by the natives instead of money. Every native contributed to the Trust Fund, paying either in money or in corn. The latter was stored and used in case of emergency. Contributions in cash amounted to five shillings a year. Cash was only payable by natives who had worked outside the area, while the natives remaining in the area paid in corn. The only money in the area was that sent by natives who had gone to work in the mines. The money was remitted through his office, or through the office of the recruiting organisation.

M. RAPPARD observed that there was one trading company, and presumed that otherwise money was not of much use.

Major HAHN said the natives went south in groups to make purchases in the stores or bought cattle from the richer natives.

Lord HAILEY presumed that the judicial powers of the chiefs were not clearly defined but were settled by native custom, and that, if the Native Commissioner considered that a case exceeded the powers of the native courts, he could sit with them or refer the case to the authorities in the south.

Major HAHN replied in the affirmative. In the case of murder, the Administrator decided on the procedure.

Lord HAILEY gathered that no statutory powers were conferred on the chiefs and that there were no native treasuries over which they had any control. Any expenditure on behalf of the tribe would, he supposed, have to be sanctioned by Major Hahn.

Major HAHN agreed.

Lord HAILEY asked if this system was similar in Okavango.

Major HAHN replied in the affirmative.

Lord HAILEY presumed that in the case of the other tribes in the police zone, such as the Hereros, etc., contact was much more direct.

Mr. COURTNEY CLARKE said that both the reserves within the police zone and Ovamboland were proclaimed as reserves under law, and the law in regard to the Trust Funds applied equally to each. There was provision that once a year the Native Commissioner must explain to the natives in each reserve the position of the Trust Fund for that reserve and how the moneys should be expended. This was done at specially convened tribal meetings.

The position of the Rehoboth territory was different from that of the native reserves. The inhabitants, who were Bastards, came under a special law of 1923; they had their own Council of which the local magistrate was the chairman and their position approximated nearer to that of Europeans.

The native reserves could not be alienated without the consent of both houses of the Union Parliament.

M. VAN ASBECK observed the statement on page 28 (paragraph 144) of the Constitution Commission's report that Dr. Vedder had suggested that the Bushmen should be given a reserve of their own. He asked if it was particularly difficult to demarcate a reserve for the Bushmen.

Mr. COURTNEY CLARKE said it would be extremely difficult to do so. Each Bushman family had its own separate hunting-ground which was regarded somewhat like the Europeans regarded their separate farms. If a Bushman went into a neighbour's area he would probably be killed. As the Bushmen were nomads, they would require very much land. If they were given demarcated reserves, they would have to be provided with stock which they would eat up and then disappear. It was impossible, in his opinion, to keep them in reserves.

Major HAHN said that the east of Ovambo contained a number of Bushmen's families which came and went with the game. It was difficult to place them in fixed reserves, as if there were no game, for instance on account of drought, they would go elsewhere. Any Government scheme provided would have to be very expensive to meet the Bushmen's habits and manner of living.

M. VAN ASBECK pointed out that the Constitution Commission's report attached importance to the preservation of the Bushmen, who were an almost extinct branch of the human race. He hoped that the next report would contain a statement on the subject which would help the Mandates Commission to form an opinion. If ever there was a case of a sacred mission it was the present one, where it was a question of safeguarding a native population from complete extinction and defending it against the ills by which it was overwhelmed.

Mr. COURTNEY CLARKE said the Constitution Commission's report was apparently largely based on evidence given by Dr. Vedder, a missionary, who, for a time, had conducted a mission to the Bushmen, but had subsequently turned his attention to work amongst the other tribes in South West Africa. As an administrative officer, he differed from Dr. Vedder and did not think his suggestion practicable.

Mlle. DANNEVIG said she had the impression that the Administration thought the Bushmen would gradually disappear, because they were an extremely backward people, who made difficulties for the settled population. According to the description of the Bushmen given by Dr. Vedder, they were an interesting people with peculiar qualities fitting them for life in the desert and no small culture. In her own country, a similar problem was constituted by the Laplanders, but no one had put forward the view that they should be allowed to be exterminated because no attempt was made to assist them in their difficulties.

Mr. COURTNEY CLARKE said the Administration did not wish the Bushmen to be exterminated, but considered that the creation of reserves for Bushmen for the benefit of ethnologists was not a practicable solution. He thought the best solution was that they should be gradually absorbed in the other tribes.

M. RAPPARD asked if they intermarried with other tribes.

Major HAHN said that some of the Bushmen did intermarry with the Ovambos. The Bushmen did not form tribes, but lived in small groups of two or three families, something like gypsies.

Count DE PENHA GARCIA, after expressing his appreciation of the information received, noted that there was a small-scale revolution in the administration of Ovamboland. Formerly there had been a tribal administration with chiefs who acted as intermediaries between the natives and the Administration. Some chiefs had been found unsuitable and had been replaced by councils. He observed the statement in paragraph 307 (page 47) of the annual report that the system of governing the Ovambos by tribal councils under the direction of the native commissioner continued to grow and gave satisfaction to the natives themselves. He asked how the councils were chosen and whether there was one council for each tribe.

Major HAHN replied that the tribal councils had been started by the natives themselves. Under that system, each head man was responsible for a separate area. He gave particulars of various tribes which had deposed their chiefs and formed councils.

Count DE PENHA GARCIA asked whether the organisation of the councils was purely tribal or whether the Administration laid down any regulations.

Major HAHN replied that the system was purely a tribal one. In Ovamboland, the system was only in the initial stage. The natives chose their own representatives, who acted under the guidance of the administrative officer.

Count DE PENHA GARCIA asked whether there was any person in each group who represented the administrative authority and whether he was confirmed in his position by the Administration.



Major HAHN said that the council met once a month. If it could not settle any question, it asked the Government official to attend.

Count DE PENHA GARCIA asked what part of the chief's powers the Administrator reserved for himself.

Major HAHN said the chief had practically unlimited powers in his own area, except that he did not hold the power of life and death.

Count DE PENHA GARCIA assumed that the Administrator possessed power which the chief did not possess, so that he should act with a certain amount of caution.

Mr. COURTNEY CLARKE said the chief could punish by imposing fines or confiscating property, or, in extreme cases, by flogging. If the chief imposed too heavy a fine, the native would report to the Native Commission, who would use his influence to reduce the amount.

The CHAIRMAN asked the accredited representative to regard the detailed exchange of views that had just taken place as a further proof of the special interest taken by the Commission in native administration. That interest originated in Article 22 of the Covenant, where it was said that "the well-being and development of the native populations forms a sacred trust of civilisation". It was in that capacity that the Commission endeavoured to form a just idea of the work done in this connection by the mandatory Power.

The task appeared to be particularly difficult in the case of the Bushmen; always on the move, since they followed the game which, in turn, migrated according to the condition of the pastures, the Bushmen rebelled against being settled on the land, which was, nevertheless, a first essential for an improvement in their conditions of life. When it was suggested that they should be confined to reserves, the Chairman could not help thinking of certain migratory birds whose numbers were reduced at each annual migration, the species of which it was thought to preserve by shutting them up in aviaries! It was only just to recognise the difficulty of the problem.

In Ovamboland, the case was different. In the Constitution Commission's report, it was said that the Ovambos had made considerable progress, and it gave a picture of their intellectual achievements and artistic gifts (paragraph 57, page 16). In paragraph 61 of the same report (page 17), they were described as contented and happy.

It might be thought that this development could be further stimulated if the Ovambos had the benefit of a more effective European administration. It appeared that the number of European officials had been reduced to a minimum, and one might wonder how matters progressed, in Ovamboland, for example, when the distinguished official on whom everything rested was in Europe.

Paragraph 59 of the Constitution Commission's report (page 17) advised caution in the introduction of new ideas among the Ovambos, since it would be dangerously easy to disrupt the structure of Ovambo society by forcing the pace of progress. The Chairman agreed with that expression of opinion. It was not advisable to force the pace of progress, but a happy medium should be found. Too much reliance should not be placed on time and natural circumstances, but the mandatory Power should concern itself more with the development of the natives by providing stricter European control.

Those who thought that more should be done to promote the development of native administration would find further arguments in paragraph 383 of the Constitution Commission's report (page 74), which referred explicitly to reforms in the educational and medical services. The latter were described as primitive and inadequate. It was in those directions that the mandatory Power could make a greater effort.

He would add that all Governments needed to be stimulated. In the territory under consideration there were two elements of the population, the European and the native element. The European element stimulated the Government to take measures in its interest, while the native element was relatively dumb and silent. It would not therefore be considered misplaced, so far as the interest of that element was concerned, that the stimulus should come from the Mandates Commission. Indeed, this was perhaps one of the Commission's chief duties.

Mr. COURTNEY CLARKE said he had noted with interest the Chairman's opinion that the pace of development should not be forced. The Ovambos were a very interesting tribe, who had lived in the territory for probably five hundred years or more. This was very unusual for any native people in that part of Africa. An Administrator of native affairs must therefore hesitate in trying to civilise them too rapidly. He thought Major Hahn had achieved more than appeared in the reports. When he and Major Manning arrived there, the tribes were destroying each other, and they had introduced a reign of peace. A great deal had been achieved to allow of the land maintaining a larger population. Wells had been sunk, dams constructed, etc. In the drought of 1916, thousands of natives had died, while, in the last drought, there had been



no deaths at all. Modern methods of storing grain had also been introduced and native institutions had been re-organised to meet existing conditions. Hospital and educational work had formerly been left to the missions who were subsidised by the Administration, which, however, was now taking a more active interest in these matters through regular inspection and advice to the bodies concerned.

He was sure, however, that his Government would give consideration to the Chairman's remarks in its next report.

PUBLIC FINANCE.

M. RAPPARD observed that the financial statement for the year 1935/36 showed that the rate of increase in the debt had declined, but the burden was still a heavy one. The Constitution Commission had made a number of recommendations, one of which had been acted upon by the Government. The mandatory Power was relieving the mandated area of the payment of debt charges. The payments were placed in a suspense account and therefore the budget looked better. The service of the debt would no longer be charged to the credit of the Union Government but to the suspense account.

Mr. COURTNEY CLARKE gave the figures of the budget up to April 1937 as follows :

	£
Expenditure . . . . .	795,100
Revenue . . . . .	<u>648,292</u>
	Deficit . . . . .
	146,813
Less balance brought forward . . . . .	195
	Deficit . . . . .
	<u>146,618</u>
The loan expenditure was . . . . .	185,000
Estimated extraordinary revenue . . . . .	<u>184,774</u>
	Deficit . . . . .
	226
Balance brought forward . . . . .	<u>25,782</u>
making a net surplus (carried forward) of . . . . .	<u>26,008</u>

The position at the moment was that the Administration was more than paying its way, without taking the debt into account.

M. RAPPARD asked whether interest was paid on the suspense account.

Mr. COURTNEY CLARKE said it would be seen from the Treasury memorandum he had handed in that the suspense account was debited with interest every year.

M. RAPPARD concluded that the Administration therefore owed exactly as much as before. If interest were charged and the debt thereby increased, this was a very meagre satisfaction for South West Africa, unless there was any reason to suppose that the debt would be cancelled.

Mr. COURTNEY CLARKE said the liability remained, but the Administration was not called upon to meet the amount every year.

M. RAPPARD could not see the advantage to the Administration. It was not paying interest, but it was in the position of a debtor whose debt was constantly piling up. The position was not relieved but was made to look less depressing.

He observed that the revenue of the territory was very small on account of its natural poverty. The Constitution Commission had recommended the payment of income tax by the white population (paragraph 348, page 69 of the report). What was the attitude of the Administration on that point ?

Mr. COURTNEY CLARKE said that when this recommendation was made, the Government had gone into the matter, and found that the introduction of an income tax would give a smaller yield than the present system. The machinery for collecting the tax would be costly, as the population was scattered. If an income tax were imposed, there would be a demand from the local inhabitants for a reduction of the extra taxes on cigarettes, brandy, etc., the export tax on stock, and other taxes, so as to bring them into line with those in the Union.

If an income tax were introduced, it would fall mainly on persons of fixed incomes, such as Government officials, bank clerks and professional men. This would involve the payment of a larger territorial allowance to the officials to induce them to serve in the territory. It would not fall on the farming community, and as the diamond-mining companies were already very heavily taxed, they would also have to be exempted. The Government, after going carefully into the matter, had concluded that the yield from the existing taxes was higher than it would be from an income tax.

As regards the question of the debt, he would refer to the following passage in the letter from the Secretary for Finance of March 17th, 1937 :

“ While the Mandatory did not, in assuming the mandate, undertake any obligation to subsidise the territory, the Union Government is satisfied that the administration of the territory cannot be carried on without some financial assistance from without. The position of the territory is different from that of the less well-favoured portions of the Union, inasmuch as no ownership of the territory vests in the Union Government. The Union Government cannot therefore write off debts owing to it by the territory, but has placed them in a suspense account. This means, in effect, that the territory will only be required to pay as and when it is in a position to do so. ”

The letter went on to make the following statement :

“ The position in brief is this, that faced with the *de facto* position of the territory, the Mandatory has, through the effect of the financial proposals which come into force on April 1st, relieved the territory for an indefinite period of the payment of obligations involving nearly £200,000 per annum. ”

M. RAPPARD noted that the effect of this was that the territory would only be required to pay as and when it was in a position to do so. But the position in fact remained the same as before.

Views might vary as to whether the Administration was extravagant or not, but it was undoubtedly expensive as compared with the resources on which it could draw. The reason was that there were 30,000 Europeans, who wished to be treated as if they were at home while there were 200,000 natives who could hardly be said to be spoiled. The whites were expensive taxpayers, since they obtained free education and other costly benefits. The Mandates Commission had no cause to be gratified by this generous treatment of the white population since it was concerned with the natives who were placed under its care.

Mr. COURTNEY CLARKE observed that M. Rappard had made a distinction between Europeans and natives. The natives' position was most favourable, as any taxes they paid went to their native trust funds. In addition, substantial payments were made from the general revenue for work of advantage to the natives, such as boreholes in the native reserves.

M. RAPPARD said the idea that the whites were entitled to favourable treatment because they paid disregarded the idea of the sacred trust. The native population was in the position of minors under the tutelage of their parents : and children always cost much more than they could earn. The Administration on the other hand had no special obligation towards the white population.

Mr. COURTNEY CLARKE appreciated this remark, but did not agree that the white population of the territory should be taxed in order to fulfil the trust.

M. RAPPARD asked what the position would be if there were no white population in the territory.

Mr. COURTNEY CLARKE said that, in that case, the natives could not exist. They would remain in the low state which they formerly occupied, when they were constantly trekking about in search of pasture and water. For instance, in the drought of the years 1864-1866 the entire population of the territory had removed to Bechuanaland. During the last drought, however, in the years 1931-1933, the native population had remained in the territory. The presence of the Europeans therefore made the country more habitable for the natives.

The CHAIRMAN said that, according to this argument, the two elements of the population should receive in proportion to their contributions. But this argument lost sight of the sacred trust imposed on the Administration. The accomplishment of this task called for sacrifices, and as soon as the native element was unable to achieve it, one of two things was necessary : either the burden must rest on the white element of the population or on the mandatory Power. If the white element refused it, the sole solution remaining was that proposed by the Constitution Commission on paragraph 371 of its report (page 72)—namely, that it was essential in the interest of good government for the Mandatory to afford the territory some measure of financial assistance.

Mlle. DANNEVIG said that there was not only the question of the trust. The white population was dependent on the natives as workers. The low wages paid to the natives enabled the whites to make good profits, and this should also be taken into account, as it really constituted a very valuable tax.

Mr. COURTNEY CLARKE agreed that the natives did contribute by their labour to the building-up of the territory, and that, while the whites contributed by the payment of taxes, the natives contributed by their labour.

M. RAPPARD said it was impossible to establish a native budget and a white budget, and all that could be hoped was that the native population would receive from the budget benefits which would not be less than they would receive if the white population were absent, and that the budget should be arranged, even with the help of the Government, so as to ensure the satisfactory functioning of the administration, without being limited by the resources of the territory. In other words, the natives should be treated like the children of a family, who cost more to their parents than they could earn.

Mr. COURTNEY CLARKE said that M. Rappard's remarks would be noted.

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### SEVENTEENTH MEETING.

*Held on Saturday, June 12th, 1937, at 10.30 a.m.*

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#### **South West Africa : Examination of the Annual Report for 1936 (continuation).**

Mr. Courtney Clarke, Mr. Andrews and Major Hahn came to the table of the Commission.

#### **WELL-BEING AND DEVELOPMENT OF THE NATIVES : QUESTION OF THE APPORTIONMENT OF THE BUDGETARY RESOURCES OF THE TERRITORY.**

The CHAIRMAN had tried, on the previous day, to ascertain what appeared to be the general trend of opinion of the white element of the population in South West Africa with regard to the disposal of budget receipts. The view seemed to be held that the yield from the tax paid by Europeans should be used mainly for their benefit and not for that of the natives, who made only a small contribution.

He did not desire to give the impression that he approved of that idea. On the contrary, he considered that it called for reservations.

The idea that taxpayers could be divided into two categories, big and small—in the present case the whites and the blacks—who were entitled to receive benefit from the State in proportion to their contribution towards public revenue, could only be carried out in a society composed of watertight sections having no sense of community.

Should that view continue to be held, there would be permanent discontent among the Europeans at what they considered to be an unfair imposition. For that reason, something should be done to dissipate it.

Mr. COURTNEY CLARKE said he must express regret if anything he had said had conveyed the impression which appeared to be held by the Chairman from the remarks just made. He had only intended to convey that the Administration could not spend disproportionate sums out of the budget for the benefit of the natives when the Europeans were the principal taxpayers. Considerable sums had, nevertheless, been devoted to the natives, for instance, £10,700 to public health (paragraphs 479-481 of the report, pages 64 and 65) and £51,000 to native affairs (paragraph 67, page 18 of the report). It had even been suggested—though this was perhaps exaggerated—that if all the medical services rendered to natives could be evaluated the expenditure would amount to between £25,000 and £30,000. Generally speaking, he had found that members of the Legislative Assembly in South West Africa had not been unappreciative of the claims of the natives in that respect.

The CHAIRMAN was aware that large sums were expended out of the budget for the benefit of the natives, but understood that the European section of the population was firmly convinced that that was a form of generosity, and something the accredited representative had said gave the impression that the Administration shared their views to some extent.

Those views were mistaken and were contrary to the accepted principle that the wealthy should make a larger contribution towards public expenditure than the poor.

Mr. ANDREWS said the Chairman's observations would certainly merit the Union Government's consideration. The question of expenditure for the benefit of the natives, however, had to be governed by the sources and proportioned by the amount of the total revenue. There might be some part of the European population which held the view described by the Chairman, but whether they were a majority was problematic, nor was it unusual, where questions of native policy arose, to find such views. The crucial factor, however, was the policy of the Administration itself, and in that regard the evidence placed before the Mandates Commission during the past years showed clearly that, within the limits set by its resources, there had been a gradual increase in native expenditure. This, in part had been the happy result of the Commission's constant attention to the subject.

Lord HAILEY said the classic pronouncements on the subject for Africa were the fourth term of reference of the South African Native Economic Commission of 1930-1932 and Lord Moyné's report on Kenya. The conclusions of both reports were much the same as those reached by the Chairman.

M. RAPPARD assured the accredited representatives that the Commission desired not to criticise but to help the Administration to withstand the pressure to which it was constantly exposed. The more weapons it could place in the Administration's hands the better, and the arguments advanced in the Commission might have some influence on the white population in South West Africa.

There could be no question as to the principle that the wealthier should contribute more towards general expenditure. That principle was seen in practice in the depressed areas of Great Britain, where people were assisted out of the taxes paid by their wealthier countrymen. *A fortiori*, the natives had a right to a share in the general resources of the mandated territory, and the whites should not look upon expenditure on native affairs as philanthropy.

The main object of the Administration was to improve the condition of the natives. It was not the mandatory Power which had raised the question of apportioning resources in accordance with the source from which they were derived. M. Rappard himself had been instrumental in raising the question in remarking that the greater part of the revenue of the mandated territory seemed to be used for the benefit of Europeans.

Mr. COURTNEY CLARKE said he greatly appreciated these observations and the spirit in which they had been made.

#### EDUCATION.

Mlle. DANNEVIG noted from the first statistical table (page 34 of the report) and the budget estimates (page 13) that there had been a steady increase in expenditure on education during the past few years. The amounts spent on the education of native and coloured people were comparatively small, only about 10% of the total (£13,805 out of a total of £127,691), and the estimate for native education for 1936/37 was reduced, while that for Europeans was increased. At the same time, the cost of education per pupil was very high as compared with the expenditure in other territories, and was said to be £22 os. 10d. per head for Europeans, £4 19s. 3d. for coloured children and £2 13s. 7d. for native children. What was the reason for the discrepancy between the two figures, £13,805 and £16,950 (see page 34 of the report), and for the decrease for the coming year?

Mr. COURTNEY CLARKE suggested that the first figure covered only the educational vote and the second figure include amounts provided out of the native affairs vote.

Mlle. DANNEVIG noted that £6,801 was spent on coloured and only £7,003 on genuine native education, or only 5% of the total expenditure on education, a very small amount seeing that the native population was about 90% of the total.

She would be glad to know in the next report how the money was expended. Were grants-in-aid made to the different missions or was the money spent on the Government school?

Mr. COURTNEY CLARKE said it was dangerous to compare expenditure on the education of European, coloured and native children. The whole question of native education in South West Africa, and even in the Union, was still in a state of flux.

A Commission in the Union had recently enquired into the results of the native education policy of the past hundred years, and had just issued a very interesting report.

In the opinion of the administrative officers in South West Africa, it was essential to go slowly in laying down principles for native education. In the past, education—if it could be so called—had been left to the missionaries, but their efforts, though well meant, had apparently in Ovamboland, had a detrimental effect on the native policy, tending to break up the tribal system. Within the police zone, the natives had now been collected and established in reserves, and in due course it was hoped to open schools for them, but the Administration's first duty was to make the reserves habitable.

The Administration was watching the results of the educational work in the Government native school established in the Aminuis native reserve with a view to applying the experience gained there in other reserves. It was hoped to open a second school in the Waterberg reserve. The Administration was faced with many difficulties, principally a shortage in the supply of native teachers.

It was frequently urged that the natives should be taught industrial pursuits, such as carpentry and masonry, but that would be useless in their present state of development. It would merely encourage them to seek work in European areas in competition with European artisans, as there would be no opportunities for employment in their own preserves.

M. VAN ASBECK expressed a desire to see the report of the Commission on Native Education.

Mr. COURTNEY CLARKE said the report was a Union publication issued by the Government.

M. VAN ASBECK hoped that the Government of the Union of South Africa would be good enough to send the members of the Commission a copy of the report.

Mlle. DANNEVIG said the principles described by the accredited representative were in the spirit of the mandate. She agreed that great precaution should be exercised as regards interference with native customs. But, in order to make progress, the natives needed help, which of course involved expense from public funds. Apparently, only £200 was spent annually on native education in Ovamboland, where there were 100,000 natives. That seemed a very small amount.

Major HAHN said this amount was paid direct to the Finnish Mission for the training school, where native teachers for branch, or bush, schools were trained. Grants were also made to industrial schools for handicrafts.

Mr. COURTNEY CLARKE pointed out that, in addition, subsidies were given to the missions for hospitals, drugs and so on.

According to the report of the Director of Education, the grant of £200 to Ovamboland was not too small, as there had been no return for the money expended.

Mlle. DANNEVIG thought this was to be regretted. She hoped for fuller particulars in the next report.

Mr. COURTNEY CLARKE drew attention to the summary of the findings of the Director of Education in paragraphs 234, 235 and 236 of the annual report (page 40). The measures which the Administration was taking would be found in paragraphs 320-323 of the report (page 48).

Education in the European sense was not very useful to native tribes. It must be remembered that only a few years previously they had been a migratory population like the Bushmen, trekking about the country. The Administration had recently settled them on the land and had induced them to give up inter-tribal wars and to live under the rule of law. It was also endeavouring to improve their economic condition. They needed a form of education that would be helpful to them in their life in the native reserves.

Mlle. DANNEVIG asked if the Administration could not begin to train native teachers. Their education would take many years. Why did it admit pupils over the age of eighteen? There seemed to be little hope of success at such an advanced age.

M. RAPPARD emphasised that the first stage in education should be vocational. There were two means by which the mandatory Power could promote education—by engaging in it directly and by subsidising missions. The fact that the missions had failed in South West Africa did not, however, relieve the mandatory Power of its responsibility, and the question of direct intervention arose.

In speaking of schools he had nothing bookish in mind, but instruction to help the natives to improve their standard of life. When the financial situation became easier, the mandatory Power would not doubt see its way to taking over educational work for the natives in the territory.

Mr. COURTNEY CLARKE said a distinction should be drawn between the teaching in areas within and outside the police zone. There were a number of subsidised mission schools within the police zone, which were doing very useful work. The problem there was quite different—as, for instance, the antagonism of the Hereros to the missions. They were at cross purposes with the German mission and were most anxious to have a Government school, and learn the two official languages. Probably their interest in the official languages was chiefly prompted by a desire to go to the towns and obtain lucrative employment among Europeans.

The Administration had had a conference with the missionaries in Ovamboland, as a result of which it was hoped to put education there on a better footing. Later on, the Administration might feel able to extend more financial support to the latter missions for educational purposes.

M. PALACIOS asked how the Finnish Mission could claim to have made steady progress during the year when the number of schools had fallen from 128 to 60, the number of teachers from 271 to 189 and the number of pupils from 7,720 to 5,772 (paragraph 368 of the report, page 53).

Major HAHN said the missions, and especially the Finnish Mission Society, realised that they had pushed on their education work too quickly. A number of bush schools had now been closed, because the native teachers were not fit to control or educate the natives. Some of those teachers had sent in statistics which the missionaries had been unable to accept. Statistics of full-time pupils and teachers were difficult to obtain. Some of the schools were attended by pupils only two or three days in the week.

Mlle. DANNEVIG presumed that the closing of unsatisfactory schools constituted progress, because thus more care could be taken to improve those which remained.

Major HAHN said that, by closing the unsatisfactory schools, the missions hoped to bring more quality into their work, to consolidate the position and to raise the other schools to a higher standard.

M. VAN ASBECK assumed that steady progress meant that the missions were more firmly established in the district.

Major HAHN confirmed that view.

Mlle. DANNEVIG asked what steps were taken to ensure a better supply of native teachers in the police zone, where education was all the more necessary in that the natives came into contact with Europeans.

Mr. COURTNEY CLARKE doubted whether if the Administration took over the training of native teachers it would at the present moment be any more successful than the mission superintendents. It was a change which would require very careful consideration.

Dr. Vedder, of the Augustineum, had been engaged in educational work all his life and had had considerable experience. The Administration appreciated the difficulties of the two missionary training colleges, and could only do its best to help them.

M. VAN ASBECK was unable to understand paragraph 233 of the report (page 40). Native teachers were urgently required, and the missions had not succeeded in obtaining them, yet the Government had taken no steps to train teachers. As long as capable teachers were not available, no progress would be made in improving primary education. One had the impression that this part of the Government's social work was in a state of complete stagnation everywhere.

Mr. COURTNEY CLARKE could only say that the Director of Education and the heads of the missionary training colleges were collaborating, and it was hoped to overcome the difficulties.

The real trouble was that it was extremely difficult to find suitable natives to train. The Administration would have just the same difficulty as the missions.

M. VAN ASBECK said that paragraph 233 of the report conveyed the impression that financial stringency was the only difficulty. Could not the village schools be improved as a first step ?

Mr. COURTNEY CLARKE admitted that the standard in primary schools was very low. Improvement was a matter of time. The Director of Education had put forward proposals for sending selected natives with sufficient knowledge of the official languages to Union colleges. He believed several natives would be going there during 1937.

M. VAN ASBECK thought this would undoubtedly tend to reassure the Commission. He would be glad of fuller information in the next report.

M. SAKENOBE asked whether the Administration was satisfied with the native teachers in the new Government native schools.

Mr. COURTNEY CLARKE said the same problem arose in the Government native schools. There were three excellent Herero teachers at the Aminuis Government school, but they did not hold the full teacher's certificate. Dr. Vedder, in addition to running the school and giving considerable free medical treatment, spent his nights in training these teachers to pass their examination. The position was undoubtedly improving, and, in time, he would probably be able to train teachers for other Government schools.

M. VAN ASBECK asked whether teachers in primary schools were given any instruction in agriculture and hygiene.

Mr. COURTNEY CLARKE was not sure what subjects were included in the curriculum. He was informed by Major Hahn that instruction in hygiene was given at the mission schools. The new Director of Education was endeavouring to improve the curriculum. Agricultural training was given at Aminuis. Fuller information would be given in the next report.

Mlle. DANNEVIG asked whether there was not a considerable difference in the curriculum for future teachers and the curriculum for the general mass of the population. She would be glad to have fuller information in the next report.

Mr. COURTNEY CLARKE said there must obviously be a considerable difference.

#### ECONOMIC SITUATION : IMPORTS AND EXPORTS.

M. GIRAUD first thanked the accredited representative for the sympathy he had expressed on the previous day regarding M. Manceron's death and for his kind words as regards M. Giraud himself.

He noted that there had been a distinct improvement in agriculture, particularly in the production of butter and cheese (paragraph 85, page 22 of the report) and in the number of cattle (pages 20 and 21 of the report ; mining, particularly diamond and vanadium mining, also showed an improvement (paragraph 134, page 27 of the report).

The very useful recapitulatory tables of production for the past few years gave a very good idea of the trend of economic affairs.

The commercial situation also seemed satisfactory. Imports and exports had both increased, the former from £1,498,732 in 1935 to £1,959,826 in 1936 and the latter from £2,512,946 in 1935 to £3,106,916 in 1936 (paragraph 609, page 83 of the report). This gave a considerable excess of exports over imports. The total surplus for the past ten years amounted to about £12½ million. To what extent had the native and European population benefited from the favourable trade balance ? Was there an influx of money into the territory ? Was it anticipated that imports would increase in the same proportion as exports ?

Mr. COURTNEY CLARKE said the inhabitants had gained much from the increase in exports of butter and karakul pelts but, during the depression, farmers had accumulated considerable private debt to local traders who, in their turn, were in debt to the banks. In fact, everyone had been living on credit. During the past two years, however, debts had been largely liquidated and bank overdrafts reduced, and there were now considerable credits in the banks. As stated in previous annual reports, the Administration had given considerable relief to settlers under settlement schemes ; interest on the purchase price of holdings had been reduced to 1%, for instance, and interest on advances for purchases of stock, house building and so on to 3%. The better settlers were paying off their 3% debts and thus reducing their liability to the 1% debt on the price of their holdings which they were entitled to liquidate over forty years.

The report of the Board of Management of the Land and Agricultural Bank stated that land bank debtors had also been paying off liabilities on a large scale. The Board had been able to make a repayment to the Administration of £140,000 in 1936.

The position of general dealers and traders had also improved. Purchases of goods manufactured abroad had increased considerably, motor-cars and trucks, for instance. The latter were very necessary to farmers living a long way from the towns but, during the depression, they had had to content themselves with "donkeymobiles"—carts on motor wheels drawn by donkeys.

The farmers had recommenced fencing their farms during the past six months. It was always a sign of recovery when the fencing laws could be enforced. In general, there was a sounder spirit abroad. People were reluctant to incur unnecessary debts and were endeavouring to work on a cash basis.

M. RAPPARD pointed out that there had always been an appreciable excess of exports over imports and it was surprising that more money had not been spent on goods produced outside the territory. He suggested that a good deal of the profit on minerals and diamonds went in the form of dividend or earnings to capitalists outside the territory, so that there was a steady flow of exports which brought no benefit to the territory.

Mr. COURTNEY CLARKE said M. Rappard's hypothesis was correct. He himself, it would be recalled, had not referred to the profits from mining but only to the profits on butter, stock and karakul pelts, which reverted to the inhabitants. The profit on diamonds and vanadium went mainly to the Union and overseas. The territory, however, profited from the money spent on wages and foodstuffs by the big companies. In some years, this amounted to as much as half a million pounds.

M. GIRAUD said it was interesting to compare the budget figures for the past five years with the figures for exports and imports. Whereas exports amounted to a total of £9,365,000 and imports to a total of £6,653,000, budget receipts amounted to a total of £2,300,000. Did not this simple comparison indicate that the budgetary charges were very heavy for the country's economy?

Mr. COURTNEY CLARKE hardly thought the two items were comparable and therefore felt unable to offer any useful observations on the matter.

M. GIRAUD asked that the next report might contain information concerning the countries of destination of the exports from the territory and those from which it received its imports.

Mr. COURTNEY CLARKE drew attention to the information contained in paragraph 617, 618 and 623 (pages 85 and 87 of the report). He was not sure whether fuller details could be given. The trade statistics of South West Africa were compiled by the Statistics Section of the Customs Department at Capetown. He would, however, take up the matter.

M. GIRAUD said that the Commission which investigated the economic relations of the territory in 1935, and the South West Africa Commission in 1936, had made observations and important recommendations with regard to the economic situation of the territory. The last-named Commission had expressed the view that it was usually admitted that South West Africa was suffering from the protectionist policy of the Union, the effect of which was to increase price levels in the territory (paragraph 369 of the Constitution Commission's report, page 72).

Could the accredited representative give him any information as to the mandatory Power's point of view and any measures contemplated as a result of the observations and recommendations of the two Commissions.

Mr. COURTNEY CLARKE said he could only refer M. Giraud to the letter dated March 17th, 1937, from the Secretary for Finance to the Secretary for South West Africa which contained the following passage :

"While the Government is prepared to admit that the prices of many protected commodities have been higher in the territory than they would have been if there had been no such protective duties, it is of opinion that the population of the territory derives economic advantages from its association with the Union which outweigh the effect of any increased cost of protected commodities."

#### TRADE BETWEEN OVAMBOLAND AND ANGOLA.

M. GIRAUD asked whether there was any local trade between the Ovambos in the mandated territory and the natives on the other side of the Portuguese frontier.

Major HAHN said that, before 1925, natives returning to Ovamboland from the south had done considerable trade with Portuguese traders in Angola. The Consolidated Chamber of Mines had since opened two trading stores in Ovamboland and trade with Angola had since fallen off.

In reply to a further question by M. Giraud, he said there had never been any trade between Ovamboland and the Portuguese ports.



## RAILWAYS.

M. GIRAUD was surprised that in so prosperous a country there should be a deficit on the railways. Were tariffs too low or did the railways suffer in competition with other means of transport ?

Mr. COURTNEY CLARKE said the deficit had been reduced in 1935/36. One of the chief causes of this deficit was the closing of the Tsumeb mine which had at one time brought the railways as much as £180,000 a year. Recent negotiations under which the mine had obtained rate reductions from the railways amounting to about £22,000 per annum, together with the increased price of copper, had enabled it to reopen, and the northern railway system was expected to benefit.

There had also been a good deal of constructive work—relaying of lines, building bridges and culverts, and so on—in the past few years, especially between the south and Windhoek, with a view to preventing the recurrence of the floods of 1934, when the capital was cut off from the south for three months. Interest and redemption charges had to be met and were possibly to some extent responsible for the deficit. Note 5 on page 82 of the report showed that, as from April 1931, certain items had been included in the accounts against the South West Africa railways.

While it was not anticipated that revenue and expenditure would balance in the near future, it was hoped to clear off more of the deficit now the mines were reopening.

## JUDICIAL ORGANISATION.

M. VAN ASBECK asked whether in Ovamboland there was any appeal against paternal justice or whether it was regarded as impartial and satisfactory.

Major HAHN said that, in Ovamboland, he received a number of appeals, especially on inter-tribal matters. Cases of serious theft in the tribal area also came up to him on appeal, but the paternal judge dealt with small thefts.

The CHAIRMAN asked whether the native commissioner acting as judge in appeal cases applied the law or native custom.

Mr. COURTNEY CLARKE said they were disposed of under tribal custom, and the jurisdiction conferred on native commissioners under Proclamation No. 15 of 1928.

The CHAIRMAN asked what happened if the customs of the two parties to the dispute differed.

Major HAHN said all the tribes in Ovamboland had the same customs, but some had more tribal laws than others. In cases of conflict he based his decisions on the laws applicable to whites, and the natives accepted them as final.

M. SAKENOBE understood flogging was common in Ovamboland. He asked whether it was ordered by the chiefs.

Major HAHN said flogging was now very rare and was only practised in tribal areas where there were chiefs. As a rule, punishment took the form of a fine which was more profitable to the tribe.

M. SAKENOBE understood flogging had to be administered in prison in the presence of a doctor, after a medical examination.

Major HAHN pointed out that there were no prisons in Ovamboland. Flogging was not administered to natives who were not physically fit.

Mr. COURTNEY CLARKE added that there were regular prisons in the police zone, but Ovamboland was still subject to tribal law under the supervision of the Native Commissioner and officers. In this area, the Native Commissioner, he understood, discouraged flogging, pointing out to the people that fines were more profitable.

M. VAN ASBECK asked how the fines were paid.

Major HAHN said they were generally paid in small or large stock, corn, beads, ornaments clothing and so on.

M. VAN ASBECK said the steady rise in offences against the person—455 in 1934, 616 in 1935 and 667 in 1936 (paragraph 25, page 8 of the report)—called for comment.

Mr. COURTNEY CLARKE said the increase was possibly due to the increase in the consumption of Kaffir beer but principally to the fact that more natives were now employed within the police zone.

Mr. ANDREWS suggested that this was one of the incidents of prosperity.

M. VAN ASBECK presumed the decrease in offences against property was another incident of prosperity (paragraph 25 of the report).  
He asked what was meant by statutory offences.

Mr. COURTNEY CLARKE said statutory offences were offences created by statutes or regulations as opposed to crimes under common law. In this case, they were largely Kaffir beer cases. There had recently been a vigorous campaign against illicit brewing.

M. VAN ASBECK noted that there was a big increase in crimes committed by natives against Europeans (paragraph 26, page 8 of the report).

Mr. COURTNEY CLARKE presumed that this was because more natives were employed in the police zone. During the depression, farmers had had to dismiss their employees.

M. VAN ASBECK expressed the opinion that, when the statistics showed a considerable increase or decrease in certain classes of offences, explanations might well be given in the report ; this procedure would enable the Commission to avoid asking superfluous questions.

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## EIGHTEENTH MEETING.

*Held on Saturday, June 12th, 1937, at 3.30 p.m.*

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### **South West Africa : Examination of the Annual Report for 1936 (continuation).**

Mr. Courtney Clarke, Mr. Andrews and Major Hahn came to the table of the Commission.

#### **POLICE.**

M. SAKENOBÉ thanked the accredited representative for the inclusion in the report of the special chapter on the police for which he had asked in 1936<sup>1</sup> (page 11).

He drew attention to the wording of paragraph 50 of the report :

“ The police force in South West Africa has to carry out a number of duties not usually allocated to police officers. Members are entrusted with the eradication of scab and collect statistics and information for the various departments when on patrol. A higher standard of education is therefore necessary.”

Were the police mainly European ?

Mr. COURTNEY CLARKE replied that they were mainly European ; but there were native constables, corporals and sergeants, by whom European police officers were commonly accompanied in the performance of their official duties.

M. SAKENOBÉ asked if the police had judicial powers of any kind.

Mr. COURTNEY CLARKE replied in the negative. At certain stations, they might be called upon to act as prosecutors in judicial proceedings, but never as judges. At other stations, they acted as Revenue officers, or again as postal officials. Their duties in connection with the eradication of scab, to which the report specially alluded, involved visits of inspection to farms. They also prepared reports for the Lands Department in connection with the settlement schemes.

The standard of education of the police in the territory was, roughly, the same as in the Union : but there were a number of constables in the territory with educational qualifications of the matriculation standard. There were examinations in the police force for promotion from one grade to another.

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 133.

DEFENCE OF THE TERRITORY.

M. SAKENOBE quoted paragraph 46 of the report (page 11) :

“ The establishment of the burgher force, as reported in paragraphs 61, 62 and 64-66 of the report for 1929 has not been altered. The expenditure of £103 under this head during the year included a grant of £100 to the South West Africa Bisley Association.”

What was the Bisley Association ?

M. COURTNEY CLARKE replied that the Bisley Association was an organisation to encourage rifle shooting with head-quarters at Windhoek and some fifty or more branches throughout the country.

As stated, the burgher force was still in suspension : but the law for its organisation was still in the statute book, so that it could be called up at any time.

ARMS AND AMMUNITION.

M. SAKENOBE noted that the import of rifles, guns and pistols had slightly increased—especially rifles (paragraph 43, page 11 of the report).

It appeared from paragraph 44 that there was a slight decrease in the number of firearms held in the territory. He presumed that this was due to increased surrenders by the natives, as paragraph 306 (page 47) stated that :

“ A further batch of rifles was surrendered during 1936. There are still a number outstanding, but a very marked change is noticeable by visitors in that natives no longer swagger about ‘ sporting ’ their rifles as they did in former years. 3,335 rifles and 252 barrels have now been handed in.”

M. Sakenobe felt that these surrenders constituted additional evidence of an increase in the confidence felt by the natives in the mandatory Power ; and he thought the mandatory Power, and Major Hahn in particular, should be congratulated on the fact.

Mr. ANDREWS explained that rifles were held by the police and issued—that was to say, sold—to members of the burgher force on condition that they were always at the disposal of the Government.

The decrease in the number of rifles in the territory reported in paragraph 44 of the report was due to the fact that earlier figures were faulty. The police were making a new census of firearms held.

WELL-BEING AND SOCIAL DEVELOPMENT OF THE NATIVES : ORGANISATION OF RESERVES :  
RE-ESTABLISHMENT OF THE TRIBAL SYSTEM.

Lord HAILEY said he had read through the reports from the territory since 1919 and he concluded that a very substantial improvement had been effected in the social conditions of the natives—in saying which, he did not, of course, imply that there was not still a great deal to be done. Was he right in supposing :

(1) That, except perhaps in Ovamboland, the tribal system was disintegrated, and that the authorities were faced in consequence elsewhere with a problem of social reconstruction ?

(2) That, in regard to material development, they were hampered in the process by the difficult conditions in respect of climate and soil ?

Mr. COURTNEY CLARKE replied that Lord Hailey’s statement of the position could not be bettered. The disastrous wars of the past had broken up the tribal system and scattered the natives. As to the difficulties of climate and soil, the whole problem of native reserves—outside Ovamboland—was conditioned by the fact that generally the natives were pastoral—that was to say, were dependent on the milk of their flocks, and had no crops of any consequence on which they could rely.

Lord HAILEY referred to the remarks in the report of the Constitution Commission on the condition of the natives. He quoted paragraph 85 (page 22) on the Okavangos to the effect that :

“ . . . Mr. Eedes, who for the last three years has been in charge of them, and who previous to that had for seven years been in Ovamboland, described them as a low and degenerate type of native ; they are a lazy and indolent people, and lead a hand to mouth existence . . . ”

Paragraph 93 (page 24) spoke of the “ abject poverty ” of the Hereros and “ the altered mode of life which they were forced to adopt when they emerged from the 1904-1907 rebellion ”, and added :

“ Without the restraining influence of their tribal associations, many of them fell into bad habits and practices, which led to disastrous consequences to themselves.”

Similarly with the Hottentots, paragraph 110 (page 28) described them as “pathetically helpless”.

Again in the case of the Bastards, paragraph 122 (page 30) of the same report spoke of “large portions of the reserve . . . lying practically idle”, and described the Bastards as :

“An indolent and improvident people, who under the best of circumstances will find it irksome to have to live by their own exertions; and when they are struck by a misfortune like the drought which they have been through, many of them soon get into a helpless position . . . As a community they are a backward people. . . .”

Mr. COURTNEY CLARKE replied that the Okavangos, to whom paragraph 85 of the Constitution Commission's report related, were in the same category as the Ovambos, but more fortunate than the latter in that they lived on the banks of a river and consequently did not suffer from shortage of water. They had no tribal spirit, however. They were fragments of tribes originally broken up and driven out by Barotse and others from the north. In the early days of the mandate, the Administration had one observation officer in this area but he did not travel much. Now they had a very energetic officer stationed there who was provided with motor transport and could travel up and down the river. What was needed in the case of the Okavangos was stricter discipline of their chiefs; and this was now available with the new officer.

As regards paragraph 93 of the Constitution Commission's report, he could not for a moment admit the fairness of the picture painted of the Hereros. The Hereros were the most interesting of all the natives in the territory. They bore the brunt of the war with the Germans, at the end of which they were greatly reduced in number and their tribal system was broken up entirely. But he could not for a moment admit that they were degenerate—still less, that they were unwilling (as the Constitution Commission suggested) to combat the prevalence of venereal disease. On the contrary, the efforts of the Administration to deal with this scourge had been enthusiastically welcomed by Chief Hosea and the Hereros in general. He had himself recently visited the Hereros with the medical officer of the territory and discussed the subject at length with them. They resented the accusation that they did not wish to eradicate the disease. They regarded the Damaras and Hottentots as “unclean” in this respect; and some years ago Hosea had specially requested the Administration not to allow any native women of other tribes to visit his reserve without medical certificates that they were “clean”. The information which was obtained on that occasion did not by any means corroborate the suggestion that the Hereros were riddled with disease. On the contrary, he thought the Hereros were the “cleanest” of all the natives within the police zone in this respect. The Constitution Commission had been struck by the fact that the Herero women did not have large families. But they had never had large families. The Hereros said of a Herero woman who had many children: “She breeds like a Kaffir”.

He did not dispute the account given in the Constitution Commission's report (paragraph 93) of the Hottentots. The Hottentots suffered considerably from venereal disease, and also from tuberculosis. They were by nature migratory, and in the old days they lived on war and stealing cattle. They still made the best herdsmen. But they bore the brunt of the recent drought, and lost much stock. The Administration had tried to induce them to cultivate garden crops, but without much success.

As for the Bastards (paragraphs 119-123 of the Constitution Commission's report), he must say they were the laziest people he had ever come across. They were proud, and wished to have the privileges of Europeans at the same time as the protection accorded to natives. They had the very best natural resources of the territory—that was to say the most fertile land and the land best fitted for stock raising. Recently, the Administration had allowed them to lease portions of the reserve to European farmers in return for rent payable in the form of young stock. Generally speaking, he would not dispute the comments of the Constitution Commission on the Bastards; but he doubted whether the Constitution Commission appreciated the difficulties of improving their condition.

Lord HAILEY said that the purpose of his questions was not to point out defects, so much as to illustrate from the Constitution Commission's report the nature of the difficulties with which the territory was confronted and the work still remaining to be done.

It was his hope that the mandatory Power might see its way to consider the financing of a concerted programme over a number of years, involving :

(1) *Closer European supervision*: As the accredited representative had said, the personal influence of the European officer in such a territory as South West Africa was all important.

(2) *Improved water supply* by the provision of boreholes, dams and tanks.

(3) *Improvements in connection with public health and education*: It was neither safe nor satisfactory to leave these two departments of social assistance to missionary effort. The financing of public health improvements might be facilitated by the efforts which, he noted, were being made in the Union to create a supply of native medical aids for service in native areas. In the matter of education, the territory would no doubt wish to consider the recommendations of the Inter-Departmental Committee on Education in South Africa.

Such a programme would of course involve a certain expenditure: but Lord Hailey observed that the Union Government had already recognised its obligations to incur expenditure for similar objects in the case of its own native reserves within the Union, and quoted in particular the programme for the purchase of land for native use under the Land Act of 1936. The United Kingdom had incurred similar expenditure in Tanganyika and Uganda. What the Union Government was now doing for its own natives in its own reserves it had an opportunity of doing in the case of the mandated territory.

Mr. COURTNEY CLARKE said that Lord Hailey's observations would be received with great interest by the mandatory Power. Lord Hailey's experience of Africa enhanced the force of his recommendations.

As to the necessity for European supervision, he entirely agreed with Lord Hailey. There was now an officer in practically every reserve; those officers were known as native welfare officers. It was not too easy to find the right man for the post, as he must be an all-round man with some knowledge of agriculture and machinery (in the matter of bore-holes, etc.), tactful and a good disciplinarian.

As to improved water supply, 124 bore-holes were put down when the reserves were set aside, and £22,000 had been spent out of the budget of the territory, over and above what was available from the Trust Funds, for this purpose. In all, 16,325,000 hectares had been set aside for the natives, and this area was being gradually extended. The objective was to provide every native with a domicile of his own. The drought had shown how unsatisfactory it was to have natives living and working on farms without homes of their own, for the reason that they were thrown on the world without resources by their employers in times of difficulty.

Mr. Courtney Clarke added that, under the Trust Fund system, £61,850 in all had been collected during the years 1924-1934, of which £51,000 had been returned to the native in the form of improvements. The balance was available for further work in the interest of the natives.

As to health and education, the mandatory Power had of course studied, and would continue to study, the recommendations of the Education Department: but he felt that, in this connection, progress was bound to be slow. He agreed with Lord Hailey as to the potentialities of native health staff. He hoped that, in time, the Herero women would be induced to come forward for training as nurses and the like. The difficulty in these cases was that if natives were trained at the Windhoek Native Hospital they would be reluctant to go back to work in the reserves amongst their people, preferring a job in the town. The Administration had had the same experience with European girls, who were given training in the European hospitals as, when they had completed their training, they were unwilling to return to the farms.

M. SAKENOBE quoted a statement in paragraph 131 of the annual report (page 26) to the effect that:

"No financial assistance is now given to the settler, who is expected to develop his holding out of his own resources."

He observed that the Constitution Commission, on the other hand, in paragraph 142 of its report (page 34) said that:

"The majority of the settlers in the territory to-day are in such a bad position that their prospects of making good are very remote unless the Government comes to their assistance."

What was the accredited representative's opinion in this matter?

Mr. COURTNEY CLARKE replied that the difference between the two quotations was a striking illustration of what he had already told the Commission. When the Constitution Commission's report was drafted, the paragraph quoted was in all probability a correct description of the position. Paragraph 131, on the other hand, of the mandatory Power's report was a correct description of the present position. The withholding of financial assistance from settlers was unquestionably having a healthy effect.

He ventured, in that connection, to suggest to Lord Hailey that there was a certain danger of falling into the same error in the matter of the development of the native reserves. It was arguable, at any rate, that it might be better to go slowly in the latter case, and wait twenty years, if necessary, in order to let the natives develop their own reserves on their own initiative.

Lord HAILEY opined that, under present circumstances, the prospects of extravagant expenditure by the mandatory Power on the native reserves were not such as need cause any serious misapprehension.

M. RAPPARD asked Major Hahn, who had devoted his life to the natives, what he thought of the social and moral conditions of the natives *outside* the reserves. What policy would Major Hahn adopt, if he had unlimited funds and powers ?

Major HAHN replied that undoubtedly he would attempt to re-establish the tribal system. The Ovambos had it ; and the experiment had been made with the Hereros of attempting to re-establish it after it was broken up. He was convinced that the solution must be sought along these lines. The results, where the tribal system existed, were satisfactory. The natives became proud of the system when once it was re-established : their economic condition improved : and they were more ready to co-operate with one another and with the Administration.

The condition of the natives along the Okavango river was, as the Constitution Commission stated, very unsatisfactory. He attributed this to the fact that they were not organised tribes with forceful leaders. He had suggested moving some of the Ovambos to this area to act as an example to the local natives. A start had been made to remedy the position by settling Ovambos along the Okavango, on the Ovamboland borders. Water-holes were being established at different points between this area and Ovamboland.

The Hottentots constituted a difficult problem owing to the absence of hereditary chiefs : but he thought the Council system, under proper guidance, might be a solution of such cases.

M. RAPPARD asked what was the effect of natives working in the mines and becoming enriched thereby, and how they spent the salaries they earned.

Major HAHN replied that no difficulties were encountered in that connection. The natives might go to the mines for three or four years ; but they were readily and willingly re-absorbed into the tribal system at the end of the period.

The CHAIRMAN remarked that South West Africa differed from other parts of tropical Africa in the striking inequalities that existed between the physical and moral capacity and potentialities of the different races living there. The principal cause was no doubt to be found in the past history of the territory—that was to say, in the dispersals and wars of the past. That inequality called for great elasticity in the native administration and the adoption of different rules for the various tribes to which they were applied.

Mr. COURTNEY CLARKE said that this was indeed the case. One might almost say that there was as great a difference between a Herero and a Damara as between a Herero and a European ; and the difference between a Damara and a Bushman was almost as great.

Major HAHN said that amongst the reasons for this differentiation—which, as M. Orts had said, were to be sought in the past history of the territory—he would put the enslavement of certain tribes by others. The Hereros, before the German occupation, were a very wealthy tribe. They came into conflict with the Hottentots, the latter being frequently supported by the Damaras, whom the Hereros wanted to oppress. The conflicts between the two sides reduced both to poverty. The issues were throughout complicated by the fact that the Hereros were always the prey of internecine combats and never faced the Hottentots as one people. In the end, came the wars of 1904-1907 by which the Herero people were decimated.

#### LABOUR.

Lord HAILEY observed that there appeared to be two organisations for the recruitment of labour (paragraph 557, page 73 of the report). Were these private organisations ?

Mr. COURTNEY CLARKE replied that the position was dealt with in the report for 1925. In that year, it became necessary to organise labour for the mines. A conference was held at Windhoek, as a result of which the diamond mines were authorised to recruit in Ovamboland west of longitude  $17\frac{1}{2}^{\circ}$ E., and the copper mines east of that meridian. The diamond-mines got the cream of the available labour under this arrangement as the climatic conditions on the diamond-mines was severer. The residue was passed on to the copper-mines, or placed—through the intermediary of the Northern Recruiting Organisation—on farms, as required.

Before this arrangement was made, the native Commissioner of Ovamboland used to recruit labour : but it was felt to be undesirable that he should do so, in the interests of private employers.

Lord HAILEY noted that these two organisations recruited outside the police zone. What was the position inside the police zone ?

Mr. COURTNEY CLARKE replied that the position within the police zone was as stated in paragraph 558 of the report (page 73)—that was to say :

“ Within the police zone, there is no recruiting system, the natives finding employment themselves or with the assistance of the Native Affairs Office. Farmers requiring labourers get into touch with the welfare officer in the reserves or, if they require natives from outside the police zone, apply to the Secretary of the Northern Labour Organisation at Grootfontein.”

Lord HAILEY understood, in that case, that it could be said that the Government officer was not a recruiting, but a forwarding agent.

Mr. COURTNEY CLARKE replied in the negative.

The Government aimed at holding the balance between employer and employee. It did not recruit but its officers “ attested ” contracts made and endeavoured to ensure that each party got a square deal.

Lord HAILEY asked whether the territory had ever made trial of the Union system of assisted voluntary recruitment.

Mr. COURTNEY CLARKE replied that the system in question did not operate in the territory.

Lord HAILEY asked whether traders were empowered, as in the Union Reserves, to act as recruiting agents.

Mr. COURTNEY CLARKE replied in the negative.

In reply to further questions by Lord Hailey, he added that natives required a pass to go from one reserve to another. Any native entering an urban area had to procure a pass, and to be registered as soon as he obtained employment. The Native Affairs Branch had powers to close any urban area against fresh natives coming in to seek work there. The policy was to restrict the presence of natives in urban areas to the bare requirements of urban employers. The problem hardly arose outside Windhoek.

Mr. WEAVER observed that paragraph 27 of the annual report (page 8) stated that “ offences under the heading ‘ Master and Servants ’ were of a trivial nature ” : but he noted that they included “ desertion ”. He would be glad if the accredited representative would specify in future reports the number of cases of desertion, and the nature of the punishment inflicted in such cases.

Mr. COURTNEY CLARKE undertook to include a subhead on “ desertions ” under the heading “ Master and Servants ”. The punishments inflicted in such cases might vary from ten to fourteen days.

Mr. WEAVER had been much struck by the observations of the Native Commissioner, Warmbad, in paragraph 264 of the annual report (page 44). The Commissioner reported :

“ I regret to have to state that the hand-pumps supplied by the Administration last year have not proved welcome to the Hottentots nor have they been a success for this reason : To start with, all work in the reserve has to be done by the aged and infirm as all able-bodied males go out to work.”

Why was this ?

Mr. COURTNEY CLARKE replied that the Native Commissioner's remarks were really an appeal to the Government to supply oil engines. But the Administration felt that, as it had done so much already in the way of writing off debt, etc., the Bondels should make an effort in this connection for themselves. They were much better off than they had been a short while since, and had now several thousand goats.

Mr. WEAVER presumed that it was not a normal state of affairs for “ all able-bodied males ” to “ go out to work ” in this reserve.

Mr. COURTNEY CLARKE answered that a number would no doubt return as soon as enough stock had been accumulated by the reserve. In the ordinary course, it would be the young men, and not the heads of families, who went out to work.

Mr. WEAVER remarked that in certain territories in Africa it had been found desirable to fix the percentage of natives allowed to be employed away from their homes. He noted from paragraph 554 of the annual report (page 73) that the estimate of the numbers employed in South West Africa was 30,931. Had any detrimental effects been observed so far, suggesting that the percentage was too high ?

Mr. COURTNEY CLARKE replied in the negative. In a pastoral country, a larger percentage of native labour was possibly available than in agricultural areas, because the women and old could always look after the cattle. Mr. Weaver would note that 19,254 of the 30,931 natives employed were working on farms. There were probably still a number of young men who might well be at work but were not.

Mr. WEAVER asked whether the accredited representative implied that there was any compulsion to work.

Mr. COURTNEY CLARKE answered that there was not : but he always impressed on the natives that the reserves had not been set aside to enable them to lead a lazy life. The Europeans worked, and so should they. But all such representations were based on the voluntary system.

Mr. WEAVER asked whether the recruiting organisations were entitled to maintain resident agents outside the police zone.

Mr. COURTNEY CLARKE replied that the southern organisation was allowed to have a resident agent in Ovamboland and the northern organisation was allowed to have one in the Okavango region.

Mr. WEAVER was glad to note from paragraph 374 of the annual report (page 54) that :

“ In future, all natives recruited in the Okavango region will have to pass through Runtu, the new headquarters of the Assistant Native Commissioner, where they will be examined by a qualified medical missionary, and only those passed as fit will be allowed to proceed south.”

He took the opportunity to thank the accredited representative for the inclusion of a separate chapter on native labour in the report. He hoped to see it expanded in the future. In particular, he would welcome detailed information in regard to wages in the next report. It was some years since any statement was included in regard to wage conditions.

Could the accredited representative say what inspection there was in the mines.

Mr. COURTNEY CLARKE replied that there was an inspecting officer at the Tsumeb Copper Mine, when that was working, and another in the Luderitz diamond fields.

M. VAN ASBECK observed from paragraph 560 of the annual report (page 73) that :

“ Natives from outside the police zone when proceeding to work inside the police zone are . . . usually engaged for fixed periods and are repatriated at the end of their term of service.”

What “ fixed periods ” were meant ?

Mr. COURTNEY CLARKE replied that it was one year.

Lord HAILEY had understood that the maximum period was five years.

Mr. COURTNEY CLARKE explained that that was under the Master and Servants Act. The term of engagement for work in the mines was one year ; and the same was the case with work on farms. Natives engaged to work on farms could renew their contracts for further periods ; but all such renewals of contracts required the approval of the Administration. The Administration did not in general like natives remaining in the mines for more than two years.

He added, in reply to M. van Asbeck, that the Native Labour Act covered the conditions of native labour in the mines. It contained a definition of the term “ native labourer ”. It covered also the engagement of native labour for work on farms ; but once the native labourer was at work on a farm, he came under the Master and Servants Acts.

M. VAN ASBECK understood that under that Act he could remain on the farm for five years.



Mr. COURTNEY CLARKE said that was so, subject to the assent of the Native Affairs Officer, but the initial contract, when the labourer was recruited outside the police zone, was only for one year.

M. VAN ASBECK asked for further details in the next report on the different legislative enactments relating to native labour.

In reply to a further question by Lord Hailey, Mr. COURTNEY CLARKE said that, for a native labourer to remain five years on a farm, there would have to be a written contract approved by the Native Welfare Officer; and such written contracts were almost unknown.

#### MISSIONS.

M. PALACIOS said that the work of the missions had already been referred to on several occasions.

In the chapter on the native administration of Ovamboland, the report of the Constitution Commission (pages 16 *et seq.*) devoted several paragraphs to the activities of the missions, particularly in the field of education. Mlle. Dannevig had already referred to one case. Among other statements in the chapter in question, it was said that "the teachings of the missionaries have a definite tendency to disrupt the laws and customs of the natives" (paragraph 78, page 20) and that seeing that the natives were governed according to their own laws and customs, "the task of the civil administration is made more difficult by the missionaries". The chapter on the missions in the annual report (pages 52 and 53), and even more the chapter on education (pages 34 *et seq.*), confirmed the impression that the activities of the missions left much to be desired, and there was even some ground for asking whether a real crisis had not arisen in that connection.

Again, in paragraph 304 of the annual report (page 47), it was said that "the Native Commissioner attributes the retrogression of the tribe under his rule (the Ondonga tribe) to its tribal life having been undermined by missionary influence". According to paragraph 321 of the report (page 48), the Administration convened a Conference of missionaries at Windhoek at which, however, only a few of the missions were represented. The accredited representative had already informed the Commission of this. The outcome of the Conference was the decision not to allow the missions to open new stations for a period of three years, as it was considered that they should devote their energies to consolidating and developing the existing stations (paragraph 322).

Did not the situation call for other—and if necessary more radical—measures? Could a comprehensive account of the Administration's missionary policy be given in the next report?

M. Palacios added that interesting information would be found on pages 52 and 53 of the annual report, and that mention should also be made of statements favourable to the missions. Paragraph 84, page 22, of the Constitution Commission's report said: "The missionaries are in a large measure . . . the guardians of the health of the natives".

He would therefore be glad to have a clearer, fuller and, above all, more consistent survey of the situation.

Mr. COURTNEY CLARKE replied that it was a delicate matter for the mandatory Power to review the work of the missions, if such review implied criticism. As the Commission was aware, missions had the right of entry into the territory under the terms of the mandate. The Administration would never wish to criticise the missions except where their work clashed with its own responsibilities.

Certain difficulties had arisen, as the Commission would observe from paragraph 321 of the annual report, in Ovamboland and Okavango where "the Native Commissioner considers that competition between the various missionary denominations 'to get in first' is probably a primary cause of the failure of their education work". As the Commission would see from the second half of the paragraph, a Conference was called in Windhoek, as a result of which he had every hope of more satisfactory relations between the parties themselves and between the parties and the Administration in the future. Trouble had been brewing for some years past in this connection, and the Administration took special powers to deal with the situation by Proclamation No. 31 in the year 1932: but the powers in question were not used until last year. Major Hahn could give the Commission further details, if desired.

Major HAHN explained that the first mission in Ovamboland was the Finnish Mission. It had been at work there some seventy years when, in 1923 or 1924, two new missions, one Catholic and one Church of England, entered the field and began preaching their respective tenets. The natives were much perplexed. They came to him and said: "Which of these religions is the right one? Which is your religion?"

The Administration tried to set aside one tribe for one mission and another for another, so as to prevent conflict: but the Finnish Mission, which resented the intrusion of the newcomers, would not co-operate. Thereupon the Administration stood aside and left

the missions a free field. The result was a scramble for sites and an unedifying chaos of disputes and claims.

The Windhoek Conference, which was called to remedy this state of things, proceeded on the principle of the delimitation of existing areas of missionary work with a three-year pause in the grant of new sites (see paragraph 322, page 48 of the annual report). The areas so delimited varied greatly in size : one might have only fifty to sixty natives, another five thousand to six thousand and so on. But in future, where one religious denomination was settled with the consent of the chief or tribal council, no other religious denomination would be allowed to come in.

M. VAN ASBECK concluded, therefore, that the scramble was not ended, but only slowed down and regulated.

Mr. COURTNEY CLARKE could not agree. If there was further trouble, the Administration would tighten its control. But the missions were fully alive to the undesirability of further conflict, and he anticipated no further difficulties.

He added that he would be very sorry if the Mandates Commission were to conclude from anything he had said that he did not appreciate the work of the missions. The missionaries were, many of them, a noble body of men who had done valuable educational and other work for the Administration, especially inside the police zone.

M. VAN ASBECK put further questions to the accredited representative with regard to the educational qualifications of the missionaries. Were they given any anthropological training before they began their work ? Did they study the tribal system before they came to the country ? Were they aware that they were one of the principal moving forces among the primitive populations, that they could be a source of benefit to the territory, if they took care to understand, so far as that was possible, the soul of the native ?

Would it be possible for the mandatory Power to insist on a certain standard of training in the case of all missionaries admitted to the territory ?

Mr. COURTNEY CLARKE answered that the missionary angle of approach was necessarily other than that of the Administration. The missionary might be filled with religious enthusiasm, but was not always highly educated. The Administration would be the first to welcome improved anthropological training of missionaries before they began work : but he did not think it could impose any sort of test. He recalled that, on a previous occasion, when the Administration asked the missionaries to encourage the natives to go to work, the missions protested, and were supported by the Mandates Commission.<sup>1</sup>

M. VAN ASBECK and the CHAIRMAN disputed the relevance of the accredited representative's parallel.

M. PALACIOS observed that the Catholic Mission owned farms producing fruit and wine at Klein Windhoek, Grootfontein and Usakos (paragraph 364, page 53 of the annual report). Did these farms sell the fruit and wine they produced ?

Mr. COURTNEY CLARKE replied that they supplied their mission stations from this source ; but they sold their produce to a certain extent as well.

#### ALCOHOL AND SPIRITS.

M. SAKENOBE noted from the statistics given in paragraph 38 of the annual report (page 10) that there was a considerable increase in the import of gin in the past year. Was that due entirely to the growing prosperity of the European population ? Did any of the gin go to the natives ?

Mr. COURTNEY CLARKE explained that, in the last eighteen months, a surtax had been imposed for revenue purposes on imported brandy, and a small tax on wine. The effect, as the figures in paragraph 38 showed, was to decrease the imports of brandy considerably ; and gin, which was not so taxed, had been imported in larger quantities accordingly. All the gin in question was consumed by Europeans.

Practically all the brandy and gin imported came from the Union : the whisky came largely from overseas.

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<sup>1</sup> See Minutes of the Ninth Session of the Commission, pages 39-40, 220.

M. SAKENOBE noted from the statistics in paragraph 30 (page 8 of the annual report) that there had been a revival of illicit traffic in Kaffir beer. The report said that the natives consumed quantities of native beer which they brewed themselves and which they regarded as a food, so that it was very difficult to prevent. Nevertheless, under the mandate, the Administration was required to prohibit its consumption. M. Sakenobe thought something should be done to cope with this difficult situation.

Mr. COURTNEY CLARKE explained that, when the mandatory Power first took over the territory, it endeavoured to prohibit spirituous liquors for natives without exception. Later, it ascertained that the Mandates Commission was not opposed to native consumption of liquors of small alcohol content. The mandatory Power thereupon changed its policy accordingly, and allowed the selling of Kaffir beer to the natives, under control,

It was found, however, at the time when Kaffir beer was prohibited, that the natives took to illicit and more noxious forms of this beverage, which their women brewed themselves. The Administration was now engaged in a campaign against the use of the noxious substitutes, which they hoped to suppress. Hence the increase in the convictions.

In Ovamboland, the native was free to brew and drink Kaffir beer as he pleased. It was in short regarded, as M. Sakenobe had said, as a food. It was only in the case of native labour on farms or in urban areas that the problem of control arose.

The CHAIRMAN asked to what decision of the Mandates Commission the accredited representative had referred as the occasion of a change of policy on the part of the Administration. He was surprised to learn that the Commission had ever expressed approval of spirituous liquors in any form.

Mr. COURTNEY CLARKE was not in a position to specify the date of the expression of opinion to which he had referred. It had reference to Kaffir beer. The fact that Kaffir beer was classed under the legislation of the territory as a " spirituous liquor " was possibly a source of misunderstanding.

He should perhaps add that all profits on the sale of Kaffir beer to natives were used for the benefit of the natives.

M. SAKENOBE was greatly interested in the mandatory Power's efforts in this connection and hoped they would be crowned with success. The campaign against illicit brewing would take time. Two years ago,<sup>1</sup> the accredited representative had stated that there was no distilling in the territory or any organised trade in spirits. Was that still the position ?

Mr. COURTNEY CLARKE replied that the Catholic Mission distilled brandy from the vines they grew ; there were two breweries of beer in the territory.

M. RAPPARD asked what the Catholic Mission did with the brandy it distilled.

Mr. COURTNEY CLARKE said that they supplied their own stations, and sold it in some cases to Europeans. They did not sell it to the natives.

M. SAKENOBE asked whether the Administration was satisfied that there was no smuggling.

Mr. COURTNEY CLARKE did not think there was smuggling on any considerable scale. The Administration had an interest in stopping smuggling, because it derived revenue from excise.

#### DRUGS.

M. SAKENOBE observed that there were six convictions during the year under the provisions of the Medical, Dental and Pharmacy Act (see paragraph 32, page 9 of the annual report). Were those convictions spread over the territory ?

Mr. COURTNEY CLARKE said that it appeared from paragraph 33 that all these cases were cases of dagga taking. In four cases, it was believed that the plant was locally grown, while, in two cases, it was suspected to have been imported from the Union. Practically speaking, it might be said that there was no drug addiction in the territory.

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 174.

PUBLIC HEALTH.

The CHAIRMAN welcomed the information in the report on the subject of public health conditions in Ovamboland (pages 66 *et seq.* of the annual report).

COUNT DE PENHA GARCIA thanked the accredited representative for the information supplied in answer to the questions put in the previous year<sup>1</sup> (pages 55 to 57 of the annual report).

He noted that the public health expenditure represented 4% of the total (paragraph 55, page 12 of the report), which, for a population of some 30,000 whites and 233,000 natives, did not appear to err on the side of excess.

It appeared from page 21 of the budget that, in addition to the one medical officer, there were fifteen district surgeons of whom, according to a footnote, only one was "whole-time" while the remaining fourteen were "part-time". What was meant by "whole-time" and "part-time"?

Mr. COURTNEY CLARKE replied that the fourteen part-time district surgeons were allowed to engage in private practice. The whole-time district surgeon had no time for private practice.

COUNT DE PENHA GARCIA gathered that the last named was the only full-time medical officer in the territory. What other medical officers were there in private practice?

Mr. COURTNEY CLARKE said that there were a number of private practitioners available.

COUNT DE PENHA GARCIA asked for particulars in the next report as to the number of doctors in private practice. He pointed out that particulars of this kind were available for a number of mandated territories.

He asked whether the district surgeons on contract with the Administration charged fees.

Mr. COURTNEY CLARKE replied that all medical officers on contract with the Administration were under obligation to perform Government work, such as post-mortem examinations, the treatment of paupers, the treatment of certain officials, such as the police, and to attend prisoners in gaols.

The only fees chargeable by medical officers in the territory were in respect of private practice.

COUNT DE PENHA GARCIA asked whether the institutions under the auspices of the German Frauen-verein vom Roten Kreuz für Deutsche über See (paragraph 483, page 65 of the annual report) were in receipt of grants from the Administration. He noted in the budget a grant of £30 in connection with maternity nursing.

Mr. COURTNEY CLARKE explained that the grant of £30 was (as stated clearly in the budget) an "advance to persons to undergo training in general and/or maternity nursing".

COUNT DE PENHA GARCIA was glad to note from paragraph 676 of the report (page 105) that another attempt was being made in 1937 to introduce the system of district nurses.

He further noted the information in the report in regard to the efforts to eradicate venereal disease. Were any special measures being taken to combat conjunctivitis (paragraph 499, page 66 of the report)? This was a disease which frequently led to blindness. He appreciated the difficulties of the Administration in the matter.

He noted the statement in paragraph 502 (page 67 of the report) in regard to malaria that: "The solution of this problem is as remote as ever". The Constitution Commission drew attention to the inadequacy of the organisation against malaria, especially in Ovamboland. It stated that the work was too big to be covered by the medical officers concerned; the medical services were inadequate (paragraph 383, page 74 of the report); and so was the staff organisation. Perhaps the mandatory Power could furnish particulars in the next report as to the action taken in respect of the Constitution Commission's strictures in this connection.

Mr. COURTNEY CLARKE replied that the public health expenditure in connection with malaria was larger than in any other connection. Free medical attention and free drugs (quinine, plasmoquin, etc.) were supplied. Paragraph 383 of the Constitution Commission's

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 212.

report was applicable to Europeans as well as natives. The budget of the territory was limited : but, fortunately, malaria was limited to definite areas, and most years was of a mild character.

Count DE PENHA GARCIA drew attention to the position of the native population of 9,000 in the Eastern Caprivi-*zipfel* (see paragraphs 548-549 of the annual report), page 70. It appeared that these natives were without medical service of any kind.

Mr. COURTNEY CLARKE explained that the natives in question had a good hospital open to them just across the border.

In reply to questions by the Chairman on the subject of venereal disease, Mr. Courtney Clarke added that the Administration had powers to deal with the subject under the Public Health Act, but had hitherto refrained from public exercise of such powers in the reserves. Male natives were subject to compulsory examination before taking up labour contracts in the police zone. Compulsion in the case of female natives had frequently been mooted, but no action had hitherto been taken in this connection.

#### LAND TENURE : MAP OF THE TERRITORY.

M. VAN ASBECK thanked the accredited representative on behalf of the whole Commission for the interesting map supplied that afternoon. It would be most useful.

Mr. COURTNEY CLARKE explained that the copy he had just put in as an exhibit had been brought by him for his own purposes. He had been under the impression that a copy had already been sent to the Mandates Section.

M. DE HALLER said that no copy had so far been received by the Section.

M. GIRAUD asked if it would not be possible for the mandatory Power to attach a map to its report, as was done in the case of other territories.

Mr. COURTNEY CLARKE said that the mapping of the northern part of the territory was not yet completed. When that had been done the territory would be in a better position to supply a reliable map.

M. VAN ASBECK remarked that the current report, like previous reports since 1930, only referred to earlier reports, especially a memorandum dated 1925, copies of which were difficult to obtain. He would be glad if the next report might contain a new survey of the system of land tenure and if, each year, a summary might be given of outstanding facts in that connection.

Lord HAILEY suggested that such a survey should contain up-to-date statistics of (1) alienations, (2) Crown-lands and (3) reserves. The position in regard to all these items was very different from what it was in 1924.

Mr. COURTNEY CLARKE undertook to supply the information requested, so far as was possible, and to provide a map, if that too was feasible, with the next report.

The present area of native reserves was 16,325,000 hectares. That figure included Ovamboland and the Okavango area.

#### FORESTRY.

Count DE PENHA GARCIA asked if there was a Forestry Service.

Mr. COURTNEY CLARKE replied in the negative. Under the German occupation, there was an attempt to plant exotic trees ; but they were largely a failure. The territory was not well suited for tree-planting. On the other hand, there was a great deal of valuable work to be done in connection with the education of the farmers in the prevention of erosion.

Count DE PENHA GARCIA suggested that it might be desirable to start a reforestation service.

The CHAIRMAN asked whether it was proposed to create natural reserves like the Krüger Park for scientific purposes.

Mr. COURTNEY CLARKE replied that the existing game reserves in the territory were natural reserves of this kind. The territory had accepted the Flora and Fauna Convention, and voted the necessary funds for its enforcement.

The CHAIRMAN asked if hunting was allowed in the game reserves.

Mr. COURTNEY CLARKE replied in the negative.

MINES.

Count DE PENHA GARCIA gathered from the particulars given on pages 2 and 28 of the annual report that it was the policy of the territory to encourage mining.

Mr. COURTNEY CLARKE referred to the particulars given in paragraph 137 (page 28) with regard to Government notices and general notices. All these notices were issued under the Mining Ordinance.

Count DE PENHA GARCIA noted that geological maps were in preparation. He hoped they would be forwarded, when ready, to the Mandates Commission.

DEMOGRAPHIC STATISTICS.

M. RAPPARD said that the report indicated the nationality of persons entering and leaving the territory but not of the persons living in the territory (paragraph 642, pages 89 *et seq.*) He would welcome particulars on this point in the next report.

Mr. COURTNEY CLARKE said he had cabled for particulars in that connection, but had unfortunately not yet received any reply.

M. RAPPARD observed that the total number of the coloured population within the police zone was given in the table in paragraph 640 of the annual report (page 89) as 40,882 (20,723 males and 20,159 females). He noted, however, from the table in paragraph 650 (page 95) that the total population of Bastards and coloured persons in that zone was given as 11,032. Why was the second figure (which included the Bastards) only one-quarter of the first figure ?

Mr. COURTNEY CLARKE undertook to look into the matter. He believed the answer to the question was that the census had promoted Hottentots and Bushmen to the category of "coloured" persons.

M. GIRAUD noted that the total adult male population within the police zone was given in the table at the end of paragraph 649 as 40,491. The total outside the police zone was given at the end of paragraph 651 (page 96) as 143,388 males and females, of which some 56,000—a figure representing the same proportion of two fifths—might be taken to be adult males. The addition of the figures 56,000 and 40,491 gave a total of some 96,000.

Reference to the chapter on native labour (paragraph 554, page 73 of the report), on the other hand, showed that the total number of labourers employed were 30,931. That would seem to indicate that labour requirements absorbed nearly one third of the male population in the territory. Did not that proportion seem rather high ?

Mr. COURTNEY CLARKE said that the percentage was undoubtedly high ; and he found that satisfactory. The numbers in the reserves totalled 21,000. It was true there was a certain number of natives at work in the territory who came from outside—natives from the Union and Barotseland. He welcomed M. Giraud's remark, because the Administration was constantly criticised by the white element of the population on the ground that the percentage was low.

STATISTICAL INFORMATION REGARDING TERRITORIES UNDER MANDATE.

The CHAIRMAN recalled that, in accordance with a suggestion made by the Mandates Commission made at the twenty-third session<sup>1</sup> and approved by the Council on September 28th, 1933<sup>2</sup>, the Secretariat had issued a document in 1933 containing statistical tables relating to trade, public finance and population in the mandated territories (document C.565.M.272. 1933.VI, 1933.VI.A.2).

It would assist the Secretariat to keep this document up to date if the mandatory Power would include each year in the annual report a table similar to that relating to South West Africa in the document mentioned. This course, the advantages of which were obvious, had already spontaneously been adopted by the authors of the annual report on Ruanda-Urundi and, to some extent, by the authors of the reports on Western Samoa and Togoland under British mandate.

<sup>1</sup> See Minutes of the Twenty-third Session of the Commission, page 188.

<sup>2</sup> See *Official Journal*, November 1933, First Part, page 1323.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representatives for their co-operation with the Commission and for the very full information supplied. The assistance, during the examination of the annual report, of officials who were well acquainted with the situation in the territory and the problems of its administration made co-operation between the Mandates Commission and the mandatory Powers particularly valuable.

M. COURTNEY CLARKE thanked the Chairman. The accredited representatives greatly appreciated the Commission's patient and sympathetic reception of the information they had been at pains, on behalf of the mandatory Power, to supply.

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NINETEENTH MEETING.

*Held on Monday June 14th, 1937, at 10.30 a.m.*

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**New Guinea : Examination of the Annual Report for 1935/36.**

Lieut.-Col. John Walstab, D.S.O., V.D., Superintendent of Police of the Mandated Territory of New Guinea and Major O. C. W. Fuhrman, O.B.E., accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES : CATASTROPHE AT RABAU.

The CHAIRMAN welcomed Colonel Walstab and Major Fuhrman on behalf of the Commission.

The maintenance of order in the territory and the security of all districts had always been followed by the Commission with attention and it was therefore glad to be able to examine the present report with the assistance of a high official of the territory who was particularly qualified to give the Commission useful information on the present position in that respect.

The members of the Commission had learned through the Press of the catastrophe which had overtaken a part of the territory under mandate, in particular, the capital, Rabaul. The Chairman expressed the Commission's profound regret and all its sympathy for the population who had suffered from this experience. He asked if the accredited representatives could give some information as to the extent and consequences of the catastrophe.

CATASTROPHE AT RABAU (*continuation*) : STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Major FUHRMAN made the following statement :

I desire to thank you, Mr. Chairman, for the warm words of welcome which you have been good enough to address to my colleague, Lieut.-Col. Walstab, and to myself, and to assure you that we are both glad of this opportunity of collaborating with the Mandates Commission in its examination of the New Guinea report.

The facts concerning the recent volcanic disturbances in the mandated territory of New Guinea are as follows :

The first eruption, which was preceded by continuous earth tremors for about twelve hours, was that of Vulcan Island, which became active at about 4 p.m. on May 29th.

The eruption was confined at first to the emission of dense volumes of smoke, which turned day into night, and of volcanic dust which covered Rabaul, the capital of the territory. The Administration reported, five hours after the eruption began, that, while the situation was obscure and it was not at all possible to predict the future, there appeared to be no immediate danger. Most of the resident left the low-lying part of the town and went to Namanula, which is situated on a hill contiguous to Rabaul, and where the risk of danger was considerably less and conditions were much less unpleasant.

On May 30th—the following day—an old volcanic crater near Matupi Island, about two miles from Rabaul, also erupted, and the Administration decided to evacuate the European, Asiatic and native population to Kokopo, a small coastal town about twenty miles from Rabaul. This precaution, as events turned out, was fully justified and showed great wisdom and foresight on the part of the Administration.

I think I should mention at this point that, as part of this emergency organisation, a small number of men, about twenty, was left at Rabaul to supply the evacuated population at Kokopo with whatever food remained available in the capital. Messages were sent by the

Administrator asking vessels in local waters to stand by, and a message was also sent asking that a relief vessel should be despatched immediately from Australia with food supplies. A steamer of the Burns Philp Line left Brisbane, the capital of Queensland, on May 31st, with food, tents, bedding and medical stores. In addition, the Commonwealth Government despatched the H.M.A.S. *Moresby*, from the Gulf of Carpentaria, to render any assistance possible or necessary. In mentioning, at this juncture, the initial emergency measures taken by the Administration and the mandatory Power, I do so merely to emphasise that the authorities were fully seized of the threatened danger and acted with promptitude in immediately evacuating the inhabitants from the danger zone and in ensuring a maintenance of food supplies and of emergency requirements.

During the night of May 30th, heavy deposits of pumice and mud fell on and about Rabaul breaking countless trees, reducing the streets to quagmires and blocking the road to Kokopo—the town to which the inhabitants of Rabaul were evacuated. The harbour also became impassable owing to a thick layer of floating pumice. Reports from Rabaul at that time stated that most of the buildings were intact and unharmed but were covered thickly with volcanic mud. The party of Administration officers, volunteers and European and native police controlling matters at Rabaul succeeded in clearing one winding track for lorries, and the transference of stores from the capital to Kokopo was begun.

The Administrator reported on June 3rd, that, at daybreak on that date, the eruptions of Vulcan Island and Matupi were reduced to a small quantity of lazy smoke; that 400 natives had returned to Rabaul and were cleaning roofs and clearing streets; that, with a few exceptions, houses and other buildings were quite unharmed, and that an examination of the harbour disclosed an unimpeded entrance between Vulcan Island and Matupi estimated to be about 1 mile wide. The Government at this point offered to defray the cost of transporting all European women and children to Australia, and I should perhaps mention that, since that offer was made, 75 women and children have been evacuated from the territory.

Later messages from the Administration stated that, on June 8th, both volcanoes were apparently dead; that the cleaning of the town was proceeding steadily; and that refrigerators, electric lighting and bakeries were in operation. Furthermore, preliminary soundings of the harbour showed that it remained practically unchanged; that the floating pumice had drifted out to sea and that the harbour was clear and available for shipping; that the Government Departments were returning to Rabaul to resume their normal activities and that the European and Chinese population were taking up residence again in Rabaul on June 10th. I understand that, at the moment, dust in the town is the main nuisance, but the work of rehabilitation is progressing steadily and, if unimpeded, the capital of the territory will be habitable again in about a month.

So far as was known on June 12th—two days ago—two Europeans were missing—one local resident and the wireless operator of an American vessel—the *Golden Bear*, which was standing by from the beginning of the eruptions. The known death-roll of natives was stated definitely to be less than twenty. Furthermore, there is an entire absence of illness in the stricken area.

The Administrator reported that, throughout the whole period of the disturbance, the emergency organisation in Rabaul, the threatened capital, and at Kokopo, the town to which the inhabitants were evacuated, was excellent, and that it was not possible to commend too highly the work of the Administration staff and volunteers, the European and native police, and the general demeanour of the public, including women, children, Chinese and natives.

I should perhaps add that His Majesty's Government in the Commonwealth of Australia was kept fully informed of all phases of this unfortunate occurrence, and that it was prepared at any moment to render such assistance as might have become necessary had the situation developed more seriously.

I should like to assure you, Sir, that His Majesty's Government in the Commonwealth of Australia and the population of the stricken area will greatly appreciate the Commission's expression of sympathy.

The CHAIRMAN thanked the accredited representative for his statement, which was much appreciated in view of the Commission's interest in the territory.

Major FURHMAN said he had no general statement to make. The report was fairly full and informative and reflected truthfully the trend of events in and the position of the territory during the year under review.

#### FORM OF THE ANNUAL REPORT.

The CHAIRMAN noted that the form of the annual report complied to a considerable extent with the Commission's request that references to previous reports should be given in footnotes. This practice had, however, not been generally adopted and he expressed the hope that it would be followed in future reports.



#### INTERNATIONAL CONVENTIONS.

Count DE PENHA GARCIA noted that the report contained no list of international treaties applicable to the territory. Such a list was supplied for most other mandated territories and he hoped it would be possible to give this information in the next report.

Major FUHRMAN said he would ask that a list of international Conventions applicable to the territory be included in the next report.

#### FRONTIER BETWEEN THE TERRITORY UNDER MANDATE AND DUTCH NEW GUINEA.

Count DE PENHA GARCIA, referring to the delimitation of the frontier between the territory and Dutch New Guinea, noted the statement on page 90, paragraph 258 of the report, that notes had been exchanged between the Australian and Netherlands Governments. It appeared from the notes in question that the technical experts on the two sides had completed their calculations but had not reached identical results. A friendly agreement had been concluded and a stone had been placed as near as possible to the position agreed upon and a formal record had been drawn up. One frontier stone, however, could not determine the frontier but was only the starting point. He asked if the second stone referred to in the exchange of notes had already been put in position. Was it proposed to trace the entire boundary line ?

Major FUHRMAN said he had no information other than that contained in the report. He interpreted that passage to mean that the boundary had been tentatively agreed upon with a view to determining, at a later date a definite and exact line of demarcation between the two territories.

Count DE PENHA GARCIA asked that information regarding the second stone should be included in the next report.

#### FRONTIER BETWEEN NEW GUINEA AND PAPUA.

Count DE PENHA GARCIA recalled that, as regards the frontier between New Guinea and Papua, the accredited representative had stated last year <sup>1</sup> that the survey work had been sufficient to establish that certain mining-fields in proximity to the boundary were in New Guinea and that it was the intention of the Administration to complete the demarcation of the frontier as soon as possible. From the present report, it appeared that the survey of the boundary had not been proceeded with as the mining claims had been abandoned (paragraph 258, page 90 of the report). Even in that case, he thought it was of value to delimit the frontier as rapidly as possible.

Major FUHRMAN said he understood that the survey had reached the limits of the friendly districts. From its present position to the Dutch border it would be in dangerous country and any party working there would be required to be protected by a well organised escort. It was not practicable, at present, to allot suitable officers from the District Staff to undertake that work, but should necessity arise to ascertain whether any position was in the mandated territory or in the territory of Papua special parties would be detailed to carry out that particular phase of the survey of the boundary.

Count DE PENHA GARCIA hoped the territory would soon be safe enough to complete the work.

#### LEGISLATIVE COUNCIL.

M. VAN ASBECK quoted from an article in the *Pacific Islands Monthly*, of October 20th, 1936, criticising the New Guinea Legislative Council. The article was couched in violent language, as was the case sometimes in the Press of colonial territories. It would be prudent therefore to regard the article with a certain reserve. It claimed that the interests of the natives were not properly looked after and that the Legislative Council was unwilling to take into account the interests of any but the European planters. He asked the accredited representative what opinion should be formed of the article.

Major FUHRMAN said that the matter would be brought to the knowledge of the mandatory Power. He mentioned that, two years ago, <sup>2</sup> Lord Lugard had asked whether the unofficial members of the Legislative Council took an interest in native welfare questions. On that

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 13.

<sup>2</sup> See Minutes of the Twenty-seventh Session of the Commission, page 25.

occasion, the accredited representative, had stated that the non-native members did, in fact, take an active interest in native welfare questions and that, on a number of occasions they had initiated discussions on those problems. An examination of the legislation of the territory gave a denial to the criticism that legislation was introduced in the exclusive interest of the planters.

#### RECRUITMENT AND TRAINING OF CADETS : QUESTION OF LANGUAGE.

M. VAN ASBECK observed that twenty selected cadets had proceeded to the territory to begin their training, that five cadets had proceeded to the University of Sydney and that six cadets had returned to the territory as patrol officers (paragraph II, page 10 of the report). He asked for further particulars of the arrangements made regarding cadets.

Colonel WALSTAB said the cadets were appointed on probation for two years, the first of which was spent in the territory learning the work under senior officers. If any of the cadets were found to be unfit temperamentally or constitutionally, their appointment was terminated during the first year. The others were sent to the Sydney University for one year, after which they returned to the territory to take up duties.

M. RAPPARD asked whether the cadets on probation received any salary and whether their expenses were paid at the university. Was there any obligation on their part to return to the territory after their training at the university ?

Colonel WALSTAB said they received salaries and their university fees were paid. It had very rarely happened that any cadet who completed the university course had subsequently resigned from the Administration.

M. SAKENOBE observed that there had been more than 1,700 applications and twenty cadets had been selected. On what principle was the selection made ?

Major FURHMAN said the selection was made at Canberra. The appointees were required to be young men, of good physique and character who had passed either the intermediate examination or the leaving examination of an Australian university.

Colonel WALSTAB, in reply to a question, thought the age of the cadets on appointment was between 19 and 22, but he would verify that information.

M. VAN ASBECK noted the statement on page 128 of the report that the mandatory Power would insist upon officials making themselves familiar with the dialects spoken in their areas and that all practical steps would be taken in that direction. He asked whether any definite decision had been taken on the subject.

Colonel WALSTAB said there were certain difficulties connected with the learning of native dialects by young cadets during their first year in the territory. It was most important for them to learn pidgin English in the first place. This was very difficult to learn thoroughly and, unless a good knowledge was obtained, was liable to give rise to misunderstanding. The dialects varied greatly in different areas. The cadets were encouraged to learn the dialects but, as some of them were not always in the same place for the whole of the first year of their probation, it was very difficult for them to acquire much knowledge of local dialects during that period.

M. VAN ASBECK asked whether the dialects were not related to one another and forms of one main language. He considered the question of language was of paramount importance, since it constituted one of the principal means of contributing to the welfare and uplift of the natives.

Colonel WALSTAB gave an example of the difficulty. In the island of New Ireland there was a road running along the east coast from Kaveing. There was a small group of villages near Kaveing which he would call group A, a further group, say six or seven miles along the road which he would call group B, and another group say six or seven miles beyond that which he would call group C. The inhabitants of group A could converse with those of group B, and group B with group C, but group A could not converse with group C. This was typical of many parts of the territory. Near Rabaul there was a fairly large area where the Blanche Bay dialect was spoken. In the small island of Manus there were, at the very least, ten or twelve dialects. The *lingua franca* of the territory was pidgin English.

M. RAPPARD concluded that the natives spoke not different dialects but different languages.

Colonel WALSTAB said he was not sufficiently versed in the study of languages in general to say whether they could be referred to as languages or dialects.

#### QUESTION OF THE TRANSFER OF OFFICIALS TO PRIVATE ENTERPRISES.

M. VAN ASBECK drew attention to the hopes expressed by the Commission last year<sup>1</sup> that steps would be taken to strengthen the hands of officials in their dealings with the representatives of private interests. It was stated on page 128 of the report that these hopes had been noted. Had the Government taken any decisions on the matter ?

M. RAPPARD explained that this question had arisen through Administrators leaving the Government service and taking employment with private companies whose activities they had been called upon to control. If officials had an eye to service with a company at a higher salary, the effect might be to reduce the control.

Colonel WALSTAB knew of cases of officials of the Mines Department and clerical staff who did not handle native questions going over to private companies on the gold-fields but he did not know of any case of officials of the district service staff of European police force taking service with the mining companies.

M. GIRAUD said that, in some countries, officials were forbidden by law to enter, within a certain period after leaving the Government service, any private service the activities of which had been under their control. Did the Administration contemplate the introduction of such provisions in case any abuses arose ?

Colonel WALSTAB knew of no cases of abuse, so that the question had not arisen. The people who had transferred to the companies were clerical or technical staff.

M. GIRAUD asked whether the technical officials who had transferred were not engaged in supervision.

Colonel WALSTAB, speaking from memory, knew of one such case only.

The CHAIRMAN requested that more information be given in the next report on the regulations applying to officials who left the service to work in private organisations, more especially those whose duty it was to issue permits for prospecting and for mining exploitation and the supervision of that industry.

#### COMPOSITION AND ORGANISATION OF THE ADMINISTRATIVE SERVICES.

M. SAKENOBE was glad to see the interesting statistics on pages 10, 11 and 12 of the report relating to the public services. He did not think, however, that they gave a clear idea of the organisation of each department. He asked whether a list could not be provided containing the number of officials in each department as given in the report for 1933. For instance, in the case of the Department of Native Affairs, it was not clear how many district officers, patrol officers, etc., were employed. He would therefore like a list of departments together with the actual posts occupied in each department. He thought that it was not very important whether these posts were occupied by permanent officers or by exempt officers and temporary employees.

Colonel WALSTAB said that the request would be brought to the notice of the Mandatory.

#### CATASTROPHE AT RABAU (*continuation*) : POSSIBILITY OF OBTAINING WARNING OF VOLCANIC ERUPTIONS.

M. RAPPARD said he had been impressed by the statement on the catastrophe at Rabaul. He asked whether the eruption took the authorities by surprise or whether there was any geological or seismological service in a position to give a warning. The recruiting of officials might be hampered by the fear of a recurrence of the disaster. He assumed the Government thought that the eruption would have far-reaching consequences, since it had taken steps

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 212.

to remove the women to Australia. A week later, however, the Administration had been able to return to Rabaul. He asked whether there was any means of obtaining warnings of such eruptions. Was Rabaul considered to be in a threatened area or was this case unique ?

M. VAN ASBECK said that some years ago a volcanic service had been established, in the Dutch East Indies, whose duty it was to watch over volcanoes. The guards watched the signs and movements in the volcanic district and gave notice of impending eruptions. He would like to know whether similar measures were taken in New Guinea.

Colonel WALSTAB said he had lived in the territory for sixteen years of which fourteen years had been spent at Rabaul, and he could state that the authorities would be taken by surprise. Rabaul, like other parts of the territory, was subject to earth tremors which occurred fairly frequently. The population became accustomed to them and did not expect a catastrophe like the one that had occurred. He could not give any information regarding the instruments used at the Meteorological Department but could state that there was no system of watchmen, as this had never been found necessary.

M. SAKENOBE said that his country was full of volcanoes and there were earth tremors almost daily. The science of anticipating eruptions and earthquakes had been thoroughly studied but so far it had not been able to anticipate, even two minutes before the event, the extent of impending eruptions or of coming earthquakes.

Colonel WALSTAB thanked M. Sakenobe for his information which would be most valuable to the Administration.

#### UNREST AT BUKA : ADMINISTRATIVE MEASURES FOR SUPPRESSING SUCH DISTURBANCES.

M. VAN ASBECK noted the statements on pages 22 and 23 of the report regarding movements created by a native, Sanop. The authorities seemed to have adopted a somewhat passive attitude to those occurrences. After the first movement in February 1934, Sanop was sentenced to a short term of imprisonment and was able to organise two further outbreaks. It also appeared that the paramount chiefs of Buka had taken no steps to report the movement. He did not understand why the movement could not be checked at an earlier date, before the trouble spread to the native villages and cattle were lost.

Colonel WALSTAB said such movements occurred with native races when at the stage of development reached by some of the natives of the territory of New Guinea. For example, some few years ago a very similar unrest manifested itself in the territory of Papua. In the case of the movement in the villages at Buka, the authorities were, during the earlier stages, dependent on the native village officials for information.

M. VAN ASBECK asked what action would be taken against the native chiefs for failing to report such occurrences.

Colonel WALSTAB said he had not been in the territory since September 1936, but he was sure that the chiefs in question would have been deposed.

M. SAKENOBE asked whether the native constabulary did not report such incidents.

Colonel WALSTAB said the native police were usually sent to serve outside their own districts, as local native police were apt to help their own friends. The authorities were therefore often dependent for information on the village officials in regard to village affairs.

M. VAN ASBECK asked if further information might be given in the next report on the measures taken in regard to the last movement, on the general attitude of the Administration towards such movements and on the failure of the chiefs to report them.

Was not the Administration empowered to remove a mischief-maker like Sanop to another area until his own area had been cleared of unrest ?

Colonel WALSTAB had no particulars as to the fate of Sanop, but was sure that after his last outbreak he would be deported to another area, as that was the usual practice.

The CHAIRMAN also requested that a statement might be inserted in the next report as to the powers of the Administration in this field and the measures generally taken in such cases, together with an example.

Colonel WALSTAB said that, in such cases, the Administration had powers, under the Native Administration Regulations, to deport natives.

PENETRATION AND CONTROL OF THE TERRITORY : DEVELOPMENT OF A ROAD SYSTEM :  
AVIATION.

M. VAN ASBECK referred to the figures on page 24 of the report showing the extent of the uncontrolled area. He appreciated the difficulty of extending the controlled areas and had noted the account in the *Pacific Islands Monthly*, of October 20th, 1936, of an attack by natives on a white patrol. During the skirmish, the leader of the patrol had been seriously wounded ; later a leg had been amputated. M. van Asbeck desired to express his sympathy with the victim of this tragic incident.

He observed that the report under consideration only gave the total areas under control, under influence, etc., while the last report, on the other hand, had given the total number of square miles added during the year. He would be glad if the areas added could be inserted again in future reports. On comparing the total areas under control, under influence, under partial influence and penetrated by patrols for the last few years, he observed that the total area on June 30th, 1936, was 54,096 square miles against 52,746 square miles on the same date in 1934. This was an increase of only 1,300 square miles. If the area where only patrols had penetrated were counted as uncontrolled, the total uncontrolled area was still 43,000 square miles as against 49,000 square miles two years previously. In other words, at the same rate of progress, it would take fourteen more years to obtain complete control over the territory.

In the course of explanation, Colonel WALSTAB said that peaceful penetration by patrols was a very slow matter.

M. VAN ASBECK appreciated the difficulties but again pointed out that half the territory was not yet even under partial influence. All colonial experience had taught that one of the most effective means of bringing areas under control was the extension of the road system. In New Guinea, aviation was widely used and he admitted its advantages, but the first means of conquering a territory civilly was the road. He observed that the vehicular roads in the territory only amounted to 631 miles and that only 153 miles had been added in the last five years. The increase in bridle paths was also small—namely, from 4,779 miles to 5,227 miles in the same period (page 27 of the report). He asked whether there was any definite plan to extend the road system as a means of bringing areas under control, under influence or under partial influence.

Colonel WALSTAB said it was difficult for anyone who had not travelled in New Guinea to realise the difficulties of the territory and, in particular, those of road making. The country was mountainous and there was a rapid growth of jungle so that the cost of maintaining roads was very heavy. The bridle paths could also be considered as roads. As an example of the policy of extension in the latest areas penetrated around the Purari river, the officers who were consolidating that area were teaching the natives to make roads between the villages. In some areas, patrols were landed by air at a temporary aerodrome and, after penetrating further with carriers, police, etc., cleared a space where aeroplanes could land for the purpose of bringing them supplies. As an instance of the value of the air service, he said that the town of Wau, the centre of a population of over 1,000 Europeans, and approximately 7,000 native labourers, received all its supplies by air. By air, Wau could be reached within twenty minutes from the coast, whereas it had taken him, on one occasion, nine days to cover the distance on foot.

The CHAIRMAN said the Commission did not contest the difficulty of road building, but the accredited representative would be ready to admit that the occupation of a territory could not be maintained by aeroplanes alone. This could not be a permanent solution and the main condition for permanent occupation, as well as economic development, was the existence of a road system.

M. GIRAUD appreciated the difficulties but pointed out that they existed in all tropical mountainous countries. He observed that the district of Sepik, which represented three-sevenths of the territory, had no roads whatever. The credits for road development had, moreover, decreased from £21,656 in 1934/35 to £18,329 in 1935/36 (page 85 of the report). He asked if there were credits for roads under some other item.

Colonel WALSTAB said the Sepik district was administered from the Sepik river which was navigable for sea-going vessels for 300 miles. The surrounding territory was swampy and unsuitable for road making.

Major FUHRMAN said the Administration was fully alive to the necessity for developing a road system. This was borne out by a statement on page 28 of the report, which was to the effect that the road to the Arawa-Kupei gold-field, of which eight miles would shortly be ready for motor traffic, would prove a great asset in the future and that many miles of the Buin system of bridle paths would be automatically converted into good motor roads as soon as it was possible adequately to bridge the numerous rivers. The rivers in the territory and their many tributaries very greatly impeded the development of a road system.

M. VAN ASBECK repeated that he was fully aware of the difficulties, but that New Guinea was not an exception in that respect. If a navigable river existed, obviously it was unnecessary to build a road alongside. As regards the financial burden involved by road-building, he observed that the accumulated surplus had now grown to £40,000. He asked whether the Administration had any well considered plan of extending the road system, and whether it would be possible to create a special road fund.

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## TWENTIETH MEETING.

*Held on Monday, June 14th, 1937, at 3.30 p.m.*

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### **New Guinea : Examination of the Annual Report for 1935/36 (continuation).**

Lieut.-Col. Walstab and Major Fuhrman came to the table of the Commission.

#### DEVELOPMENT OF A ROAD SYSTEM (*continuation*).

Colonel WALSTAB said the Administration's road policy was to extend vehicular roads in controlled areas and at the same time to construct bridle-paths and foot-tracks in areas under Government influence or partial Government influence on routes that might ultimately be developed into vehicular roads by gradual improvement. That was how the existing vehicular roads came into being. He had already stressed the difficulties of road construction in the mountainous and jungle country which formed the greater part of New Guinea, and desired also to stress that to reach the interior large areas of very sparsely populated or almost uninhabited country would in instances have to be crossed. Then the question of maintenance arose. It would be appreciated that it was useless to build costly roads which could not be maintained.

M. VAN ASBECK repeated his suggestion that a road fund should be constituted.

Count DE PENHA GARCIA said the mandatory Power might have had some justification for concentrating first on the development of air transport. The chief product of the country, gold, could easily bear the cost of transport by air, including the transport of prospectors and machinery. At the same time, £11,000 had been spent on necessities for the natives working on gold extraction during the past year, and the cost of transporting those necessities by air was about 50% of their cost, a heavy burden. The time would therefore seem to have come to consider the claims of agriculture. Even from the point of view of security, a road system was necessary. It was unusual for a frontier commission to require such a strong guard, to which the accredited representative had referred during the consideration of the question of delimitation.<sup>1</sup>

### PENETRATION AND CONTROL OF THE TERRITORY (*continuation*) : CONDITIONS FOR THE ISSUE OF PERMITS TO ENTER UNCONTROLLED AREAS : PETITION FROM SIR JOHN HARRIS, SECRETARY OF THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY (*continuation*).

M. VAN ASBECK failed to understand why fewer native officials were required when an area came under control, as suggested in paragraph 33 of the report (page 24). He would have expected that the converse would be the case.

Colonel WALSTAB explained that the areas referred to probably consisted of small hamlets each of which had its luluai and tultul before complete control was established. When this was accomplished, it was sometimes found sufficient to appoint one luluai to each group of two or three hamlets.

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<sup>1</sup> See page 149.

M. VAN ASBECK asked whether the native councils with which experiments were being made (paragraph 33, page 24 of the report) had any powers? Were the members elected, or appointed by Government officials?

Colonel WALSTAB said the chief experiment was being conducted in Matupi village near Rabaul. A European officer, who had studied and was conversant with the local dialect, had helped the villagers to form a council, and while the members decided village disputes themselves, this officer sat with them to ascertain whether they were capable of conducting their own council.

M. VAN ASBECK asked what steps the mandatory Power intended to take to deal with the mission teachers who had been responsible for the disturbances described in paragraph 39 (pages 25 and 26 of the report).

Major FUHRMAN said that the two regrettable breaches of the restriction mentioned in paragraph 39 were committed by European missionaries. One of them, a Reverend Father of the Roman Catholic mission, was sentenced to five years' imprisonment on a charge of arson. He appealed to the High Court of Australia and the sentence was reduced to a term of imprisonment for six months. The second breach was committed by a Member of the Lutheran Mission who was sentenced to two years' imprisonment on a charge of unlawfully depriving a native of his personal liberty. An appeal to the High Court was dismissed, but the Administrator exercised the power vested in him by the Judiciary Ordinance to remit part of the sentence, and the prisoner was required to serve a period of approximately six months.

With regard generally to uncontrolled areas, Major Fuhrman informed the Commission that, by regulations dated May 18th, 1936, which came into operation on August 1st, 1936, the Administrator was empowered to declare any area, specified by notice in the *New Guinea Gazette*, to be an area in which any native not being a native born in the area should not reside, except in a village or place in which there resided a European who had immediate control over the natives. After consideration of reports from the District Officer, Morobe, and a personal inspection of the uncontrolled areas of that district by the Director of District Services and Native Affairs, the restrictions to which he referred were modified by Regulations made by the Administrator on February 9th, 1937. The amended Regulations authorised a district officer to grant permission to foreign natives to reside in a village in an uncontrolled area notwithstanding that there was no European in immediate control of such natives residing in the village.

M. VAN ASBECK drew attention to the following passage in the observations accompanying the Australian Government's letter of May 17th concerning Sir John Harris' petition (document C.P.M.1899) :

"In February 1937, it was decided again to consider applications for the issue of permits under Section 6 of the Uncontrolled Areas Ordinance, 1925/1935 . . . It is the intention of the Administration to consider the grant of permits to properly equipped and otherwise suitable parties to enter certain uncontrolled areas for scientific, prospecting or missionary purposes."

Was the Commission to understand that although the Administration had power to issue permits for the above purposes it only intended to issue them to missionaries?

Colonel WALSTAB said that the areas entered by the Leahy brothers referred to in the observations of the Australian Government were not the areas in which the two European missionaries referred to by Major Fuhrman had had trouble with the natives.

M. VAN ASBECK understood that, while the Administration had power to issue permits, it used its discretion to grant only such permits as it thought fit.

Colonel WALSTAB said the Administration certainly exercised its discretion.

M. VAN ASBECK reminded the accredited representative that, at its twenty-seventh and twenty-ninth sessions, the Mandates Commission had made the following observations to the Council :

"The Commission draws attention to the dangers which result from the freedom of access into regions not yet under the control or influence of the Government, involving danger to the lives, not only of non-natives, but also of the carriers and the native population. It hopes that these regions will not be thrown open to any private activities until the Administration has been able to study the conditions of the population and established a certain degree of public authority."<sup>1</sup>

<sup>1</sup> Minutes of the Twenty-seventh Session of the Mandates Commission, page 230.

“ The Commission again expresses the hope that the Administration will rapidly succeed in extending its authority to the areas not yet brought under effective control.

“ It has noted that access to certain areas over which the Administration has not yet established full control is henceforward to be forbidden to all persons other than natives.”<sup>1</sup>

In view of those observations, the Commission had naturally been interested to see, from the Australian Government's letter, that Europeans once more had access to certain areas. He believed his colleagues agreed with him that the Administration was not justified in allowing non-natives, such as prospectors, to enter those areas for private purposes before the Administration was in a position to enforce law and order.

Was there not every reason for refusing applications for permits to such persons ?

Colonel WALSTAB pointed out that there were two classes of uncontrolled areas—one for which a permit subject to certain conditions might be granted to specially approved Europeans to allow them to enter the area, and another in which all movement of Europeans other than Administration officials were prohibited (paragraph 37, page 25 of the report).

Administration officials had a certain degree of control over natives in areas of the first class, but it was desired to place restrictions on Europeans entering such areas. As an example, persons holding permits under the Uncontrolled Areas Ordinance were forbidden to enter native villages.

M. VAN ASBECK did not see how the Administration could be sure that non-natives holding permits to enter an uncontrolled area where there were very few European officials complied with the regulations. What means of control were available for the Administration ?

Colonel WALSTAB said the Administration would not issue a permit unless it was satisfied that it could do so with safety.

M. VAN ASBECK said that it was somewhat alarming to hear that further permits were to be issued. From 1929 to 1934 nearly on hundred natives had been killed and wounded in affrays with European prospectors or missionaries. He was sure that the Administration would exercise the greatest care in issuing permits so as to prevent any recurrence of the disastrous incidents of the past.

Major FUHRMAN said that when the Government was reasonably satisfied that the natives in certain areas had advanced far enough to enable them to meet changing conditions in an area—even though it was technically an uncontrolled area—and that such areas could be entered with reasonable safety, conditional permits allowing persons to carry on their vocations as missionaries, miners, etc., were issued. By keeping the area a proclaimed uncontrolled area under the Ordinance, the Government could maintain a considerable degree of control over the movement and behaviour of the persons to whom such permits were issued. When those areas were completely under control, restrictions as to entry thereto were removed. The conditions had probably changed sufficiently in the areas referred to in the Commonwealth Government's letter, to permit of the granting of permits.

M. VAN ASBECK pointed out that restrictions were only introduced in 1935. Had conditions changed so much for the better in two years that new permits could be issued with safety ?

Major FUHRMAN said that would be a natural assumption so far as certain areas were concerned.

M. VAN ASBECK asked why it was necessary to issue permits to prospectors ? Why was the matter so urgent ? Caution would seem to be called for in view of the unsatisfactory experiences of the past.

The CHAIRMAN added that it was difficult to understand why prospectors for gold had been specially favoured. Was it for reasons of public interest ? It was the more surprising in that even if they found gold they would not be allowed to work it. Were any gold-mines actually being exploited in uncontrolled areas ?

<sup>1</sup> Minutes of the Twenty-ninth Session of the Mandates Commission, page 212.



Colonel WALSTAB had no information concerning the last question. If prospectors were in uncontrolled areas, they would be in areas for which permits might be granted.

If the Administration considered that there was any risk of disturbance it would not issue permits.

M. RAPPARD said it was difficult to understand why prospectors should be allowed to have permits. The Administration might be justified in allowing missionaries to enter the uncontrolled areas as outposts of civilisation, but prospectors were not civilising agents and might harm the natives in areas in which the Government had no control.

Colonel WALSTAB suggested that the expression "uncontrolled area" was something of a misnomer. It must not be assumed that all these areas were completely uncontrolled. Some of them might be described as areas under influence but they were still classified as uncontrolled because the Government wanted to retain power over them under the Uncontrolled Areas Ordinance. It would not grant a permit for an area which was absolutely uncontrolled.

The CHAIRMAN pointed out that the Leahy brothers had obtained permits.

M. VAN ASBECK asked whether the permit issued to Mr. Leahy had been for an area in which Europeans were allowed to enter ?

Colonel WALSTAB said there seemed to be some misunderstanding. He had been under the impression that he was being questioned about the permits issued at the present time. He had not been referring to the Leahy incidents.

Major FUHRMAN drew attention to the following passage in Annexure B of the Australian Government's letter of May 17th, 1937 :

"The Leahy Brothers (M. J. and D. Leahy) are miners, and, during the period from April 1930 to October 1934, they prospected for gold in uncontrolled areas in the head waters of the Tauri, Ramu, Purari, Mt. Hagen and Sepik watersheds.

"It was the policy of the Administration at that time to issue permits allowing certain miners, missionaries and other persons to enter the uncontrolled areas. Several Europeans, including the Leahys, received permits and visited the areas concerned."

In reply to an enquiry, Major Fuhrman added that the areas visited by the Leahy brothers were completely uncontrolled areas.

M. RAPPARD asked whether the Administration had changed its policy.

Colonel WALSTAB replied that it had.

M. VAN ASBECK asked in what way the Administration's policy had changed.

Major FUHRMAN replied that, since the Leahy incidents, uncontrolled areas were classified as (a) areas for which a permit subject to certain conditions might be granted to specially approved Europeans to allow them to enter the area and (b) areas in which all movement of Europeans other than Administration officials was prohibited.

M. VAN ASBECK asked whether the Commission was to understand that, at present, no permits were issued to persons such as the Leahy brothers for areas where there was no Government control, and that there was no likelihood of further incidents.

Colonel WALSTAB replied that that was the exact position.

M. VAN ASBECK said this reply was reassuring. There was, however, still the question of prospectors in areas under influence. Was the situation of these areas such that prospectors who found gold or mineral deposits worth exploiting could safely work there ? Would they be allowed to do so ? Was there enough influence to protect parties working in the areas and to prevent affrays with natives ?

Colonel WALSTAB said the Administration would certainly not issue permits to work or prospect in areas under influence if it thought there was any danger to the native population. He repeated that it was extremely careful in issuing permits.

M. RAPPARD asked whether mining would be allowed in an area in which the Administration was not sure of being able to protect the natives.

Colonel WALSTAB said prospectors were restricted by the terms of their permits which were explicit enough to cover all contingencies. Should the Administration come to the conclusion that an area was dangerous, the permit would not be issued.

M. RAPPARD said that it would be desirable to obtain a declaration from the Administration to the effect that it was its considered policy not to permit mining where it was not in a position to supervise the activities of the mining company.

Colonel WALSTAB was unable to say whether the Administration would prohibit actual mining in an area declared an uncontrolled area under the Ordinance, but considered to be quite safe; it would certainly not permit it in the other class of area.

M. RAPPARD said it was always socially dangerous to allow mining in an area in which the Administration could not control the natives. If they were mild and docile, there might be no danger to the miners but considerable danger to the natives, who might be forced to work under conditions which the Administration would not tolerate if it knew of them.

The CHAIRMAN could not overlook the fact that what the Commission had just heard was not calculated to make a favourable impression on persons familiar with the ordinary practice of colonial administration. A primary rule was that no economic activities should be allowed—and prospecting was a form of economic activity—in an area of which the Administration was not in effective control. He knew of no case similar to that under discussion. On the other hand, there were "closed districts" in British colonies and territories where no activities or penetration were permitted until the control exercised by the authorities was sufficient. It was generally recognised that the Administration entered an area first and only when it was in a position to ensure respect for the law was the district opened up to private enterprise.

Major FUHRMAN was not satisfied that the position as regards uncontrolled areas was clearly understood by the Commission. A perfect understanding was as much in the interests of the mandatory Power and the Administration as it was in the interests of the Commission.

When the Leahy brothers prospected, there was only one type of uncontrolled area. Since the incidents referred to, the Administration had reclassified uncontrolled areas—which for the purpose of explanation, might be classified type A and type B—type A, where the admission and entry of all persons other than Administration officials was prohibited for any purpose whatsoever; type B, where areas were regarded as sufficiently safe to permit of the entry of approved Europeans who might, for example, be missionaries or prospectors and whose entry was subject to certain conditions. Even in type B areas, the Administration was most careful in granting permits.

The CHAIRMAN pointed out that the Administration did not appear to exercise complete control in either type of area; when classifying an area as an uncontrolled region B it admitted that its influence there was only partial.

M. VAN ASBECK said he had not the text of the amending Ordinance of the Uncontrolled Areas Ordinance before him.

Major FUHRMAN said the amending Ordinance No. 41 of 1935 (page 13 of the report) referred to compensation in respect of natives killed, wounded or injured by a native in an uncontrolled area.

M. VAN ASBECK asked whether there was no ordinance differentiating between A and B areas?

Major FUHRMAN said that there was only one Uncontrolled Areas Ordinance.

The CHAIRMAN would like to find in the next report, more detailed information, and, in particular, an explanation of the ground for the distinction between A and B areas. That distinction between the two categories seemed rather subtle. It would appear that all these areas were uncontrolled, though there was some slight influence in some of them.

The Commission would also be glad to know how the Administration reconciled the practice of allowing individuals to move about in an area in which it did not exercise

control, in view of its responsibility, under the mandate, as guardian and protector of the natives.

The practice of allowing individuals to enter areas not under effective control, and possibly to come into violent contact with the natives, was not favourable to the subsequent establishment of the Administration. Incidents of the kind described would certainly leave on the natives impressions which were not calculated to encourage them to welcome sympathetically the officials who would come later. Indeed, these incidents would only complicate the Administration's task of establishing peaceful relations with, and feelings of confidence on the part of, these primitive people.

M. VAN ASBECK asked whether the accredited representative wished to add any further information to the Australian Government's letter of May 17th regarding Sir John Harris' petition.

Major FUHRMAN said that, unless the Commission desired further information, the mandatory Power regarded the case as closed.

M. VAN ASBECK said that the information contained in Annexure B to the letter seemed to suggest that there had been some neglect in the first instance. Only when there was criticism from outside was a full investigation made. Should not the district officer have gone to the area himself?

The CHAIRMAN said the fact that the Administrator did not make enquiries on the spot suggested that that was because Mr. Leahy was able to enter an area which was not in practice open to the Administration itself.

Major FUHRMAN said it was not the Administrator's duty personally to investigate a matter such as this. That duty would be one for the district officer.

#### PUBLIC FINANCE : TAXATION.

M. RAPPARD said he had read the chapter on public finance (pages 78 *et seq.* of the report) with great interest and was glad that the period of prosperity had brought with it an appreciable increase in revenue. The figures were already a year old but, as the times were still prosperous, a further increase in revenue might be expected.

Expenditure had increased even faster, however, and had exceeded revenue in 1935/36. The increase appeared to be accounted for mainly by increased expenditure on Central Administration, the Police and Prisons Branch, the Department of Public Health and the Department of Public Works, especially the latter. That was all to the good; but it meant that the Administration had been unable to reduce the public debt. It was true that £7,000 on which no interest was charged had been repaid, but it would be more in the interests of the territory to pay off that portion on which interest was charged.

M. Rappard enquired whether he had fairly summarised the situation.

Major FUHRMAN agreed that the summary was accurate in respect of revenue and expenditure.

M. RAPPARD asked whether it was the policy of the Administration to begin to repay the debt on which interest was charged only after all the debt on which no interest was charged had been repaid.

Major FUHRMAN had no information on that point.

M. RAPPARD said that the Administration devoted considerable space to describing the expenditure incurred in the interests of the natives. He did not attach much importance, however, to arbitrary distinctions between native and general interests. It was difficult, for instance, to say whether a road was in the native interest or not. Expenditure on native education was a guide however to the Administration's interest in native welfare. Here M. Rappard was completely nonplussed. Expenditure on education was referred to in various sections of the report. In paragraph 91 (page 36) expenditure in connection with the education of natives was said to be £5,777, and, according to paragraph 244 (page 85), £1,144 was spent on the native agricultural school at Keravat. This school was also referred to in the replies to the observations made by the Commission on the 1934/35 report. In the summary of financial transactions since the establishment of civil administration, however, it was stated that £4,633 was spent on education (page 87 of the report).

Major FUHRMAN said the total sum spent on education amounted to £5,777. The sum spent on the Keravat School should be added to the figure of £4,633.

M. RAPPARD thanked Major Fuhrman for this information. He was under the impression that, while there were native agricultural and mission schools in the territory, there were no Government schools for the general education of the natives.

Colonel WALSTAB said there were three Government schools, two near Rabaul at Malaguna and Nodup and one at Kavieng. He had, in his own office, a native constable educated at the Malaguna native school who was a remarkably good typist.

M. RAPPARD asked whether it was wise to incur a deficit during a boom. What would happen when the prices of the chief commodities of the territory fell and depression supervened?

Major FUHRMAN said the Administration's policy was to keep expenditure well within revenue. Much of the expenditure during the year under review was non-recurring expenditure on public works.

M. RAPPARD asked whether this expenditure was incurred on the ordinary budget.

Major FUHRMAN replied in the affirmative.

M. RAPPARD said that in that case it was a matter of accounting.

He pointed out that, in the previous year,<sup>1</sup> it was noted with satisfaction that new revenue had been derived from gold-mining royalties. In 1935/36, there had been a slight reduction in the yield from mining royalties owing to a drop in the production and export of gold (page 79 of the report). Had the Administration considered the possibility of increasing the very low royalties, particularly as gold-mining was not a welcome feature from the point of view of native interests, and an increase of the kind suggested might assist it to speed up measures of control.

Major FUHRMAN said that, in view of the sound financial position of the Administration, after heavy expenditure on new works, and special reduction of loan liability, an increase in the rate of taxation of gold did not at present appear to be necessary. In point of fact, representations were made to the Administration early in 1936, on behalf of one or more of the gold-field companies operating in New Guinea, for a reduction in the rate of royalty. The matter was fully investigated by the responsible officials of the Administration, and the conclusion was reached that the existing arrangements regarding the taxation of mining operations were not inequitable. It was decided that favourable consideration could not be given to a proposal to amend the incidence or basis of such taxation.

M. RAPPARD said that if the gold-mining companies had exercised pressure on the Administration for the reduction of the very moderate royalty it was normal for the Commission to exercise pressure in the other direction. Looking at the matter from the point of view of the real interests of the territory, he could not see any justifiable ground for a reduction of royalties, seeing that these were appreciably lower than in most gold-mining countries, and that the extension of gold-mining was not an unmixed blessing from the social standpoint.

Major FUHRMAN pointed out that there had been no recent change in the royalty levied on gold.

M. GIRAUD observed that the tax collected on gold exports in the form of royalties amounted to about 4½%. On comparing that figure with import duties, which constituted the chief item of revenue in the budget, he found that import duties amounted to 16% of the value of imports in 1934/35 and 14½% in 1935/36, or about one-sixth and one-seventh of the value of the goods imported (pages 67 and 79 of the report). That must constitute a very heavy burden on consumers in the territory. It would be seen from the total figures for imports and exports that gold represented about half the total trade. Gold contributed from £80,000 to £90,000 to the budget, whereas import duties amounted to £186,000. There would clearly seem to be a lack of balance between royalties on gold and import duties. It would seem that royalties should be increased.

Major FUHRMAN said it would be practically impossible to ascertain how much direct and indirect taxation was borne by the mining interests in the territory. While the export royalty on gold was 5%, mining interests also contributed a considerable sum to the revenue of the territory by way of indirect taxation on imports of mining machinery, metal and metal manufactures. For example, mining machinery was subject to a Customs duty of 10% upon importation into New Guinea.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 20.

M. GIRAUD said there was, nevertheless, considerable disproportion between the revenue from gold and the import duty on articles of prime necessity.

Major FURHMAN said he was not endeavouring to explain the discrepancy but merely to point out that mining interests bore a very large share of taxation—both direct and indirect.

M. RAPPARD asked whether there had been any difficulty in collecting the native head tax. Did the natives pay willingly and feel they were getting good value for their money ?

Colonel WALSTAB said he had had considerable personal experience in the collection of taxes, as he had been a district officer for two years when he first went to the territory in 1921.

The Commission was, of course, aware that, whenever there was any hardship, the Administrator was empowered, on the recommendation of the district officer, to remit the tax, but generally speaking there was no trouble at all in collecting it from natives who were in a position to pay. Tax collection was turned into something of a ceremony and the natives decorated the hut at which the tax was collected. Naturally, there were sometimes defaulters. He himself had always taken considerable trouble—and he presumed this was the practice of all tax-collecting officers—to explain to the natives that they were receiving more than their money's worth in the form of medical aid and visits from the native administration officials who enquired into their general welfare and listened to their views. The natives greatly appreciated the visits of the native administration officers and did not regard them as oppressive tax-gatherers. He believed that was one reason why the tax was collected by Native Administration officers and not by special tax-collectors of the Treasury whose sole duty would be the collection of taxes. Native Administration officers collecting taxes had discretion in deciding whether a man was physically fit or whether he was under or over age. They knew their people and knew whether they should be called upon to pay the tax.

M. GIRAUD asked whether the amount of the head tax, 10s., was not fairly high, considering that the native population was somewhat backward. Would it not be better to graduate the tax rather than to give relief where necessary ? Natives living in areas near mines and ports or in trading districts would presumably be in a position to pay a higher tax than the others.

Colonel WALSTAB said he knew the matter had been fully considered but he had no information as to why it had been decided not to graduate the tax. In reply to a request, he said the Mandatory would be asked if particulars could be furnished in the next report.

Count DE PENHA GARCIA noted that, as a result of the remission, as from August 1st, 1935, of the native labour tax payable by employers, the revenue collections of the Administration would decline to the extent of approximately £9,000 during 1936/37.

At the same time, he noted from page 76 of the report that the price of copra per ton was nearly double the price in 1934/35. Why was not the tax restored ?

Colonel WALSTAB said the tax was originally remitted to assist employers. Although the increased price of copra had benefited the territory in general, and one section of the community in particular, there were a number of persons in the employment of the Administration and of various firms who derived no benefit from copra.

Count DE PENHA GARCIA thought employers should be in a position to pay the tax now that the prices of copra had risen.

Colonel WALSTAB pointed out that there were a number of employers of labour who were not producers of copra.

Count DE PENHA GARCIA said he merely desired to point out that the reasons for the temporary remission of the tax would appear to have disappeared.

He noted that the expenditure accounts went into considerable details. There was an item of £20, for instance to replace tobacco stolen from the Administration warehouse. He also noted an item of £24 for a ministerial visit to the territory, and £36 for expenses incidental to a visit from the *Oronsay* (page 85 of the report). These items, in any event, were certainly not very high in comparison with the sums spent in Europe on similar occasions.

IMPORTS AND EXPORTS : BOUNTIES.

M. GIRAUD said that trade in general must be described as favourable. Imports had increased by about one-third and exports had also risen. To what extent had the country benefited from the favourable trade balance ?

Major FUHRMAN said he could not reply in general terms to this question.

M. GIRAUD pointed out that the whole economic structure of the country was based on exports of copra and gold which accounted for 98½% of the exports between them (paragraph 227, page 76 of the report). Did the natives produce copra on their own account ?

Major FUHRMAN said the copra industry had been more flourishing in the period under review than for some time past, the exports in 1935/36 having increased by 10,433 tons. Native copra-drying had now reached considerable proportions. It had, in fact increased from about 1 ton in April 1935 to 114 tons in the following December. At one point in 1935—October—it reached the figure of 169 tons. He understood there were now approximately thirty-five native driers in the environs of Rabaul. It had been noticed on inspection tours that there had been increased native and European coconut planting coincident with the rise in copra prices.

M. GIRAUD asked whether it would be possible to have the figures for native production as compared with the total production.

Major FUHRMAN said that purchases of copra from the producers would doubtless be bulked and, short of asking the copra buyers to analyse their purchases, it would be difficult to arrive at any comparative figures.

M. GIRAUD found it difficult to ascertain the extent to which the imports were intended for native consumption. At first sight, it would appear from the table of imports (pages 68 *et seq.* of the report) that the amount was not very large. In many primitive countries, cotton goods represented the greater part of the imports. In New Guinea, on the other hand these goods were not placed very high in the statistical table.

Colonel WALSTAB pointed out that the majority of natives did not wear clothing, apart from a loin cloth.

Major FUHRMAN added that, here again, it would not be possible by any process of analysis to determine accurately the extent to which imports were for native consumption.

M. GIRAUD drew attention to the passage concerning the bounties referred to in the Papua and New Guinea Bounties Act of 1926 in the Minutes of the twenty-ninth session of the Commission.<sup>1</sup> According to the annual report for 1935/36, the Australian Parliament had passed the Papua and New Guinea Bounties Act 1936 to extend the operations of the earlier Act for a period of one year, and an investigation was being made during 1937 to determine the action to be taken after the extended Act expired (page 126). The report also stated that the total amount of the bounties paid to June 30th, 1936, was £8,730 *2s. od.*, the amount paid for the year under review being £1,165 (page 61 of the report). Was the accredited representative in a position to say whether the present situation of producers and the conditions of production and sale were such as to suggest that it would be in the interests of the territory to extend the application of the Bounties Act for a further period. In other words, did the economic situation justify the continuance of bounties on production ?

Major FUHRMAN understood that two officers of the Australian Department of Trade and Customs had gone to New Guinea to investigate the matter. He could not anticipate their findings.

M. GIRAUD said that the rise in copra prices would at first sight seem to suggest that producers were in a very satisfactory, if not prosperous, situation. Were the bounties paid on export ?

M. SAKENOBE said that bounties were not paid on copra, but to certain very small agricultural interests, such as cocoa-beans, hemp, etc., and were paid to the exporters, but not to the producers.

M. GIRAUD assumed that, in that case, they were intended to encourage the production of coffee, cocoa and other products.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 19.

#### DEVELOPMENT OF THE GOLD-MINING INDUSTRY.

M. GIRAUD noted that of twelve new companies registered during the year, seven were for gold-mining. Were the future prospects for gold markets so good as to warrant this large increase ?

Major FUHRMAN said that presumably they were.

#### PETROLEUM PROSPECTING.

M. GIRAUD asked whether the fact that two companies held licences to search for mineral oil meant that there were serious signs of oil deposits in New Guinea (paragraph 260) page 91 of the report).

Major FUHRMAN understood there were traces of oil in the territory, but there had been no discoveries of any importance whatever. The licences referred to in paragraph 260 of the report were for geological surveys. They conferred an exclusive right to prospect for petroleum over large areas. The persons or firms holding such licences were required to expend considerable sums in prospecting.

M. GIRAUD said that if they were willing to spend large sums of money they must have good reason to suppose there were valuable deposits.

Colonel WALSTAB said that geological surveys had disclosed the existence of oil-bearing country on the mainland.

In reply to a question by the Chairman, he said that the surveys had been carried out by private enterprise.

The CHAIRMAN asked whether the surveys had not in fact been carried out in one of the so-called uncontrolled areas.

Colonel WALSTAB said that surveys were carried out in the Sepik and Madang districts. Only portions of these districts were uncontrolled, but he was unable to say exactly where the surveys had been made.

Count DE PENHA GARCIA asked whether any decision had been reached as to the application for a third permit (paragraph 260).

Major FUHRMAN replied that the application was under consideration by the competent authorities at the time the report was drafted. He had no further information.

Count DE PENHA GARCIA asked for particulars of the Petroleum Ordinance, 1936.

Major FUHRMAN said the Ordinance would give effect to proposals to liberalise provisions of the law with a view to encouraging prospecting and mining for mineral oil in the territory. Under the new Ordinance, prospecting and mining for mineral oil would be regulated by the issue of permits, licences and leases. The maximum area that would be granted under a licence was increased from 100 square miles to 250 square miles and the number of licences that would be granted to any one person or company had been increased from one to five. Under the new provisions, it would be possible for a person or company to obtain an exclusive right under licence to prospect over a total area of approximately 1,250 square miles. The maximum area that would be granted under a lease was increased from 8 square miles to 20 square miles and the number of leases that could be granted to any one person or company was increased to five. It would thus be seen that a maximum area of approximately 100 square miles may be held under lease. Provision was also included in the Ordinance for the grant of special permits which would confer on the permittee an exclusive right to prospect for petroleum in respect of an area not exceeding 20,000 square miles. Such permits would be granted only on the recommendation of the Petroleum Advisory Board with the approval of the Minister.

Major Fuhrman then went on to explain that certain alterations had been made in relation to the shape of the area that may be held under licence or lease, the rent and royalty payable and the methods by which prospecting and mining were to be carried out. He said that it was hoped that the alterations to which he had referred would give an impetus to the search for petroleum in payable quantities in the territory.

#### LEGISLATION RELATING TO FOREIGN SHIPPING : SHIPPING ORDINANCE, 1936.

M. GIRAUD drew attention to the passage concerning the Shipping Ordinance, 1936 in the Minutes of the twenty-ninth session and to the Commission's observations to the Council.<sup>1</sup> Some explanations as to the reasons why the provision was considered desirable by the

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, pages 18 and 212.

mandatory Power would be found on pages 126 and 128 of the report, but there was nothing to show whether the Ordinance was understood to be in the interests of the natives and of the economic development of the territory. He would be glad to know what advantages were derived from the Shipping Ordinance.

Major FUHRMAN said he could give no information beyond that contained in the report.

The CHAIRMAN asked that further particulars might be inserted in the next report.

Major FUHRMAN said this request would be placed before the mandatory Power.

M. GIRAUD said he would be particularly interested to hear the reasons for the opposition manifested in the territory on the announcement of the promulgation of the Ordinance.

#### POLICE.

M. SAKENOBE asked whether the police force was recruited from all parts of the territory or only in New Britain, and how it was trained.

Colonel WALSTAB said personnel for the native constabulary was recruited from all over the territory and was sent to the dépôt at Rabaul for a six months' course of training. That course consisted of physical training, elementary police duties and also drill and weapon training, as the police had sometimes to act as an armed constabulary in areas not under control. When their training was finished, they were drafted either to Rabaul police districts, where they performed the duties of the ordinary police of the town, to Rabaul prison for duty as police warders, or to a police district where they might be called upon to act as ordinary police, prison warders or as an armed constabulary on a patrol.

M. SAKENOBE asked whether those on patrol had to take charge of the base camps. If so, their responsibility would be somewhat heavy. Were they trained in reading and writing ?

Colonel WALSTAB said a police educational school had been opened at the Rabaul dépôt. Some recruits were only able to learn the letters of the alphabet and to count and sign their names. Others, though taught to read and write in English, could not do so fluently but were able to read and write in pidgin English. The more advanced were making good progress in reading and writing in English. In addition to the constable at police headquarters, whom he had already mentioned, he had a young native constable in training who was also able to type, though he had not reached the same standard. Both these men, however, had received education at Government schools before joining the police force.

#### ARMS AND AMMUNITION.

M. SAKENOBE pointed out that the figures for the registration of firearms were very irregular from year to year (page 33 of the report). The figures for permits to carry arms, on the contrary, were fairly regular (page 34). On the whole, very few permits for revolvers and rifles were issued in relation to the European male population. Were the figures reliable ?

Colonel WALSTAB said the figures were reliable. He explained that most of the shot-guns were held by people outside the towns who shot pigeons for food. Revolvers and pistols were not necessary in the large towns. Some people had small calibre rifles for shooting birds and wild pigs. People living in remote areas had revolvers or pistols for their own protection.

M. SAKENOBE was under the impression that every European was armed.

Colonel WALSTAB said that was not the case.



#### HALF CASTES.

The CHAIRMAN noted the reply to the Commission's enquiry with regard to half-castes (page 127 of the report).<sup>1</sup> He asked what occupations were followed by the half-castes on the area of land allotted to them in the Talasea district. How many half-castes were there in the territory?

Colonel WALSTAB said there were, comparatively speaking, few half-castes. Provision for settlement had been made in the Talasea area for, he thought, from twelve to twenty half-castes but at present there was only one half-caste settler, and he was engaged in the cultivation of coconuts, cocoa and tobacco.

The CHAIRMAN understood that the measure had not been successful.

Colonel WALSTAB said there had not been sufficient time to show whether other members of the half-caste community would be attracted to the area.

In reply to a further question by the Chairman, he said the area was quite an attractive place close to the Government station.

#### WELL-BEING AND SOCIAL DEVELOPMENT OF THE NATIVES.

M. RAPPARD said the social condition of the natives was the most important question with which the Commission had to deal. The mandate was an institution to promote their material and moral welfare. Unfortunately, the report did not contain much useful information on this subject. The Commission had the privilege of having with it an accredited representative who had been in the territory for very nearly the whole period covered by the mandate, and anything he could say as to the various types of natives and their customs would be of the greatest possible interest.

The Administrator's descriptions of his tours in backward areas were very interesting but devoted more attention to sailing and to swimming than to native customs (pages 109 *et seq.* of the report). What he would like to hear about was the effect of the impact of civilisation on the natives. He had obtained a very interesting picture of native life from the accredited representative in private conversation. Perhaps he would sketch a similar picture for the enlightenment of the Commission.

M. VAN ASBECK said that the impact of the white civilisation on the natives had been described in an article entitled "The Price of the White Man's Peace" (*Pacific Affairs*, September 1936). This article painted a pessimistic and sad picture. Had the accredited representative read the article he would certainly desire to comment upon it.

Colonel WALSTAB said that before dealing with the substance of this question he felt he must remove any impression which might be gathered from M. Rappard's remark that the Administrator's visits to outlying parts of the territory were by any means pleasure trips. He himself had accompanied Administrators of the territory as a staff officer on a number of these tours, and he could assure the Commission that they involved a tremendous amount of hard work and were of the greatest value to the natives.

They gave the natives an opportunity of personal contact with the Administrator and of directly approaching him on any matters which concerned their welfare.

The Administrator was known to them as "Government", and was thought of as "Government", and they looked forward to the visits of "Government". For some years, these visits were suspended, owing to a lack of transport facilities, and the natives were very disappointed and asked "what they had done wrong" that "Government" no longer visited them.

It was very difficult to generalise about the natives in a territory like New Guinea, but he was very willing to answer specific questions.

Some of the natives in the interior were really stone-age men, with stone-age weapons, though in some cases a little steel had crept in. Some were more sophisticated through slight contact with civilisation; others were still more sophisticated from further contact with civilisation, and finally there were natives living in the vicinity of towns who had been in contact with Europeans for three generations in some instances. Some, after contact with civilisation, made primitive tables and chairs for themselves, others again after long contact with Europeans even slept in stretcher beds with sheets and pillows.

M. RAPPARD said he had not expected a general statement applicable to all natives. One question he would be interested to hear more about was native social structure. He presumed most of the natives had some form of tribal organisation. Did the whites respect that

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 212.

organisation? The reports had never contained sufficient information on this aspect of the question.

Colonel WALSTAB explained that, as chief of police for the past eleven years, he had come into contact with natives more from the police point of view in the larger towns. District Services dealt with the native in regard to his village affairs.

#### ANTHROPOLOGICAL RESEARCH.

M. PALACIOS noted from paragraph 28 of the report (page 21) that non-official investigators had carried out anthropological studies in the territory. He asked whether the Government had still an active official anthropological department and whether it had issued any publications recently.

Colonel WALSTAB said the Director of District Services and Native Affairs, Mr. Chinnery, was still the Government anthropologist. The latest official publications of which he had cognisance were those published several years previously by Mr. Chinnery.

Cadets of District Services took a course in anthropology at the Sydney University, and some of the more senior officers of District Services had also taken a course at that university.

#### LEGISLATION RELATING TO MARRIAGE.

M. VAN ASBECK said the collection of missionary reports submitted to the Administrator, which the accredited representative had communicated to the Commission for information, contained very interesting details.

A letter from the Vicar Apostolic of Central New Guinea, dated August 8th, 1936, described the amendment to the Marriage Law of 1935 as the most lamentable event of the year. Had the accredited representative any comments to make on this subject?

According to page 14 of the annual report, natives were excluded from the Marriage Ordinance 1935.

Colonel WALSTAB said the position with regard to the amendment of the Marriage Ordinance and the circumstances leading up to it were as follows:

Prior to the promulgation of the Marriage Ordinance 1935, the Marriage Ordinance 1912-1914, of Papua, was in force, by adoption as a law of the territory of New Guinea. The Marriage Ordinance 1935, which replaced the adopted Papuan Ordinance, was practically identical with the latter Ordinance, except that it provided that the marriage of a native with any person other than a native should not be celebrated by a registered clergyman or district registrar without the production to him of the written consent of a district officer. Under the adopted Papuan Ordinance, natives had the right to marry under the Marriage Ordinance and that right was preserved by the Marriage Ordinance 1935. The "Marriage Ordinance No. 5, of 1936," was passed for the purpose of excluding from the provisions of the Marriage Ordinance any marriage both of the parties to which were natives (page 14 of the report). That action was taken for the reason that it was considered that the natives had not reached the stage where they were able to appreciate the Christian form of marriage and the obligations thereunder. A native who contracted marriage under the Marriage Ordinance 1935 would be liable to prosecution on a charge of bigamy if another marriage were entered into in accordance with native customs, even though the native custom of the particular native permitted polygamy.

It was considered that the natives of the territory were unable to appreciate this position. It was considered, therefore, that marriage and matters associated with marriage should be left to the natives themselves. Marriages between natives in the villages were closely interwoven with the social and economic life of the groups and, in the interests of the groups, it was considered that marriage and the complications arising out of marriage—*e.g.*, economic transactions, social equilibrium, sex factors, dissolution, etc., polygamy, the position of the wife and children, descent, inheritance and succession—were at present better left to local ideas of just solution than the European control. The native people understood these complications and the Europeans did not.

Although provision existed from 1921 to 1936 for the marriage of natives under the law of the territory and for the issue of certificates of registration of marriages, no certificate was ever registered in the office of the Registrar-General. The usual practice of the missions appeared to have been to perform marriages between natives for religious purposes only, such marriages not being in a form for registration. The amendment of the Ordinance had not affected this position. A registered celebrant could still celebrate marriages between natives according to the rites of his church, but such marriages would not be recognised by the law of the territory as legal and valid.

TWENTY-FIRST MEETING.

*Held on Tuesday, June 15th, 1937, at 10.30 a.m.*

**New Guinea : Examination of the Annual Report for 1935/36 (continuation).**

Lieut.-Col. Walstab and Major Fuhrman came to the table of the Commission.

**LABOUR : PROFESSIONAL RECRUITING.**

Mr. WEAVER, referring to the legislation affecting natives of which particulars were given in paragraph 62 of the report (page 29), was glad to see that the Uncontrolled Areas Ordinance No. 41 of 1935, had been enacted, though it was to be hoped of course that the occasion for its application would never arise.

He asked for further information as to the Native Labour Ordinance No. 29 of 1936 which "provides for the deduction of fines from wages where a labourer has been convicted by a court of competent jurisdiction."

Incidentally, he noted that Ordinances were not automatically forwarded to the Mandates Commission as issued. They were available only in the biennial volumes of legislative enactments. Could they not be forwarded automatically?

Major FUHRMAN was surprised to learn that the Commission was not receiving copies of Ordinances as they were published. He undertook to place Mr. Weaver's request before the mandatory Power.

As regards Native Labour Ordinance No. 29 of 1936, he regretted he had no further information other than that contained in the Ordinance, which he handed in as an exhibit.

Mr. WEAVER was grateful for the information on labour questions supplied on pages 127 and 128 of the report in answer to requests made in the previous year.<sup>1</sup> The two following passages were, however, somewhat succinct :

*"Indentured Labourers.* — Note has been taken of the remarks of the Commission concerning the proportion of indentured labourers to the total male population. The need for indentured labourers increases as the territory develops, and the matter of the proportion of indentured labourers is constantly under the review of the Administration. Each annual report contains information as to areas closed to recruiting" (page 127).

and :

*"Labour.* — Note has been taken of the remarks of the Commission regarding the system of recruitment, the re-engagement of native labour, and the control of recruiting agents" (page 128).

He would welcome more detailed reference to these matters in subsequent reports.

Mr. Weaver noted from paragraph 67 of the report (page 30) that :

"During the year under review, 417 recruiting licences were issued, of which 390 were granted to Europeans and twenty-seven to Asiatics. Fifteen of the licences were issued to European professional recruiters."

Had the Administration reconsidered the possibility of doing away with professional recruiting altogether? It had been suggested, especially in the case of mining areas, that recruiting by organisations of employers would be a better arrangement, less liable to abuse.

Major FUHRMAN in reply described the general process of recruiting by professional recruiters. The recruiter explained to the natives, before they left their village, the nature of their contract, their pay and their place of employment. Later, when the natives came to the district office, the district officer satisfied himself by questioning the natives through interpreters that they fully understood the terms of the contract before that contract was sanctioned. He pointed out that explanations were not necessarily individual as a number of recruits for the one employer could have one explanation given to them in a body in general terms and thus reduce the actual time required for individuals as they came before the district officer to make contracts of service. Major Fuhrman made that point partly because, at a

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 212.

previous examination, <sup>1</sup> M. van Asbeck had asked how it was physically possible for the district officer to examine 11,000 indentured labourers in the Morobe District. He had enquired into the matter and found that only 5,000 odd of those 11,000 labourers actually came from the Morobe District—the remainder were signed on in other districts and their contracts explained to them by the district officers who sanctioned the contracts.

Concerning the qualifications and standing of professional recruiters, Major Fuhrman said that their characters and qualifications were very carefully enquired into and considered by district officers before their applications for licences were recommended. He added that recruiting was supervised by the luluais and tultuls of the villages and by the field staff of the various districts. He could only say, in reply to Mr. Weaver's question, that, in the opinion of the Administration, it was not practicable under present circumstances to do away with professional recruiters.

Mr. WEAVER observed that the effectiveness of the control as described obviously depended entirely on the vigilance of the district officers concerned. He hoped the Administration was satisfied with the latter.

Was he right in supposing that a professional recruiter could only act on an explicit request from an employer or employers for a specific number of labourers ?

Major FUHRMAN replied in the affirmative.

Mr. WEAVER quoted a reference in the report of the Marist Mission in Kieta to "the recruiting which empties many villages of the young folks, as it happened recently in Buka". The Marist Mission went on to suggest that "the bad consequences of such a recruiting could be greatly reduced if it were a local one and kept in the official limits of their district the boys wishing to be indentured". Could the accredited representative comment on these statements ?

Colonel WALSTAB did not agree that recruiting was having a bad effect on the villages. Buka was the area in which the native unrest referred to in paragraph 29 of the report (page 21) had occurred. That area had been closed to recruiting for a long period but had recently been opened, since it was found that the natives of this part were anxious to obtain employment elsewhere. Some had even secreted themselves in vessels as stowaways in order to go to another district for this purpose.

Mr. WEAVER asked if the Administration had considered the possibility of substituting for the present system of closing and re-opening areas to recruiting a system of allowing only a fixed percentage of labourers to be recruited.

Colonel WALSTAB replied that this was in effect being done in another way in certain areas in which the Administration considered there was any danger of over-recruiting. Such areas were closed to recruiting but permits might be given to one or several recruiters to recruit a specified number of natives. The issue of permits would cease before over-recruiting occurred.

Mr. WEAVER asked if the accredited representative believed that the recruiting in Buka was excessive, as suggested by the mission.

Colonel WALSTAB was sure a very careful watch was kept by the Administration and that recruiting would be stopped before it became excessive.

Mr. WEAVER quoted a passage from the report of the Lutheran Mission at Finschhafen with regard to the "hard working of the girls who have to replace the absent able-bodied boys". This mission went on to say :

"From the point of view of native welfare, the present system of recruiting labourers does not safeguard sufficiently the interests of the natives, and should be replaced by a better one. In order to avoid a lengthy report, we dare not go into details concerning this matter."

Colonel WALSTAB believed that suggestions that over-recruiting existed had been made by the Lutheran Mission before, and that the matter had been considered by the Administration.

Mr. WEAVER hoped that the Administration would be able to deal with the question more fully in its next report. The problem involved was one which must increase in importance with the development of the territory.

He thanked the accredited representative for the figures given in paragraph 72 of the report (page 32) with regard to re-engagement of natives on expiration of contracts.

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 26.

Colonel WALSTAB assured Mr. Weaver that the Administration had the two problems of recruiting and re-engagement under review at all times.

Mr. WEAVER noted from paragraph 70 (page 31) that there was a large number of convictions for desertion. Would all those who were sentenced for that offence serve three months' imprisonment, or was three months' imprisonment the maximum sentence? The law stated simply: "Penalty, three months".

Colonel WALSTAB replied that three months was the maximum sentence. It was not the custom of any court to inflict the maximum sentence for any offence unless the specific breach warranted such a penalty.

Mr. WEAVER asked where the offenders would serve their sentences. Would it be in Rabaul?

Colonel WALSTAB said they would serve their sentences in the local prison. Normally, the only prisoners brought to Rabaul were prisoners committed for trial for indictable offences.

Mr. WEAVER asked if there were any signs of these penalties tending to promote criminality.

Colonel WALSTAB replied in the negative.

Mr. WEAVER noted the number of accidents in the mining areas (paragraph 275, page 93 of the report). He would be glad to find in the next report details of the amount of compensation paid in such accidents.

He noted from paragraph 274 that an inspector of mines had been appointed and was at work. He would welcome information as to the substance of his reports.

The CHAIRMAN said that, in the previous year,<sup>1</sup> Lord Lugard had put a question on an incident which occurred in an uncontrolled area, where an individual employer was convicted for ill-treatment of his employees. Had the accredited representative any information on the matter.

Colonel WALSTAB had no official information at hand. His recollection was that the incident took place in the vicinity of the township of Wau which, though legally at the time an "uncontrolled" area was not so in fact. Wau had the same District Service Staff as any other head station of a district: its officers—that was to say—would patrol the whole area round the gold-fields. Wau and the surrounding district had a larger European population than any other town in the territory.

Count DE PENHA GARCIA pointed out that an Uncontrolled Areas Ordinance 1935 (No. 41 of 1935) was listed in paragraph 19 of the report (page 13). He presumed that the only representatives of the Administration in uncontrolled areas were military patrols.

Colonel WALSTAB replied that there were no military patrols in the territory. All patrols were police patrols.

In reply to a further question by Count de Penha Garcia, he added that the district officers were also *ex officio* police officers. They had, so to say, a dual capacity.

#### MISSIONS : REPORTS OF THE MISSIONS FOR 1935/36.

M. PALACIOS recalled that, last year,<sup>2</sup> he had asked for information on the activities of the missions, not only as regards education, but also in the medical, commercial, agricultural and even industrial spheres.

The report dealt with this question in various passages, among which should be mentioned, in addition to Part XIV (pages 97 and 98) relating to freedom of conscience, paragraph 29 (pages 21 to 23), which referred to outbreaks described as "quasi-religious", paragraph 39 (pages 25 and 26) dealing with the movements of missionaries in the uncontrolled areas, Part VI (pages 36 and 37) regarding education, and Part VII (pages 38 to 60) dealing with public health. Moreover, in accordance with the promise given on page 127 of the mandatory Power's report, the members of the Commission had just received the reports for the year 1935/36 submitted to the Administrator by the missions operating in the territory.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 24.

<sup>2</sup> See Minutes of the Twenty-ninth Session of the Commission, page 27.

The particulars given in these reports were interesting and some had been specially mentioned by M. van Asbeck, M. Rappard and Mr. Weaver.

As regards the education given by the missions, the report stated that it was not of a high standard. As regards the sphere of activity of the missions, the report gave a few of the usual particulars.

The reports submitted by the missions deserved the closest attention. In that of the Catholic Mission, the Vicar Apostolic complained of the changes made in the marriage law. In those of the Marist Mission at Kieta and of the Lutheran Mission at Finschhafen, observations were made on the drawbacks resulting from the recruitment of native labour, which in one district apparently involved very regrettable consequences for the population. The Anglican Mission's report contained the following passage: "Patrols by boat along the coast and on foot into the interior are regularly made by the white staff and a steady extension of influence made in this way". Mention was also made of "incidents" which had occurred with other missions. The report of the Seventh Day Adventist Mission referred to the possibility of transferring natives of Nusi (Tench) Island to the Island of Emira and of the Administrator's opposition to this request owing to the unhealthiness of the latter island. The Lutheran Mission at Madang said: "Harmonious co-operation of Government and mission has practically solved the problem of supplying new labourers from new areas for the increased demands and also to permit the more advanced tribes to adjust themselves to the new life, as it must be changed through the severe impact which it receives from European influence. This impact must come. If no time is given to keep and take deeper root in the native soil, the tribes will be proletarianised".

Indeed, these reports, like those of the other missions, made it possible to follow the activities carried on by all of them in the spheres of evangelisation, education, medicine, agriculture, industry and commerce (one of them even dealt with means of transport); the reports also sometimes showed the dissensions between the missions and between them and the natives, and their co-operation and dissensions with the Administration.

M. Palacios did not propose to re-open the discussions which had already taken place, or to make criticisms or suggestions; he would confine himself to expressing the desire that, in the next report, the mandatory Power, while continuing to give the Commission ample information on the activities of the missions, should give a general survey, making it possible to obviate the confusion sometimes resulting from scattered, obscure or contradictory information, and clearly indicating the guiding lines of the policy followed by it in this connection.

M. VAN ASBECK noted that in the account of the movement led by Sanop in paragraph 29 of the report (page 23) it was stated that: "Among the ringleaders were two native Roman Catholic teachers . . ."

Had the accredited representative perhaps some observations to make on that point?

Colonel WALSTAB said, in explanation of native mission teachers taking part in this native religious outbreak, that he thought the best answer he could give was to quote the following extract from the report of the Methodist Missionary Society of Australasia:

"In the first place, there is the prevalence of age-old customs, such as witch-doctors, rain-makers and evil spirits. Too often, these beliefs stand side by side with Christian customs. A professing Christian will erect in his garden a wooden cross, and at the foot of it dig holes, fill them with leaves and water, and perform the ceremonies for procuring rain. At times, church members have to be dropped because of their practice of sorcery."

That report came from Raluana, which was near Rabaul and had been under missionary influence for many years.

#### EDUCATION.

The CHAIRMAN stated that Mlle. Dannevig, who was prevented from attending the present meeting, had left notes of several questions which she had intended to put to the accredited representative. One of those questions had been answered by the latter in reply to M. Rappard. A second question which Mlle. Dannevig had intended to put was worded as follows:

"I asked last year for information on the work of the Committee appointed to examine native education.<sup>1</sup>

"The present report gives information on this question, page 36, paragraph 97. It states that the Special Committee is of the opinion that the future policy should provide for the control of native education to be in the hands of the Administration, and that the scheme should be designed to incorporate the activities of those missions engaged in

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 28.

native educational work. The report adds that the Committee was granted further time to study the matter in greater detail before submitting any detailed recommendation.

“ Could the accredited representative state whether the Committee’s recommendations have now been submitted to the Administration? Would it be possible for the Committee’s report to be communicated to the Mandates Commission? ”

Major FUHRMAN replied that the Administration intended giving consideration to the proceedings and recommendations of the International Conference on the Education of Natives in Countries and Territories in the Pacific, which was held at Honolulu during July and August 1936. In the meantime, the Special Committee appointed by the Legislative Council had deferred the preparation of recommendations pending the arrival of reports of the proceedings of and recommendations reached by that Conference. Copies of papers prepared by individuals, who attended the Conference referred to, were received by the Administration during February 1937 and were being circulated among members of the Legislative Council Committee. He understood that the general report of the Conference would be based on prepared papers and on the recorded papers of the discussions, but he gathered that those documents had not yet reached New Guinea. He was informed that the Administration was arranging for copies of the general report to be forwarded to the Special Committee so soon as they were available. He would ask whether it would be possible for the Mandates Commission to receive a copy of the Special Committee’s report if and when that report were available.

M. SAKENOBE observed that the problem of the educational policy of the Administration in New Guinea was not new. It was discussed in 1929<sup>1</sup> and 1930<sup>2</sup>; and opposition was apparent on the part of the missions, who desired neither assistance nor control. Later, an educational officer was sent from Australia to report, though the Commission had not received any information as to what he reported. Then there was a change in the person of the Administrator. In the report for 1933 (paragraph 115) it was said that the Administration had initiated conversations with mission authorities to ascertain whether it would be practicable to agree upon an arrangement under which the missions would undertake entirely the education of the natives of the territory. The 1934 report announced the appointment of a Committee to go into the question. Then came a further change in the person of the Administrator. The 1935 report (paragraph 409) announced that the decision had been taken not to leave education to the missions. The present report stated that the Committee appointed by the former Administrator to examine native education had been replaced by a Special Committee appointed by the Legislative Council, and that the latter had held a number of meetings at which evidence was taken from representatives of the missions engaged in educational work as well as from the teachers in charge of the Administration schools. The report added (paragraph 97) that :

“ The Special Committee is of the opinion that the future policy should provide for the control of native education to be in the hands of the Administration, and that the scheme should be designed to incorporate the activities of those missions engaged in native educational work.”

The position therefore was just the same as it had been some seven or eight years ago. What was regrettable was that during these intervals, the educational activities of the Administration had been entirely suspended. It was to be congratulated, however, that a good start had now been made. M. Sakenobe hoped the Administration would pluck up courage and push its educational policy to its conclusion. He had no questions to put to the accredited representative; but he was anxious to convey his encouragement to the Administration.

The CHAIRMAN, on behalf of Mlle. Dannevig, put the following question :

“ It appears from the report, page 37, paragraph 110, that the educational activities of the missions had increased during the year under review, as compared with 1935. The report states, however, that ‘ the Administration exercises no supervision over the mission schools, nor does it inspect the work done ’. This is most unfortunate and seems to have been noted in the first findings of the Special Committee. As it is, very little information is available to the Commission regarding the state of education activities in the territory, but this can scarcely be regarded as satisfactory in a mandated territory.

“ Does the mandatory Power contemplate any immediate action in this connection? ”

Major FUHRMAN replied that, in the light of the decisions of the Honolulu Conference, this was one of the points which he thought might find a place in the Special Committee’s report.

The CHAIRMAN quoted from an article by Mr. W. C. Groves on the Honolulu Conference, which appeared in the *Rabaul Times*, of August 28th, 1936, in which the opinion was expressed that “ the present educational situation is, from every point of view, an unsatisfactory one.”

<sup>1</sup> See Minutes of the Fifteenth Session of the Commission, page 59.

<sup>2</sup> See Minutes of the Eighteenth Session of the Commission, page 72.



According to the author of the article there was no training of natives to participate in medical work, no professionally directed department of education, no system of direction or inspection of mission schools and no concerted plan for the "nativisation" of education.

The article further argued in favour of the selection of certain of the more widespread native languages for common adoption within definite regions, and stated that such a policy had been followed with marked success by the Lutheran Mission at Finschhafen, where Yabina was becoming universal amongst the coastal (Melanesian) peoples, and Kate (a non-Melanesian or so-called Papuan language) amongst the people of the hinterland.

Mr. Groves had, he understood, also published a book—of which, however, the Commission had no copy. Had any account been taken of Mr. Groves' criticisms and suggestions and could it be said that there was any Government policy in the matter?

Major FUHRMAN answered that Mr. Groves' paper would doubtless come to the notice of the Special Committee of the Legislative Council. Mr. Groves was a qualified anthropologist, and had now taken up service in Nauru as Director of Education.

#### ALCOHOL AND SPIRITS.

M. SAKENOBE observed from the table in paragraph 85 of the report (page 34) that 11,189 imperial gallons of spirits were imported into the territory during the year ending June 30th, 1936, as against 10,369 imperial gallons for the previous year. Was the increased consumption of spirits entirely by Europeans, or was any of it to be attributed to the native population?

Colonel WALSTAB replied that no part of the consumption was to be attributed to the native population. The explanation of the increase was no doubt the progressive growth of the European population and the increased prosperity.

M. SAKENOBE observed from paragraph 84 (page 34) that the total number of natives convicted during the year for "being in possession of and/or drinking intoxicating liquor" was forty-five. What was the liquor in such cases? Was it of native manufacture?

Colonel WALSTAB replied that there was no native-made intoxicant in the territory. The liquor in these cases would without doubt be stolen liquor. Though there were coconuts in every village, the natives had never made fermented liquor from them, and did not do so now.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA said that the report contained information as to both the technical and administrative aspects of public health in the territory (pages 38 *et seq.*). Public health services had improved, and the expenditure increased. The number of patients under treatment in hospitals had doubled.

He noted in paragraph 113 of the report (page 38) that "the services provided by the Department contributed . . . towards the general revenue" (amongst other items) a sum of £3,294 14s. 9d. for "Treatment of indentured natives". He asked who paid for this treatment?

Colonel WALSTAB replied that the employers did so.

Count DE PENHA GARCIA said there was another item in the same table of £3,034 4s. 0d. for "sanitary services". The report stated that sanitary services were free. How then did they bring in over £3,000 to the general revenue? He did not find any explanation of the position in the section on sanitation (paragraphs 134-139, page 53 of the report). Perhaps the accredited representative would be good enough to answer the question in the next report.

He then asked whether the mosquito-eating fish (*Gambusia affinis*), to which reference was made in paragraph 137, was doing good work. Malaria, it was known, was still prevalent in the territory.

Colonel WALSTAB replied that the territory was very large. Use had been made of the fish mentioned in some parts, and in others not. At the beginning, it would no doubt be used chiefly in the larger settlements. He knew of no place in Rabaul where this fish could be used: but the general sanitary services in Rabaul kept the town practically free from malaria.

Count DE PENHA GARCIA asked for information in the next report as to whether trial had been made of methylene blue in the campaign against malaria. A general account of the work done in fighting malaria would be welcome.



He further asked for a study of the chief diseases in the territory and their causes. The particulars given in the present report in regard to the principal causes of morbidity and mortality seemed to conflict. He noted, for example, that, according to the table given in sub-paragraph (3) of paragraph 115 (page 39 of the report), the number of cases treated was largest in the case of frambœsia, tropical ulcer and traumatic conditions. Similarly, the principal causes of morbidity in the native population of the territory were stated in paragraph 121 (page 44 of the report) to be frambœsia, tropical ulcer and malaria. From the table at the end of paragraph 132 (page 51 of the report) showing the chief causes of death in 1,095 autopsies on natives over a period of fourteen years (1922-1936), it would appear that the largest percentages were "miscellaneous causes", pneumococcal infections, tuberculosis and bacillary dysentery. What was the explanation of these contradictory statements?

Paragraph 117 (page 44) referred to medical patrols visiting the villages. What was the composition of a medical patrol?

Colonel WALSTAB replied that such a patrol would consist either of a European medical officer or a European medical assistant, accompanied by native orderlies.

Count DE PENHA GARCIA asked whether this patrol never consisted of native assistants only?

Colonel WALSTAB replied in the negative.

Count DE PENHA GARCIA said that he had pointed out in the previous year<sup>1</sup> that infantile mortality varied according to the presence or absence of missions in the area concerned. He asked accordingly for particulars of the position by areas. He noted from page 127 of the report that:

"Note has been taken of the request of a member of the Commission that statistics for a specific area outside the districts where the missions are established be furnished for the information of the Commission. Available information will be completed and supplied to the Commission as soon as practicable."

Was any information yet available?

Colonel WALSTAB replied in the negative. Particulars would, however, be forwarded as soon as they were available.

#### LAND TENURE.

M. VAN ASBECK would like to find in the next report a general survey of the conditions of land tenure by the native tribes. It struck him as odd that, in a country with so much unoccupied land, there should be any need for native reserves.

#### FORESTS.

Count DE PENHA GARCIA observed from paragraph 280 (page 94 of the report) that "a draft Bill for an Ordinance to provide for the Conservancy and Management of Forests and for other purposes was prepared for submission to the Legislative Council at its meeting in August 1936." What stage had that legislation reached? Had it come before the Legislative Council?

Major FUHRMAN replied that he had no information other than that contained in the Ordinance, which he lodged as an exhibit.

Count DE PENHA GARCIA would be glad of information in the next report as to what officials dealt with forestry matters. He had looked through the list of officials and could find no Forestry Commissioner.

He observed in the Statement of Expenditure out of Revenue in paragraph 244 of the report (page 82) an item of £124 2s. 8d. for "Timber investigation by Mr. C. E. Lane Poole." What investigation was this?

Colonel WALSTAB said steps had been taken towards the appointment of two forestry officers and, on the arrival in the territory of these officers, a decision would be made in regard to the bringing into operation of the Forestry Ordinance 1936.

In reply to Count de Penha Garcia's second question, he said that Mr. Lane Poole was the Chief Forestry Officer for the Commonwealth of Australia. He previously made an exhaustive investigation into the timber resources of the territory; and the item to which Count de Penha

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 31.

Garcia had drawn attention was probably in connection with that investigation. Mr. Lane Poole had made an internal report of the results of his investigations ; but Colonel Walstab did not know whether it had been published as a public document.

Count DE PENHA GARCIA would he glad to find in the next report particulars of any investigations that had been, or might be, made into the forests in the territory.

#### MINES : DEVELOPMENT OF THE ROAD SYSTEM (*continuation*).

Count DE PENHA GARCIA noted the enactment of a number of new Mining Ordinances (pages 90 and 91 of the report), the object of which appeared to be to encourage mining. What was the motive behind the more liberal policy now being pursued in that connection ?

Major FUHRMAN replied that it was true that certain Ordinances were passed during the year. Their purpose was to regulate the rights of miners. So far as he could see, those ordinances did not establish any change in the general mining policy of the Administration.

Count DE PENHA GARCIA could not help thinking that they involved important changes. There was, for instance, the right given to miners to cut timber growing on land taken up for mining purposes (Mining Ordinance No. 40 of 1935) (page 90), and the reduction of the charge for the recovery of mining leases that had expired or were forfeited for any breach of conditions of the lease (Mining Ordinance No. 30 of 1936) (page 90). He was not criticising in any way, but merely enquiring whether the object was to attract miners, or merely to make necessary equitable adjustments.

Major FUHRMAN replied that, while not admitting that there was any change of policy, the intention of the ordinances was in the general interests of the territory and for the better regulation of the mining industry.

Count DE PENHA GARCIA said that, as the Commission had criticised the lack of roads, he was glad on the present occasion to welcome the announcement in paragraph 269, page 92 of the report, of the construction of two sections of new roads in the mining district.

#### DEMOGRAPHIC STATISTICS.

M. RAPPARD asked how the figures of the native population in Appendix A (page 105 of the report) were compiled. Most or many of the districts specified were uncontrolled, and presumably there was nothing in the nature of a census.

Colonel WALSTAB replied that the tables in Appendix A did not give the figures of the total native population, of the territory but, as the titles stated, the " enumerated native population."

The census was compiled from the records taken by officers on patrol who, when visiting villages, formed the inhabitants into a line and counted them. This could not be done in an area which was not under some measure of control, and, therefore, the populations of areas which did not come under this category were not included in the figures in Appendix A. He considered that, having regard to the method of taking the census, the figures were reasonably accurate.

M. RAPPARD asked whether the accredited representative had any means of estimating the numbers of the total population.

Colonel WALSTAB replied that he had often in his own mind considered the possibility of estimating, however vaguely, the total population ; but he had been forced to conclude that under present circumstances it was quite impossible to make even the roughest estimate.

#### STATISTICAL INFORMATION REGARDING TERRITORIES UNDER MANDATE.

The CHAIRMAN said that, in accordance with a suggestion made by the Commission at the twenty-third session<sup>1</sup> and approved by the Council on September 28th, 1933,<sup>2</sup> the Secretariat had issued a document in 1933 containing statistical tables relating to trade, public finance and population in the mandated territories (document C.565.M.272.1933.VI).

<sup>1</sup> See Minutes of the Twenty-third Session of the Commission, page 188.

<sup>2</sup> See *Official Journal*, November 1933 (Part I), page 1323.

It would assist the Secretariat to keep this document up to date if the mandatory Power would include each year in the annual report a table similar to that relating to New Guinea in the document mentioned. This course, the advantages of which were obvious, had already spontaneously been adopted by the authors of the annual report on Ruanda-Urundi and to some extent by the authors of the reports on Western Samoa and Togoland under British mandate.

Major FUHRMAN took note of the Chairman's request.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representatives for their very valuable assistance.

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TWENTY-SECOND MEETING.

*Held on Tuesday, June 15th, 1937, at 4 p.m.*

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**Togoland under British Mandate : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning Togoland under British mandate (Annex 7).*

**New Guinea : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning New Guinea (Annex 7).*

**New Guinea : Petition dated November 19th, 1936, from Sir John Harris, Secretary of the Anti-Slavery and Aborigines Protection Society, London (continuation).**

After an exchange of views, *the Commission adopted the conclusions of Lord Hailey's report (Annex 6).*

**South West Africa : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning South West Africa (Annex 7).*

**Date of the Next (Extraordinary) Session of the Commission.**

*The Commission decided that, subject to events outside its control, its next (extraordinary) session should open on July 30th, 1937.*

**Representation of the Commission before the Council and Assembly.**

*The Commission decided that it should be represented at the Council and the Assembly by its Chairman or, in his absence, by a member to be appointed by him.*

**Adoption of the List of Annexes to the Minutes of the Session.**

*The list of annexes was adopted.*

**Palestine : Method of dealing with Petitions concerning the Disturbances in Palestine : Renewal of the Mandate of the Sub-Committee appointed in 1936.**

The CHAIRMAN recalled the method adopted in 1936<sup>1</sup> whereby a Sub-Committee of three members was instructed to report on petitions concerning the disturbances in Palestine. The advantage of this procedure was that it did not throw on one person the responsibility of preparing a large number of reports on the events of 1936 and that it gave more weight to the conclusions suggested.

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<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, pages 15 and 16.

He proposed that the Commission should renew the term of office of the Sub-Committee, to consist of M. van Asbeck, M. Palacios and M. Rappard. These three members would communicate with one another through the Secretariat and would make a joint report on the petitions concerning the disturbances in Palestine.

*The Chairman's proposal was adopted.*

**Close of the Session.**

After the usual expression of thanks, the CHAIRMAN declared the session closed.

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ANNEX 1.

LIST OF DOCUMENTS<sup>1</sup> FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- |  |                              |
|--|------------------------------|
| A. <i>Cameroons under British Mandate.</i> | D. <i>South West Africa.</i> |
| B. <i>Tanganyika Territory.</i>            | E. <i>Nauru.</i>             |
| C. <i>Togoland under British Mandate.</i>  | F. <i>New Guinea.</i>        |

A. CAMEROONS UNDER BRITISH MANDATE.

*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 1936.
2. The Laws of Nigeria. Legislation enacted during 1936.
3. Orders and Orders-in-Council, Nos. I-II of 1937.
4. Ordinances, Nos. I-18 of 1937.
5. Regulations, Nos. I-10 of 1937.
6. Rules, No. I of 1937.
7. Bye-Laws, No. I of 1937.

*Various Official Publications.*

1. Legislative Council Debates (Nigeria) :<sup>2</sup>  
Fourteenth Session 1936 (September 21st, 1936).
2. Nigeria Official Gazette.<sup>2</sup>

*Documents handed in by the Accredited Representative to the Commission at the Seventh Meeting of its Thirty-first Session on June 4th, 1937.<sup>3</sup>*

1. Nigeria : Re-Assessment Report of the Bansa District, 1933.
2. Nigeria : Re-Assessment Report of Dan Zomo District.
3. Photographs from the Cameroons Province.
4. Map of the Victoria Division (Fish Towns excluded). Scale : 1/100,000.

<sup>1</sup>(a) The documents mentioned in this list have been sent to the Secretariat for the use of the Permanent Mandates Commission. Unless otherwise indicated, the Members of the Commission should have received a copy of all these documents.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers. 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 circulated.

(b) The petitions forwarded by the mandatory Powers, together with their observations on those 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.

<sup>2</sup> Kept in the archives of the Secretariat.

B. TANGANYIKA TERRITORY.

*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 1936.
2. Tables of Amendments to the Laws of the Territory as a Consequence of Legislation published during the Periods :
  - (a) January 1st to March 31st, 1936 ;
  - (b) April 1st to June 30th, 1936 ;
  - (c) July 1st to September 30th, 1936 ;
  - (d) October 1st to December 31st, 1936.
3. Ordinances enacted during the Year 1936.

*Various Official Publications.*

1. Blue Book for the Year ended December 31st, 1935.
2. Department of Agriculture : Annual Report, 1935.
3. Annual Report of the Education Department, 1935.
4. Fifteenth Annual Report of the Forest Department, 1935.
5. Game Preservation Department : Annual Report, 1935.
6. Department of Lands and Mines : Annual Report, 1935.
7. Annual Reports of the Provincial Commissioners on Native Administration, 1936.
8. Annual Report on the Administration of the Police, 1935.
9. Abridged Report of the Post and Telegraphs Department, 1935, of Kenya, Uganda and Territory of Tanganyika.
10. Annual Report on the Administration of the Prisons, 1935.
11. Annual Report of the Public Works Department, 1935.
12. Report of the General Manager on the Administration of the Railways and Ports Services for the Year ended December 31st, 1935.
13. Report on the Audit of the Accounts of the Tanganyika Railways and Ports Services for the Year ended December 31st, 1935.
14. Trade Report, 1936.
15. Annual Report by the Treasurer for the Financial Year ended December 31st, 1935.
16. Annual Report on the Audit of the Accounts of the Treasurer for the Year ended December 31st, 1935.
17. Annual Report of the Department of the Veterinary Science and Animal Husbandry, 1935.
18. Eighth Annual Report of the East African Agricultural Research Station, Amani, 1935/36.
19. Report on Forestry in Tanganyika Territory—by R. S. Troup, C.M.G., C.I.D., D.Sc., F.R.S.
20. Conference on Co-ordination of General Medical Research in East African Territories.<sup>1</sup>
21. Conference on Co-ordination of Veterinary Research.<sup>1</sup>
22. Conference on Co-ordination of Agricultural Research in the East African Territories.<sup>1</sup>
23. Conference on Co-ordination of Tsetse and Trypanosomiasis (Animal and Human) Research in East Africa.<sup>1</sup>
24. Report on Co-ordination of Transport in Kenya, Uganda and the Tanganyika Territory—by Brigadier-General Sir H. Osborne Mance, K.B.E., C.B., C.M.G., D.S.O., M.Inst.T.<sup>1</sup>
25. Tanganyika Notes and Records—No. 1.<sup>1</sup>
26. Tanganyika Notes and Records—No. 2.<sup>1</sup>
27. Six medical pamphlets.<sup>1</sup>
28. The commercial possibilities and Development of Forests in British East Africa—by Major F. M. Oliphant.<sup>1</sup>
29. The Tsetse Flies of East Africa—by Mr. C. F. M. Swynnerton.<sup>1</sup>
30. Minutes of Meetings of the Legislative Council of Tanganyika Territory held on March 13th, November 2nd, 3rd, 6th, 13th, 16th and 17th, 1936, and April 15th, 16th and 17th, 1937.<sup>1</sup>
31. The Tanganyika Territory Gazette.<sup>1</sup>

*Document handed in by the Accredited Representative to the Commission at the Second Meeting of its Thirty-first Session on June 1st, 1937.<sup>1</sup>*

Note entitled "New Air Service".

<sup>1</sup> Kept in the archives of the Secretariat.

C. TOGOLAND UNDER BRITISH MANDATE.

*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 1936.
2. Gold Coast : Proclamations, Commissions, Orders-in-Council, Rules and Orders by the Governor for the Year 1935 (Parts I and II).<sup>1</sup>
3. Gold Coast : Education Department. — Education Ordinances No. 21 of 1925 and No. 14 of 1933 together with the Education Rules, 1933.<sup>1</sup>

*Various Official Publications.*

1. Gold Coast : Report on the Forestry Department for the Year 1935/36.<sup>1</sup>
2. Gold Coast : Annual Report on the Social and Economic Progress of the People of the Gold Coast, 1935/36.<sup>1</sup>
3. Gold Coast Colony : Report on the Education Department for the Year 1935/36.<sup>1</sup>
4. Gold Coast Colony : Report on the Audit Department for the Year 1935/36.<sup>1</sup>
5. Gold Coast Colony : Address delivered by His Excellency the Governor, Sir Arnold Wienholt Hodson, K.C.M.G., on the occasion of the Opening of the 1937 Session of the Legislative Council, March 15th, 1937.<sup>1</sup>
6. Gold Coast Colony : Legislative Council Debates : Session 1936—Issues Nos. 2 and 3.<sup>1</sup>
7. The Gold Coast Gazette.<sup>1</sup>

*Document handed in by the Accredited Representative to the Commission at the Thirteenth Meeting of its Thirty-first Session on June 10th, 1937.*<sup>1</sup>

Gold Coast Colony : Report on the Geological Survey Department for the Financial Year 1935/36.

D. SOUTH WEST AFRICA.

*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 1936.
2. The Laws of South West Africa, 1935.

*Various Official Publications and Documents.*

1. Report of South West Africa Commission, 1936.
2. Letter, dated November 20th, 1936, from the Accredited Representative of the Union of South Africa to the League of Nations, communicating the decisions of the mandatory Government with regard to the problems dealt with in the report of the "South West Africa Commission" (document C.P.M.1877).
3. Letter, dated December 30th, 1936, from the Accredited Representative of the Union of South Africa to the League of Nations, communicating a Declaration on the Administration of South West Africa (document C.P.M.1884(1)).
4. Letter, dated April 28th, 1937, from the Accredited Representative of the Union of South Africa to the League of Nations, communicating the South West Africa Affairs Proclamation No. 51 of March 27th, 1937, and certain documents relating thereto (document C.P.M.1893).
5. Accounts of the Administration of South West Africa for the Financial Year 1935/36 together with the Report of the Controller and Auditor General thereon.
6. Report of the Board of Management of the Land and Agricultural Bank of South West Africa for the Year ended December 31st, 1936.
7. Estimates of the Revenue to be collected and of the Expenditure to be defrayed from Revenues and Loan Funds during the Year ending March 31st, 1938.
8. Official Gazette of South West Africa.<sup>1</sup>

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<sup>1</sup> Kept in the archives of the Secretariat.

E. NAURU.

*Annual Report.*

Report to the Council of the League of Nations on the Administration of Nauru during the Year 1936.

*Various Official Publications.*

1. Nauruan Grammar by the Rev. Father A. Kayser, M.S.C. <sup>1</sup>
2. Official Gazette of Nauru. <sup>1</sup>

F. NEW GUINEA.

*Annual Report.*

Report to the Council of the League of Nations on the Administration of the Territory of New Guinea from July 1st, 1935, to June 30th, 1936.

*Various Official Publications.*

1. Copies of the Reports in respect of the Year 1935/36 that have been submitted to the Administrator of New Guinea by the Following Religious Missions operating in the Territory :
  1. Catholic Mission of the Holy Ghost, Eastern New Guinea ;
  2. Catholic Mission of the Holy Ghost, Central New Guinea ;
  3. Marist Mission Society ;
  4. Lutheran Mission, Finschhafen ;
  5. Liebenzell Mission ;
  6. Methodist Missionary Society of Australasia ;
  7. Melanesian Mission ;
  8. Seventh Day Adventist Mission ;
  9. Lutheran Mission, Madang (Reports for the Years ended December 31st, 1935, and December 31st, 1936).

*Note.* — The report of the Seventh Day Adventist Mission covers the activities of the mission in New Britain, New Ireland, Manus, Morobe and Kieta districts. Formerly a separate report was submitted in respect of the activities of the mission in Kieta.

2. Photographs from New Guinea. <sup>1</sup>
3. Official Gazette of New Guinea. <sup>1</sup>

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C.P.M.1891(I).

ANNEX 2.

AGENDA OF THE THIRTY-FIRST SESSION OF THE PERMANENT MANDATES COMMISSION.

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- I. Opening of the Session.
- II. Election of the Chairman and Vice-Chairman of the Commission for the Year 1937/38.
- III. Examination of the Annual Reports of the Mandatory Powers : <sup>2</sup>
  - Tanganyika Territory, 1936.
  - Cameroons under British Mandate, 1936.
  - Togoland under British Mandate, 1936.
  - South West Africa, 1936.
  - Nauru, 1936.
  - New Guinea, 1935/36.
- IV. Special Question :  
Frontier between Tanganyika Territory and Mozambique.

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<sup>1</sup> Kept in the archives of the Secretariat.

<sup>2</sup> The examination of the annual reports on Syria and Lebanon and on the Cameroons and Togoland under French mandate has been deferred to the autumn session. On the other hand, the reports on the Cameroons and Togoland under British mandate have been examined at the present session.



V. Petitions :

A. Petitions rejected by the Chairman as not deserving the Commission's Attention :  
Report by the Chairman (document C.P.M.1905 (1)).

B. Petitions to be examined :

1. Syria and Lebanon.

(a) Petition, dated April 9th, 1936, from M. Abdallah Mahmoud Akkari, Safita, transmitted on September 19th, 1936, by the French Government with its Observations (document C.P.M.1833).<sup>1</sup>

(Rapporteur : M. Rappard.)

(b) Petition, dated April 13th, 1936, from M. Ahmed El-Fil, Journalist, and Other Inhabitants of Massiaf, transmitted on September 21st, 1936, by the French Government with its Observations (document C.P.M.1840).<sup>1</sup>

(Rapporteur : M. Rappard.)

(c) Petition, dated February 4th, 1936 (with Annex), from Dr. Chichakli, Hama, transmitted on October 22nd, 1936, by the French Government with its Observations and One Annex (document C.P.M.1847).<sup>1</sup>

(Rapporteur : M. Asbeck.)

(d) Petition, dated February 9th, 1936, from M. Rachid el Houssami, M. Behjat Chehabi, and Other Syrian Advocates, communicated by Maître Fayez Houry, President of the Bar Association Damascus, transmitted on October 22nd, 1936, by the French Government with its Observations (document C.P.M.1848).

(Rapporteur : M. Palacios.)

(e) Petition, dated April 5th, 1936, from M. Tallal, Chief of the Tay Tribe, and Other Chiefs and Notables of Upper Jezire, Kamechlie, transmitted on November 12th, 1936, by the French Government with its Observations (document C.P.M.1881).<sup>1</sup>

(Rapporteur : Count de Penha Garcia.)

2. New Guinea.

Petition, dated November 19th, 1936 (with Two Annexes), from Sir John Harris, Secretary of the Anti-Slavery and Aborigines Protection Society, London (document C.P.M.1878).

Observations of the Australian Government, dated May 17th, 1937 (document C.P.M.1899).

(Rapporteur : Lord Hailey.)

C.P.M.1905(1).

ANNEX 3.

PETITIONS REJECTED UNDER ARTICLE 3 OF THE RULES OF  
PROCEDURE IN RESPECT OF PETITIONS.

REPORT BY THE CHAIRMAN.

I have the honour, in conformity with the terms of Article 3 of the Rules of Procedure, to submit the following report on petitions, received since our last ordinary session,<sup>2</sup> which I do not regard as satisfying the conditions of admissibility required by the Rules of Procedure in respect of petitions concerning mandated territories.

I. SYRIA AND LEBANON.

(a) *Petition, undated, from M. Ibrahim Pasha, Paris.*

The author of this communication asks that Tripoli and the neighbouring region should be annexed to Syria ; as the object of this petition is outside the Commission's province, I regard it as inadmissible.

<sup>1</sup> The examination of this petition has been postponed to the autumn session of the Commission (see Minutes, pages 79-80).

<sup>2</sup> The petitions concerning Palestine will be dealt with at the Mandates Commission's special session.

(b) *Petitions regarding the Question of Alexandretta and Antioch.*

1. Letter, dated November 30th, 1936, from M. Ihsan El Djabri, Geneva.
2. Letter, dated December 21st, 1936, from M. G. Chalhoub, Secretary-General of the Congrès des Associations des Etudiants Syriens en France, Toulouse.
3. Letter, dated December 28th, 1936, from M. Amin El Husseini, President of the Supreme Arab Committee of Palestine, Jerusalem.
4. Letter, dated January 1st, 1937, from M. Ibrahim Derwiche, Secretary-General of the National Arab Committee of the District of Jerusalem.
5. Telegram, dated January 2nd, 1937, from Arab Youth, Berlin.
6. Letter, dated January 13th, 1937, from the Reverend S. W. Gentle-Cackett, forwarding a communication from the Bible Lands Missions' Aid Society, London.
7. Telegram, dated January 15th, 1937, from M. Ayoub Rizik and M. Ramez Haddad, Syrian American Club, Washington.
8. Telegram, dated January 16th, 1937, from the Liga Panislamica Sociedade Alauita and from the Sociedade Juventude Alauita Syria, Rio de Janeiro.
9. Telegram, dated January 19th, 1937, from the Syria and Palestine Defence Committee, Cairo.
10. Telegram, dated January 19th, 1937, from M. Alexandre Arap, President of the Antiokian Beneficent Society of Brazil, São Paulo.
11. Telegram, dated January 20th, 1937, from the Sociedad Sirio Arabe, San Rafael de Mendoza, Argentine Republic.
12. Letter, dated January 21st, 1937, from M. Mahmoud M. Montaser, Cairo.
13. Telegram, dated January 22nd, 1937, from M. Mouin Madi, Palestine Commission, Haifa.
14. Telegram, dated January 28th, 1937, from M. Amin El Husseini, Supreme Arab Committee of Palestine, Jerusalem.
15. Telegram, dated January 28th, 1937, from the National Committee, Jerusalem.
16. Telegram, dated February 24th, 1937, from M. Miguel Bechara, President of the Liga patriótica Syria, São Paulo.
17. Telegram, dated February 26th, 1937, from M. Antonio Mikail, President of the Club Homs, São Paulo.
18. Telegram, dated March 13th, 1937, from M. Assad Musse, President of the Arab Society, Bahia.
19. Telegram, dated March 18th, 1937, from M. Augusto Borges, President, and M. Gabriel Sahade, Secretary, Lebanese-Syrian Society, Bahia.
20. Telegram, dated April 6th, 1937, from the Sociedad Union Siria, and the Sociedad Sirio Libanesa, Asunción.
21. Letter, dated June 3rd, 1937, from M. J. T. Derwiche, Secretary-General of the Comité National, Jerusalem.
22. Telegram, dated June 5th, 1937, from M. Anabtawi and M. Waked, barristers, Amman Trans-Jordan.

All these communications relate to the so-called Alexandretta question. Some of them were sent in before the Council's resolution of January 27th, 1937, laying down the bases of the future Statute of the Sanjak and take sides in the controversy to which this matter gave rise. Since the Council adopted this resolution, they are no longer relevant.

The others, which were sent in later than January 27th, criticise the new regime introduced by the Council for part of the territory under mandate in virtue of a decision having the same authority as the mandate itself. For this reason, they should, I think, be judged irreceivable, just as a petition protesting against the terms of the mandate would be.

## II. GENERAL.

*Petition, dated April 7th, 1937, from Mr. R. Sayer, Secretary of the Negro Welfare Association, London.*

This communication protests against Germany's claims concerning the restitution of her former colonies. Its purpose is therefore outside the Mandates Commission's province.

ANNEX 4.

SOUTH WEST AFRICA.

FINANCIAL PROPOSALS OF THE GOVERNMENT OF THE UNION  
OF SOUTH AFRICA.<sup>1</sup>

1. The Union Government will place in a suspense account the full amount of the loans made by it to the territory before March 31st, 1937.

2. The Administration of the territory will be relieved of payments on the loans outstanding as at March 31st, 1937, until the finances of the territory improve sufficiently to allow of payments being made.

3. The Treasury will debit the suspense account from year to year with the interest on the original amount placed in suspense, or on such lower amount as will result from the operation of section 4 below.

4. The Administration of the territory will make the following payments to the Union Government—viz. :

(a) All net revenue in excess of £100,000 accruing in any financial year from the Diamond Export Duty ;

(b) One-half of the yield of the Profits Duty on Diamonds in excess of £50,000.

Such sums when received will be taken in reduction of the capital amount outstanding, after payments have been made as provided for in section 6 below.

5. The Railways and Harbours Administration will place in suspense any amounts due by the territory from time to time on account of the guarantees in respect of the Kapp's Farm-Gobabis Railway and the Walvis Bay Harbour.

6. The Union Government will pay to the Railway Administration a *pro rata* share of the receipts under paragraph 4(a) and (b) above.

7. The object of these financial proposals is to enable the territory to balance its budget without further assistance from the Mandatory ; it being understood, however, that this undertaking will not be interpreted as excluding the raising of loans from time to time, subject to the consent of the Union Government, for development work of a productive nature. The South West Africa Administration will therefore take steps to impose the necessary taxation to balance the budget for 1937/38, and will, in future, direct its financial policy in such a way as to provide for the maintenance of balanced budgets.

8. The proposed arrangements will come into effect as from the beginning of April 1937.

LETTER FROM THE SECRETARY FOR FINANCE OF THE UNION GOVERNMENT  
TO THE SECRETARY FOR SOUTH WEST AFRICA, WINDHOEK.

Capetown, March 17th, 1937.

I have to acknowledge receipt of your Minute of the 24th *ultimo*, and to state that its contents have had the consideration of the Minister, who instructs me to reply as follows :

The report of the Financial and Economic Commission discussed, *inter alia*, two matters which have a direct bearing on the financial relations between the Mandatory and the territory—viz. :

(a) The effect of the economic integration which exists between the two countries on the cost of commodities and services in the territory :

(b) The guarantees in regard to the Walvis Bay Harbour and the Kapp's Farm-Gobabis railway line.

In regard to the first of these questions, the two points involved are the effect of the protective tariff of the Union on the cost of commodities in the mandated territory and the losses on the running of the railways in the territory.

While the Government is prepared to admit that the prices of many protected commodities have been higher in the territory than they would have been if there had been no such protective duties, it is of opinion that the population of the territory derives economic advantages from its association with the Union which outweigh the effect of any increased cost of protected commodities.

<sup>1</sup> Documents handed to the Permanent Mandates Commission by the accredited representative at the thirty-first session of the Commission, June 11th, 1937.

With regard to the points comprised in the second part, it replies in substance as follows :

(1) The mixed courts have not been " congested " so as to endanger the economic activity of the country. Although certain civil hearings have been discontinued to allow of additional criminal hearings, the number of judgments delivered in civil and commercial cases has not appreciably diminished.

(2) It is true that, in certain cases, there have been errors in the translation of texts, because the translators did not always possess adequate legal knowledge.

(3) The case of Sayed Fariz el Malek, who complains of " corporal tortures ", dates from 1933 : he was sentenced to eighteen months' imprisonment for uttering seditious cries and committing acts of violence and assault, and the bruises on his face were the result of a struggle with the police at the time of his arrest.

(4) There are no " exiles ", unless that name is given to persons " resident under observation ". There are now no more such persons ; those who remain out of the country are a few " political convicts " who reside abroad to avoid serving their sentences ; early in March 1936, those who had been sentenced for participating in the disturbances at the beginning of the year were released.

As Rapporteur, having examined the allegations contained in the petition and the observations of the mandatory Power, I agree that the substance of the document falls within the sphere of the policy of constant opposition which the Commission has been studying year after year, and on which extensive discussion has taken place with the accredited representative at every session at which the report and petitions relating to Syria have been dealt with. The advocates' demands have received, or are on the point of receiving, satisfaction, thanks to the conciliatory policy pursued by France, especially during the last few months, in the course of which agreement with the real opposition and the accelerated movement towards the emancipation and independence of Syria seem to have made some progress, peace having already been established in numerous domains.

I therefore beg to move the following resolution :

" The Commission,

" Having examined the petition, dated February 9th, 1936, from Syrian advocates and the observations of the mandatory Power thereon ;

" Considering that several of the demands made in that petition have already been discussed with the accredited representative of the mandatory Power and have given rise on his part to observations on the general policy of that Power ;

" Bearing in mind the changes in the general political situation in Syria since the date on which the petition was presented :

" Considers that this petition does not call for any special observations to the Council."

C.P.M.1904(2).

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## ANNEX 6.

### NEW GUINEA.

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PETITION, DATED NOVEMBER 19TH, 1936, FROM SIR JOHN HARRIS, SECRETARY OF THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY, LONDON.

#### REPORT BY LORD HAILEY.

In a letter dated November 19th, 1936, the Anti-Slavery and Aborigines Protection Society, London, submitted in petition form an appeal to the Permanent Mandates Commission to consider the action taken by Mr. Michael Leahy, involving the shooting of a number of natives in the course of journeys in the uncontrolled areas of the mandated territory of New Guinea, between April 1930 and October 1934. The appeal was based on information supplied by Mr. Leahy himself in the course of a lecture delivered in London before the Royal Geographical Society on November 21st, 1935, and the Anti-Slavery and Aborigines Protection Society also forwarded to the Commission certain correspondence on the subject addressed to the High Commissioner for Australia—namely, their letters, dated June 22nd, 1936, and October 16th, 1936. The appeal was referred by the Commission to the mandatory Power and the Commission has before it the latter's observations submitted in its letter, dated May 17th, 1937 (document C.P.M.1899).

In the course of its observations, the mandatory Power has explained the regulations in force regarding travel in the uncontrolled areas, which amount approximately to 93,000 square miles, with a population estimated at 200,000. The natives are constantly at warfare with each other, and have frequently made attacks on European parties travelling in the area. Up

to 1925, Europeans had the unrestricted right to travel in any part of New Guinea, but owing to the activity in gold prospecting which began in that year, the Uncontrolled Areas' Ordinance of 1925 was passed. Under this, non-natives, other than officers of the Administration, require a permit to enter the uncontrolled areas, and may be required to deposit security, and rules are also laid down regulating their relations with the natives, in particular in regard to entering villages or demanding portage. Mr. Leahy, who was a miner prospecting for gold, duly received this permit.

From the papers forwarded by the mandatory Power, it appears that, between 1926-1931, Mr. Leahy had made four journeys, on the fourth of which, in April 1931, seven natives were killed by him. The incident was reported to the District Officer, Morobe, who was satisfied that Mr. Leahy had acted in self-defence; he had himself been severely wounded. In the course of subsequent journeys in the years 1932 and 1934, five incidents occurred, in the course of which natives estimated to be between eighteen and twenty-five in number were shot either by Mr. Leahy or by natives of his party. The first incident, which occurred in November 1932, was reported in that year to the District Officer, Morobe, and the latter was satisfied after enquiry that Mr. Leahy's action was justified. The three incidents occurring in 1934 were also reported to the District Officer and it is stated that he discussed the matter with Mr. Leahy and considered that the latter could not have acted differently; he accordingly proposed to take no action against him. As a result, however, of the representations made by the Anti-Slavery and Aborigines Protection Society, an enquiry was made in December 1936 by Mr. J. Taylor, Assistant District Officer, into the five incidents occurring in 1932 and 1934. Explanations were obtained from Mr. Leahy, and the evidence of his interpreter and certain natives employed by him was taken. The Administrator expressed his opinion that Mr. Leahy did not exceed his rights under the law of the territory to take whatever measures were necessary to protect his life and the lives of his party; in the circumstances, no action against him appeared to be justified. He pointed out that action had previously been taken against parties whose conduct was held to be unjustified, as in the case of the Schmidt-Schutze Expedition.

It may be remarked that on one occasion, at least, as is admitted by the investigating officer, Mr. Leahy's action is open to question, since he fired at natives at a range of 150 yards, on the presumption that they intended to attack his party. It is more important, however, to direct attention to the policy under which parties are given permits to search for minerals in the uncontrolled areas. It appears that it is the general policy of the mandatory Power to allow, in the first instance, only officers of the Administration to enter these areas, but when the influence of the Administration is established, permits can be given to approved persons to enter them. Owing, however, to the murder of missionaries in December 1934 and January 1935, entry to the areas was closed from the latter year till February 1937, when it was again proposed to allow parties to enter them for scientific, prospecting or missionary purposes. At the same time, the standing rules regulating the grant of permits lay down that all parties must be in possession of four serviceable firearms and contain persons capable of using them. The incidents in which Mr. Leahy was concerned are part only of a number which have occurred in the uncontrolled areas in recent years, and this would seem to suggest that the condition that the influence of the Administration should be established before permits for entry are given, cannot be said as yet to be satisfied.

It may be noted that the incidents which gave rise to the petition had come under the notice of the Commission at its twenty-ninth session.<sup>1</sup>

I have therefore the honour to propose the following conclusion :<sup>2</sup>

“ The Commission,

“ Having examined the petition, dated November 19th, 1936, from Sir John Harris, Secretary of the Anti-Slavery and Aborigines Protection Society, London, and the observations submitted thereon by the mandatory Power :

“ Regrets the facts—with which it has already had to deal—which have occasioned this petition.

“ As regards the general problem of the admission of non-natives to areas which are not yet under the control of the Administration, it refers to the observations which it is submitting to the Council in connection with the examination of the report on the administration of the mandated territory.”

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 15.

<sup>2</sup> This text had been adopted provisionally by the Commission at its meeting held on June 8th, 1937 (pages 80-82).

ANNEX 7.

I. REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION.

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The Permanent Mandates Commission met at Geneva from May 31st to June 15th, 1937, for its thirty-first session, and held twenty-two meetings, part of the first of which was public. The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

*Tanganyika Territory, 1936.*

Accredited Representatives :

Lord DE LA WARR, Lord Privy Seal ;

Mr. J. F. NICOLL, Assistant District Officer of Tanganyika Territory.

*Nauru, 1936.*

Accredited Representative :

Major O. C. W. FUHRMAN, O.B.E.

*Cameroons under British Mandate, 1936.*

Accredited Representative :

Mr. G. H. FINDLAY, Senior Resident in Nigeria.

*Togoland under British Mandate, 1936.*

Accredited Representative :

Mr. W. J. A. JONES, C.M.G., Chief Commissioner of the Northern Territories, Gold Coast.

*South West Africa, 1936.*

Accredited Representatives :

Mr. F. P. COURTNEY CLARKE, Secretary for South West Africa ;

Mr. H. T. ANDREWS, Accredited Representative for the Union of South Africa to the League of Nations ;

Mr. C. H. L. HAHN, M.B.E., Native Commissioner, Ovamboland.

*New Guinea, 1935/36.*

Accredited Representatives :

Lieut.-Colonel John WALSTAB, D.S.O., Superintendent of Police, New Guinea Administration ;

Major O. C. W. FUHRMAN, O.B.E.

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A. SPECIAL QUESTION. <sup>1</sup>

FRONTIER BETWEEN TANGANYIKA TERRITORY AND MOZAMBIQUE (pages 13, 33-34, 80).

On January 22nd, 1937, the Council adopted the following resolution :

“ The Council,

“ In response to the joint request of the Governments of the United Kingdom and Portugal :

“ Declares its willingness to examine, with a view to approval, the Agreement of May 11th, 1936, between the United Kingdom and Portugal concerning the delimitation of the frontier between Tanganyika and Mozambique ;

“ Invites the Permanent Mandates Commission to inform it of its opinion of the said Agreement from the point of view of the execution of the mandate ;

“ And requests the Secretary-General to communicate to the Permanent Mandates Commission the documentation submitted by the Governments of the United Kingdom and Portugal and the Minutes of the present meeting of the Council.”

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<sup>1</sup> The page numbers following the title are those of the Minutes of the session.

The Permanent Mandates Commission has taken cognisance of the documentation submitted to it in accordance with this resolution. In addition, the accredited representative of the mandatory Power for Tanganyika has supplied it verbally with supplementary information. It notes, in particular, that the object of this Agreement is to *define* the boundary *more clearly* and thereby put an end to a state of uncertainty the cessation of which is desirable.

The Permanent Mandates Commission has the honour to inform the Council that the facts placed before it contain no information which would justify it in affirming that the Agreement of May 11th, 1936, between the United Kingdom and Portugal with regard to the delimitation of the frontier between the mandated territory of Tanganyika and Mozambique would be contrary to the interests of the mandated territory.

## B. OBSERVATIONS ON 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 representatives of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.<sup>1</sup>

### TERRITORIES UNDER " B " MANDATE.

#### Tanganyika Territory.

##### 1. *Common Stamp for Tanganyika, Kenya and Uganda.*

The Commission takes note of the accredited representative's statement according to which the mandatory Power attaches no political significance to the issue of a common stamp for Tanganyika, Kenya and Uganda (pages 17, 78).

##### 2. *Economic Equality.*

(a) The Commission notes that the mandatory Power has not found any reason hitherto for introducing tariff legislation in the territory to permit discriminations between those States which are and those which are not Members of the League of Nations, and that no change is contemplated in this connection.

It hopes that the next annual report will state whether or not the mandatory Power considers itself legally obliged to apply the rule of economic equality to imports from non-member States (pages 20, 78, 86).

(b) The Commission was gratified to note that the mandatory Power has been successful in securing most-favoured-nation treatment for products of Tanganyika from a great number of States (page 78).

##### 3. *Native Administration.*

The Commission has learned with interest of the progress of the native treasuries, which constitute one of the essential elements of indirect rule (pages 16, 26, 78).

##### 4. *Public Finance.*

(a) The Commission notes the increasingly favourable financial situation of the territory, particularly as regards the railways, which, according to the revised estimates, will show a surplus for 1936 (pages 16, 24, 25-26, 78).

(b) The Commission notes that the question of the imposition of a non-native income tax is still under consideration and hopes that the next annual report will contain a full statement on the subject (pages 16, 26, 78).

(c) The Commission notes that it is not intended to make a contribution from the Tanganyika budget in connection with the proposed fortification of the port of Mombasa (Kenya) (pages 37, 78).

##### 5. *Economic Regime.*

In view of the continued and growing favourable trade balance, the Commission would welcome in the next report a statement on the measures contemplated with a view to ensuring for the natives a greater share in the prosperity of the territory (pages 15, 20, 21, 22, 78).

<sup>1</sup> The page numbers following each observation are those of the Minutes of the session.

## 6. *Labour.*

(a) *General.* — The Commission notes the accredited representative's statement that financial provision has been made for the re-establishment of a separate organisation to deal with labour. It hopes to learn in the next annual report that an effective and specialised labour service has again been set up (pages 16, 41, 78).

The Commission has been struck by the evidence in the annual report as to the continuance of low rates of wages for native labour, in spite of the marked rise in prices. It hopes to find in the next report particulars of the wage policy adopted by the mandatory Power (pages 21-22, 41-42, 78).

(b) *Lupa Goldfields.* — The Commission notes the statement of the mandatory Power that the previously unsatisfactory conditions under which the natives were employed in the Lupa goldfields area have shown signs of improvement, and that various measures have been taken, such as the appointment of a labour officer, the establishment of labour camps and dispensaries and the posting of two medical officers in the area. The Commission hopes to find in the next annual report evidence that such further measures have been taken as will effectively and rapidly put an end to the unsatisfactory conditions which are admittedly still prevailing (pages 16, 41, 42, 43, 44, 45, 46, 48, 78).

## 7. *Education.*

The Commission notes that it is intended to increase expenditure on native education, and hopes that a further substantial advance may be made in this important sphere (pages 31, 32, 49, 78).

It also hopes that it will be possible to develop higher agricultural training (pages 32, 33, 78).

## 8. *Liquor Traffic.*

The Commission notes that measures have been taken to control the importation of methylated spirits with a view to the control of the manufacture and sale thereof. It hopes that future annual reports will contain particulars of the results of the measures taken (pages 47, 78).

## 9. *Land Tenure.*

The Commission would welcome an account, in the next annual report, of the measures taken to protect native interests in connection with the scheme for white settlement in the Southern Highlands Province of Tanganyika (pages 38, 78).

## **Cameroons and Togoland under British Mandate.**

### OBSERVATION COMMON TO BOTH TERRITORIES.

#### *Economic Equality.*

The Commission took note of the statements of the accredited representatives to the effect that the mandatory Power is of opinion that States which are not members of the League cannot claim economic equality for their goods imported into mandated territory, either under the terms of the mandates or under Article 22 of the Covenant, and that such States can, in the opinion of the mandatory Government, only claim equal treatment for their imports by virtue of agreements concluded to this end with the mandatory Power. It also noted that the mandatory has no present intention of inviting the authorities concerned to promote legislation which would deprive States not members of the League of the economic equality which in fact they now enjoy in territories under United Kingdom mandate.

The Commission again expresses the hope that it will be informed whether the exports of the mandated territories enjoy reciprocity under the commercial regime in force between them and the above-mentioned States (pages 61, 80, 83, 92, 93, 175).

## **Cameroons under British Mandate.**

### 1. *Status of the Territory and of the Inhabitants.*

According to the annual report a certain number of hamlets in the Gashaka district in the territory have been transferred to the Benue Province in Nigeria. The Commission would be glad to receive an assurance that, despite the use of the word "transfer", this operation has not resulted in any change in the status of the district or of its inhabitants (pages 62, 80).



2. *Frontiers.*

The Commission noted the statement that the mandatory Power is prepared to start on November 1st, 1937, with the demarcation of the eastern frontier of the territory and it expresses the hope that the operations of demarcation will actually be begun and continued without further delay (pages 61, 80).

3. *General Administration.*

The Commission again expressed the hope, as it did last year, that it may be possible to accelerate the development of the road system, the present inadequacy of which is prejudicial to the good administration of the territory in general and of the northern areas more particularly (pages 65, 80).

4. *Labour.*

The Commission welcomed the statement in the report that an enquiry is to be made in 1937 into the practice of paying part of the wages due to labourers in credit notes on company stores. It will await with much interest the results of that enquiry (pages 71, 80).

5. *Education.*

The Commission was struck by the extreme smallness of the grant made for education in the northern part of the territory. It hopes to see in the next report that this question has received the attention of the Administration (pages 74, 75, 76, 80).

6. *Spirits.*

The Commission is concerned by the appreciable increase in the importation of alcohol in the southern areas. It is confident that the mandatory Power will closely supervise the importation, so as to determine whether a stricter control of the trade in spirits is necessary (pages 76, 77, 80).

7. *Public Health.*

Having noted a decrease in the actual expenditure from Government funds on medical service, the Commission expresses the hope, in view of the improved financial and economic situation of the territory, that larger sums may be allocated to the public health service (pages 77, 78, 80).

**Togoland under British Mandate.**

1. *General Administration.*

The Commission noted with satisfaction the information supplied in the report and amplified by the accredited representative on the evolution of the system of indirect rule in the northern section of the territory and on the zeal, initiative and sense of public duty of the native authorities (pages 83, 84, 85, 90, 94, 95, 97, 175).

2. *Public Finance.*<sup>1</sup>

The Commission welcomed the information on the satisfactory results of the system of direct taxation and of the native treasuries in the northern section (pages 84, 85, 86, 87, 94, 95, 96, 97, 98, 175).

It would like to have in the next report full particulars with regard to the loans raised by native authorities in the southern section and hopes that measures will be taken to prevent any abuse in connection with the raising of such loans (pages 96, 175).

3. *Economic Regime.*

The Commission again expresses the hope that it may be possible to obtain approximate figures or at least an estimate of the imports and exports passing over the western frontier of the territory. It would also be glad to have information regarding the sources of imports and the destination of exports of the territory (pages 93, 99, 100, 175).

4. *Land Tenure.*

The Commission would like to know to what extent land in the southern section has been sold or leased to "stranger natives" (pages 101-103, 175).

It would further be glad to learn what precise measures, if any, the Administration has taken in practice to control land transactions in accordance with Article 5 of the mandate (pages 101, 102, 103, 175).

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<sup>1</sup> See comments of the accredited representative, page 194, below.

### 5. *Spirits.*

The Commission was again concerned at the increased consumption of spirits by the natives of the southern section. It expresses the earnest hope that appropriate measures may be taken with a view to exercising stricter control over the consumption of spirits by the natives (pages 106, 175).

### 6. *Public Health.*

The Commission would like to know whether compulsory treatment of sleeping-sickness is contemplated (pages 90, 108, 175).

## TERRITORIES UNDER "C" MANDATE.

### South West Africa.

#### 1. *Status of the Territory.*

The Commission noted the statement in the annual report (page 4) that the mandatory Power "is of opinion that to administer the mandated territory as a fifth province of the Union subject to the terms of the mandate would not be in conflict with the terms of the mandate itself". It also noted that the mandatory "feels that sufficient grounds have not been adduced for taking such a step".

The Commission does not express any opinion as to a method of administration the scope of which it has had no opportunity of judging and the adoption of which, according to the statement of the mandatory Power, is not contemplated; it confines itself to making all legal reservations on the question (pages 113, 114, 116, 175).

#### 2. *General Administration.*

The Commission took note not without concern of the report of the "South West Africa Commission". It would like to be informed in the next annual report whether the Government of the mandatory Power has taken any further action on the finding of that Commission and, more particularly, in the matter of native administration (pages 110, 111, 112, 114, 115, 116, 118, 119, 175).

With special reference to Ovamboland, the Commission would like to be kept informed of the measures taken for the further development of the system of administration through chiefs or native councils (pages 120-125, 175).

The Commission noted the accredited representative's statement that the relations between the different sections of the European community in the territory had improved. It learned, however, that the Administration had recently found it expedient to take certain measures restrictive of the political activities of the European population. It earnestly hopes that it will be possible for the mandatory Power to report next year a substantial development in good relations and whole-hearted co-operation between the various sections of the population (pages 110, 112, 113, 114, 115, 117, 175).

#### 3. *Public Finance.*

The Commission took note of the declaration by the accredited representative to the effect that the Union Government will place in a suspense account the full amount of the loans made by it to the territory before March 31st, 1937, and that the territory will be relieved of payments on loans until the finances of the territory improve sufficiently to allow of payments being made. It also noted, however, that the debt shown in the suspense account would be increased from year to year by the interest thereon.

In this connection, the Commission would be glad to know whether the mandatory Power has found it possible to take action on the findings of the "South West Africa Commission", according to which it is essential in the interests of good government of the territory for the mandatory Power to afford the territory some measure of financial assistance which would not entail annual appropriations from the territory's revenue for the service of this debt (pages 110, 126, 127, 128, 175, 183).

#### 4. *Native Reserves.*

The Commission hopes that the mandatory Power may find it possible to afford some direct assistance to the territory with a view further to improve conditions in native reserves (pages 111, 122-126, 129, 135, 136, 137, 138, 175).

### 5. *Missions.*

The Commission learned that, in certain cases, the activities of the missions tended to disrupt tribal law and customs and thereby created certain difficulties for the Administration. It expresses the hope that the Administration may succeed in supervising the activities of the missions in such a way as to avoid any dangers involved and to establish a closer co-operation between itself and the missions (pages 120, 129, 130, 141-142, 175).

### 6. *Education.*

The Commission was again concerned at the inadequacy of the education afforded to the natives and noted in particular the difficulties in the way of getting suitable teachers. It expresses the hope that greater efforts may be made to raise the standard of native education, particularly by devoting thereto a larger proportion of the education budget, and that some means may be found of improving the training of native teachers (pages 128, 129, 130, 131, 137, 141, 142, 175).

## **Nauru.**

### *General Administration.*

(a) The Commission hopes to find in the next annual report information regarding worked-out phosphate land which is not returned to the natives. It also hopes to find information as to the use the natives make of worked-out land returned to them (pages 51, 80).

(b) The Commission will follow with interest the efforts made by the Administration in order to encourage the natives to grow food crops (pages 50, 51, 80).

## **New Guinea.**

### *1. General Administration.*

The Commission notes that there are two classes of "uncontrolled areas", one in which the Administration exercises some measure of influence and the other which entirely escapes its influence. The Commission would like to find in the next report precise information as to the difference between the two classes of "uncontrolled areas". In particular, it desires to know what non-natives are in principle and in practice authorised to enter the first class of areas and under what conditions such authorisation is granted (pages 155, 156, 157, 158, 175).

The Commission would like to be assured that no private activities of any kind by non-natives will be allowed in areas where the Administration, which is responsible for the incidents to which premature contact between foreigners and natives may give rise, is not in a position to exercise real and effective control over those activities (pages 155, 156, 157, 158, 159, 175).

### *2. Means of Communication.*

Without underestimating the difficulties connected with the construction and upkeep of roads in hilly and thickly wooded country such as New Guinea, the Commission feels sure that the mandatory Power will realise the desirability of accelerating road construction as a means of extending the Administration's influence and of assisting the economic development of the mandated territory (pages 153, 154, 174, 175).

### *3. Labour.*

The Commission is concerned at the possibility that the numbers of native labourers recruited in some districts for employment away from their villages may be such as to endanger the economic and social life of the native communities. It would be glad to find, in the next report, detailed information regarding the methods now employed to avert this danger (pages 167, 168, 169, 175).

## **C. PETITIONS.<sup>1</sup>**

At its thirty-first session, the Commission considered the petitions mentioned below, together with the mandatory Powers' observations thereon. Each of these petitions was reported on in writing by a Member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes.<sup>2</sup>

<sup>1</sup> The page numbers following each title are those of the Minutes of the session.

The petitions relating to Palestine were placed on the agenda of the extraordinary session of the Commission. The examination of certain petitions concerning Syria and the Lebanon was adjourned to the Commission's ordinary session next autumn (see Minutes, pages 79-80).

<sup>2</sup> The Commission recommends that copies of the petitions and the mandatory Power's observations thereon should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

### SYRIA AND LEBANON.

PETITION, DATED FEBRUARY 9TH, 1936, FROM M. RACHID EL HOUSSAMI, M. BEHJAT CHEHABI, AND OTHER SYRIAN ADVOCATES, COMMUNICATED BY MAITRE FAYEZ KHOURY, PRESIDENT OF THE BAR ASSOCIATION, DAMASCUS (document C.P.M.1848) (pages 79, 93, 185).

Observations of the French Government, dated October 22nd, 1936 (document C.P.M. 1848).

Report (see Minutes, Annex 5, page 185).

#### *Conclusions.*

“ The Commission,

“ Having examined the petition dated February 9th, 1936, from Syrian advocates, and the observations of the mandatory Power thereon ;

“ Considering that several of the demands made in that petition have already been discussed with the accredited representative of the mandatory Power and have given rise on his part to observations on the general policy of that Power ;

“ Bearing in mind the changes in the general political situation in Syria since the date on which the petition was presented :

“ Considers that this petition does not call for any special observations to the Council.”

### NEW GUINEA.

PETITION, DATED NOVEMBER 19TH, 1936, FROM SIR JOHN HARRIS, SECRETARY OF THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY, LONDON (document C.P.M.1878) (pages 80-82, 154-155, 157, 159, 175, 186).

Observations of the Australian Government, dated May 17th, 1937 (document C.P.M.1899).

Report (see Minutes, Annex 6, page 186).

#### *Conclusions.*

“ The Commission,

“ Having examined the petition, dated November 19th, 1936, from Sir John Harris, Secretary of the Anti-Slavery and Aborigines Protection Society, London, and the observations submitted thereon by the mandatory Power :

“ Regrets the facts—with which it has already had to deal—which have occasioned this petition.

“ As regards the general problem of the admission of non-natives to areas which are not yet under the control of the Administration, it refers to the observations which it is submitting to the Council in connection with the examination of the report on the administration of the mandated territory.”

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## II. COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION.

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### A. TOGOLAND UNDER BRITISH MANDATE.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JUNE 23RD, 1937.

With reference to your letter of the 21st inst., I have the honour to inform you that the only comment which I have to make on the observations of the Permanent Mandates Commission on the Togoland report relates to public finance. I wish to point out that in my examination I stated that I was not aware that the Native Authorities in the Southern Section have raised loans. The observation can only be construed to mean that loans have to the knowledge of the Administration been raised.

(Signed) W. J. A. JONES.

### B.

The accredited representatives for Tanganyika Territory, Cameroons under British Mandate, South West Africa, Nauru and New Guinea 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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### Abbreviations

Art. = Article	Govt. = Government
Ass. = Assembly	Int. = International
Comm. = Commission	Obs. = Observations
Cttee. = Committee	Perm. = Permanent
Conv. = Convention	P.M.C. = Permanent Mandates Commission
Cl. = Council	Recomms. = Recommendations
Dept. = Department	

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Geneva, June 15th, 1937.

LEAGUE OF NATIONS

**PERMANENT MANDATES COMMISSION**

**THIRTY-FIRST SESSION OF THE COMMISSION**

(Geneva, May 31st-June 15th, 1937).

3

**I.**

**REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION.**

The Permanent Mandates Commission met at Geneva from May 31st to June 15th, 1937, for its thirty-first session, and held twenty-two meetings, part of the first of which was public. The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

*Tanganyika Territory, 1936.*

Accredited Representatives :

Lord DE LA WARR, Lord Privy Seal ;

Mr. J. F. NICOLL, Assistant District Officer of Tanganyika Territory.

*Nauru, 1936.*

Accredited Representative :

Major O. C. W. FUHRMAN, O.B.E.

*Cameroons under British Mandate, 1936.*

Accredited Representative :

Mr. G. H. FINDLAY, Senior Resident in Nigeria.

*Togoland under British Mandate, 1936.*

Accredited Representative :

Mr. W. J. A. JONES, C.M.G., Chief Commissioner of the Northern Territories, Gold Coast.

*South West Africa, 1936.*

Accredited Representatives :

Mr. F. P. COURTNEY CLARKE, Secretary for South West Africa ;

Mr. H. T. ANDREWS, Accredited Representative for the Union of South Africa to the League of Nations ;

Mr. C. H. L. HAHN, M.B.E., Native Commissioner, Ovamboland.

*New Guinea, 1935/36.*

Accredited Representatives :

Lieut.-Colonel John WALSTAB, D.S.O., Superintendent of Police, New Guinea Administration ;

Major O. C. W. FUHRMAN, O.B.E.

## A. SPECIAL QUESTION. <sup>1</sup>

FRONTIER BETWEEN TANGANYIKA TERRITORY AND MOZAMBIQUE (pages 13, 33-34, 80).

On January 22nd, 1937, the Council adopted the following resolution :

“ The Council,

“ In response to the joint request of the Governments of the United Kingdom and Portugal :

“ Declares its willingness to examine, with a view to approval, the Agreement of May 11th, 1936, between the United Kingdom and Portugal concerning the delimitation of the frontier between Tanganyika and Mozambique ;

“ Invites the Permanent Mandates Commission to inform it of its opinion of the said Agreement from the point of view of the execution of the mandate ;

“ And requests the Secretary-General to communicate to the Permanent Mandates Commission the documentation submitted by the Governments of the United Kingdom and Portugal and the Minutes of the present meeting of the Council.”

The Permanent Mandates Commission has taken cognisance of the documentation submitted to it in accordance with this resolution. In addition, the accredited representative of the mandatory Power for Tanganyika has supplied it verbally with supplementary information. It notes, in particular, that the object of this Agreement is to *define* the boundary *more clearly* and thereby put an end to a state of uncertainty the cessation of which is desirable.

The Permanent Mandates Commission has the honour to inform the Council that the facts placed before it contain no information which would justify it in affirming that the Agreement of May 11th, 1936, between the United Kingdom and Portugal with regard to the delimitation of the frontier between the mandated territory of Tanganyika and Mozambique would be contrary to the interests of the mandated territory.

## B. OBSERVATIONS ON 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 representatives of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed. <sup>2</sup>

### TERRITORIES UNDER “ B ” MANDATE.

#### Tanganyika Territory.

##### 1. *Common Stamp for Tanganyika, Kenya and Uganda.*

The Commission takes note of the accredited representative's statement according to which the mandatory Power attaches no political significance to the issue of a common stamp for Tanganyika, Kenya and Uganda (pages 17, 78).

##### 2. *Economic Equality.*

(a) The Commission notes that the mandatory Power has not found any reason hitherto for introducing tariff legislation in the territory to permit discriminations between those States which are and those which are not Members of the League of Nations, and that no change is contemplated in this connection.

It hopes that the next annual report will state whether or not the mandatory Power considers itself legally obliged to apply the rule of economic equality to imports from non-member States (pages 20, 78, 86).

(b) The Commission was gratified to note that the mandatory Power has been successful in securing most-favoured-nation treatment for products of Tanganyika from a great number of States (page 78).

##### 3. *Native Administration.*

The Commission has learned with interest of the progress of the native treasuries, which constitute one of the essential elements of indirect rule (pages 16, 26, 78).

<sup>1</sup> The page numbers following the title are those of the Minutes of the session.

<sup>2</sup> The page numbers following each observation are those of the Minutes of the session.

#### 4. *Public Finance.*

(a) The Commission notes the increasingly favourable financial situation of the territory, particularly as regards the railways, which, according to the revised estimates, will show a surplus for 1936 (pages 16, 24, 25-26, 78).

(b) The Commission notes that the question of the imposition of a non-native income tax is still under consideration and hopes that the next annual report will contain a full statement on the subject (pages 16, 26, 78).

(c) The Commission notes that it is not intended to make a contribution from the Tanganyika budget in connection with the proposed fortification of the port of Mombasa (Kenya) (pages 37, 78).

#### 5. *Economic Regime.*

In view of the continued and growing favourable trade balance, the Commission would welcome in the next report a statement on the measures contemplated with a view to ensuring for the natives a greater share in the prosperity of the territory (pages 15, 20, 21, 22, 78).

#### 6. *Labour.*

(a) *General.* — The Commission notes the accredited representative's statement that financial provision has been made for the re-establishment of a separate organisation to deal with labour. It hopes to learn in the next annual report that an effective and specialised labour service has again been set up (pages 16, 41, 78).

The Commission has been struck by the evidence in the annual report as to the continuance of low rates of wages for native labour, in spite of the marked rise in prices. It hopes to find in the next report particulars of the wage policy adopted by the mandatory Power (pages 21-22, 41-42, 78).

(b) *Lupa Goldfields.* — The Commission notes the statement of the mandatory Power that the previously unsatisfactory conditions under which the natives were employed in the Lupa goldfields area have shown signs of improvement, and that various measures have been taken, such as the appointment of a labour officer, the establishment of labour camps and dispensaries and the posting of two medical officers in the area. The Commission hopes to find in the next annual report evidence that such further measures have been taken as will effectively and rapidly put an end to the unsatisfactory conditions which are admittedly still prevailing (pages 16, 41, 42, 43, 44, 45, 46, 48, 78).

#### 7. *Education.*

The Commission notes that it is intended to increase expenditure on native education, and hopes that a further substantial advance may be made in this important sphere (pages 31, 32, 49, 78).

It also hopes that it will be possible to develop higher agricultural training (pages 32, 33, 78).

#### 8. *Liquor Traffic.*

The Commission notes that measures have been taken to control the importation of methylated spirits with a view to the control of the manufacture and sale thereof. It hopes that future annual reports will contain particulars of the results of the measures taken (pages 47, 78).

#### 9. *Land Tenure.*

The Commission would welcome an account, in the next annual report, of the measures taken to protect native interests in connection with the scheme for white settlement in the Southern Highlands Province of Tanganyika (pages 38, 78).

### **Cameroons and Togoland under British Mandate.**

#### **OBSERVATION COMMON TO BOTH TERRITORIES.**

##### *Economic Equality.*

The Commission took note of the statements of the accredited representatives to the effect that the mandatory Power is of opinion that States which are not members of the League cannot claim economic equality for their goods imported into mandated territory, either under the terms of the mandates or under Article 22 of the Covenant, and that such States can, in the opinion of the mandatory Government, only claim equal treatment for their imports by virtue of agreements concluded to this end with the mandatory Power. It also noted that the mandatory has no present intention of inviting the authorities concerned to promote legislation which would deprive States not members of the League of the economic equality which in fact they now enjoy in territories under United Kingdom mandate.

The Commission again expresses the hope that it will be informed whether the exports of the mandated territories enjoy reciprocity under the commercial regime in force between them and the above-mentioned States (pages 61, 80, 83, 92, 93, 175).



## **Cameroons under British Mandate.**

### *I. Status of the Territory and of the Inhabitants.*

According to the annual report a certain number of hamlets in the Gashaka district in the territory have been transferred to the Benue Province in Nigeria. The Commission would be glad to receive an assurance that, despite the use of the word "transfer", this operation has not resulted in any change in the status of the district or of its inhabitants (pages 62, 80).

### *2. Frontiers.*

The Commission noted the statement that the mandatory Power is prepared to start on November 1st, 1937, with the demarcation of the eastern frontier of the territory and it expresses the hope that the operations of demarcation will actually be begun and continued without further delay (pages 61, 80).

### *3. General Administration.*

The Commission again expressed the hope, as it did last year, that it may be possible to accelerate the development of the road system, the present inadequacy of which is prejudicial to the good administration of the territory in general and of the northern areas more particularly (pages 65, 80).

### *4. Labour.*

The Commission welcomed the statement in the report that an enquiry is to be made in 1937 into the practice of paying part of the wages due to labourers in credit notes on company stores. It will await with much interest the results of that enquiry (pages 71, 80).

### *5. Education.*

The Commission was struck by the extreme smallness of the grant made for education in the northern part of the territory. It hopes to see in the next report that this question has received the attention of the Administration (pages 74, 75, 76, 80).

### *6. Spirits.*

The Commission is concerned by the appreciable increase in the importation of alcohol in the southern areas. It is confident that the mandatory Power will closely supervise the importation, so as to determine whether a stricter control of the trade in spirits is necessary (pages 76, 77, 80).

### *7. Public Health.*

Having noted a decrease in the actual expenditure from Government funds on medical service, the Commission expresses the hope, in view of the improved financial and economic situation of the territory, that larger sums may be allocated to the public health service (pages 77, 78, 80).

## **Togoland under British Mandate.**

### *I. General Administration.*

The Commission noted with satisfaction the information supplied in the report and amplified by the accredited representative on the evolution of the system of indirect rule in the northern section of the territory and on the zeal, initiative and sense of public duty of the native authorities (pages 83, 84, 85, 90, 94, 95, 97, 175).

### *2. Public Finance.<sup>1</sup>*

The Commission welcomed the information on the satisfactory results of the system of direct taxation and of the native treasuries in the northern section (pages 84, 85, 86, 87, 94, 95, 96, 97, 98, 175).

It would like to have in the next report full particulars with regard to the loans raised by native authorities in the southern section and hopes that measures will be taken to prevent any abuse in connection with the raising of such loans (pages 96, 175).

### *3. Economic Regime.*

The Commission again expresses the hope that it may be possible to obtain approximate figures or at least an estimate of the imports and exports passing over the western frontier of the territory. It would also be glad to have information regarding the sources of imports and the destination of exports of the territory (pages 93, 99, 100, 175).

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<sup>1</sup> See comments of the accredited representative, page 7, below.

#### 4. *Land Tenure.*

The Commission would like to know to what extent land in the southern section has been sold or leased to "stranger natives" (pages 101-103, 175).

It would further be glad to learn what precise measures, if any, the Administration has taken in practice to control land transactions in accordance with Article 5 of the mandate (pages 101, 102, 103, 175).

#### 5. *Spirits.*

The Commission was again concerned at the increased consumption of spirits by the natives of the southern section. It expresses the earnest hope that appropriate measures may be taken with a view to exercising stricter control over the consumption of spirits by the natives (pages 106, 175).

#### 6. *Public Health.*

The Commission would like to know whether compulsory treatment of sleeping-sickness is contemplated (pages 90, 108, 175).

### **TERRITORIES UNDER "C" MANDATE.**

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

##### 1. *Status of the Territory.*

The Commission noted the statement in the annual report (page 4) that the mandatory Power "is of opinion that to administer the mandated territory as a fifth province of the Union subject to the terms of the mandate would not be in conflict with the terms of the mandate itself". It also noted that the mandatory "feels that sufficient grounds have not been adduced for taking such a step".

The Commission does not express any opinion as to a method of administration the scope of which it has had no opportunity of judging and the adoption of which, according to the statement of the mandatory Power, is not contemplated; it confines itself to making all legal reservations on the question (pages 113, 114, 116, 175).

##### 2. *General Administration.*

The Commission took note not without concern of the report of the "South West Africa Commission". It would like to be informed in the next annual report whether the Government of the mandatory Power has taken any further action on the finding of that Commission and, more particularly, in the matter of native administration (pages 110, 111, 112, 114, 115, 116, 118, 119, 175).

With special reference to Ovamboland, the Commission would like to be kept informed of the measures taken for the further development of the system of administration through chiefs or native councils (pages 120-125, 175).

The Commission noted the accredited representative's statement that the relations between the different sections of the European community in the territory had improved. It learned, however, that the Administration had recently found it expedient to take certain measures restrictive of the political activities of the European population. It earnestly hopes that it will be possible for the mandatory Power to report next year a substantial development in good relations and whole-hearted co-operation between the various sections of the population (pages 110, 112, 113, 114, 115, 117, 175).

##### 3. *Public Finance.*

The Commission took note of the declaration by the accredited representative to the effect that the Union Government will place in a suspense account the full amount of the loans made by it to the territory before March 31st, 1937, and that the territory will be relieved of payments on loans until the finances of the territory improve sufficiently to allow of payments being made. It also noted, however, that the debt shown in the suspense account would be increased from year to year by the interest thereon.

In this connection, the Commission would be glad to know whether the mandatory Power has found it possible to take action on the findings of the "South West Africa Commission", according to which it is essential in the interests of good government of the territory for the mandatory Power to afford the territory some measure of financial assistance which would not entail annual appropriations from the territory's revenue for the service of this debt (pages 110, 126, 127, 128, 175, 183).

##### 4. *Native Reserves.*

The Commission hopes that the mandatory Power may find it possible to afford some direct assistance to the territory with a view further to improve conditions in native reserves (pages 111, 122-126, 129, 135, 136, 137, 138, 175).

### 5. *Missions.*

The Commission learned that, in certain cases, the activities of the missions tended to disrupt tribal law and customs and thereby created certain difficulties for the Administration. It expresses the hope that the Administration may succeed in supervising the activities of the missions in such a way as to avoid any dangers involved and to establish a closer co-operation between itself and the missions (pages 120, 129, 130, 141-142, 175).

### 6. *Education.*

The Commission was again concerned at the inadequacy of the education afforded to the natives and noted in particular the difficulties in the way of getting suitable teachers. It expresses the hope that greater efforts may be made to raise the standard of native education, particularly by devoting thereto a larger proportion of the education budget, and that some means may be found of improving the training of native teachers (pages 128, 129, 130, 131, 137, 141, 142, 175).

## Nauru.

### *General Administration.*

(a) The Commission hopes to find in the next annual report information regarding worked-out phosphate land which is not returned to the natives. It also hopes to find information as to the use the natives make of worked-out land returned to them (pages 51, 80).

(b) The Commission will follow with interest the efforts made by the Administration in order to encourage the natives to grow food crops (pages 50, 51, 80).

## New Guinea.

### 1. *General Administration.*

The Commission notes that there are two classes of "uncontrolled areas", one in which the Administration exercises some measure of influence and the other which entirely escapes its influence. The Commission would like to find in the next report precise information as to the difference between the two classes of "uncontrolled areas". In particular, it desires to know what non-natives are in principle and in practice authorised to enter the first class of areas and under what conditions such authorisation is granted (pages 155, 156, 157, 158, 175).

The Commission would like to be assured that no private activities of any kind by non-natives will be allowed in areas where the Administration, which is responsible for the incidents to which premature contact between foreigners and natives may give rise, is not in a position to exercise real and effective control over those activities (pages 155, 156, 157, 158, 159, 175).

### 2. *Means of Communication.*

Without underestimating the difficulties connected with the construction and upkeep of roads in hilly and thickly wooded country such as New Guinea, the Commission feels sure that the mandatory Power will realise the desirability of accelerating road construction as a means of extending the Administration's influence and of assisting the economic development of the mandated territory (pages 153, 154, 174, 175).

### 3. *Labour.*

The Commission is concerned at the possibility that the numbers of native labourers recruited in some districts for employment away from their villages may be such as to endanger the economic and social life of the native communities. It would be glad to find, in the next report, detailed information regarding the methods now employed to avert this danger (pages 167, 168, 169, 175).

## C. PETITIONS.<sup>1</sup>

At its thirty-first session, the Commission considered the petitions mentioned below, together with the mandatory Powers' observations thereon. Each of these petitions was reported on in writing by a Member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes.<sup>2</sup>

<sup>1</sup> The page numbers following each title are those of the Minutes of the session.

The petitions relating to Palestine were placed on the agenda of the extraordinary session of the Commission. The examination of certain petitions concerning Syria and the Lebanon was adjourned to the Commission's ordinary session next autumn (see Minutes, pages 79-80).

<sup>2</sup> The Commission recommends that copies of the petitions and the mandatory Power's observations thereon should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

## SYRIA AND LEBANON.

PETITION, DATED FEBRUARY 9TH, 1936, FROM M. RACHID EL HOUSSAMI, M. BEHJAT CHEHABI, AND OTHER SYRIAN ADVOCATES, COMMUNICATED BY MAITRE FAYEZ KHOURY, PRESIDENT OF THE BAR ASSOCIATION, DAMASCUS (document C.P.M.1848) (pages 79, 93, 185).

Observations of the French Government, dated October 22nd, 1936 (document C.P.M. 1848).

Report (see Minutes, Annex 5, page 185).

### *Conclusions.*

“ The Commission,

“ Having examined the petition dated February 9th, 1936, from Syrian advocates, and the observations of the mandatory Power thereon ;

“ Considering that several of the demands made in that petition have already been discussed with the accredited representative of the mandatory Power and have given rise on his part to observations on the general policy of that Power ;

“ Bearing in mind the changes in the general political situation in Syria since the date on which the petition was presented :

“ Considers that this petition does not call for any special observations to the Council.”

## NEW GUINEA.

PETITION, DATED NOVEMBER 19TH, 1936, FROM SIR JOHN HARRIS, SECRETARY OF THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY, LONDON (document C.P.M.1878) (pages 80-82, 154-155, 157, 159, 175, 186).

Observations of the Australian Government, dated May 17th, 1937 (document C.P.M.1899).

Report (see Minutes, Annex 6, page 186).

### *Conclusions.*

“ The Commission,

“ Having examined the petition, dated November 19th, 1936, from Sir John Harris, Secretary of the Anti-Slavery and Aborigines Protection Society, London, and the observations submitted thereon by the mandatory Power :

“ Regrets the facts—with which it has already had to deal—which have occasioned this petition.

“ As regards the general problem of the admission of non-natives to areas which are not yet under the control of the Administration, it refers to the observations which it is submitting to the Council in connection with the examination of the report on the administration of the mandated territory.”

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## II.

### COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION.

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#### A. TOGOLAND UNDER BRITISH MANDATE.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JUNE 23RD, 1937.

With reference to your letter of the 21st inst., I have the honour to inform you that the only comment which I have to make on the observations of the Permanent Mandates Commission on the Togoland report relates to public finance. I wish to point out that in my examination I stated that I was not aware that the Native Authorities in the Southern Section have raised loans. The observation can only be construed to mean that loans have to the knowledge of the Administration been raised.

(Signed) W. J. A. JONES.

#### B.

The accredited representatives for Tanganyika Territory, Cameroons under British Mandate, South West Africa, Nauru and New Guinea 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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[Communicated to the Council  
and the Members of the League.]

Official No.: **C. 330. M. 222.** 1937. VI.

Geneva, August 18th, 1937.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

OF THE

THIRTY-SECOND  
(EXTRAORDINARY) SESSION

DEVOTED TO PALESTINE

Held at Geneva from July 30th to August 18th, 1937,

including the

REPORT OF THE COMMISSION TO THE COUNCIL

4

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VI.A. MANDATES ✓  
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PERMANENT MANDATES COMMISSION.

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MINUTES OF THE THIRTY-SECOND (EXTRAORDINARY) SESSION.

*Held at Geneva from July 30th to August 18th, 1937.*

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The following members of the Commission took part in the work of the thirty-second session<sup>1</sup> :

M. ORTS (*Chairman*) ;  
M. RAPPARD (*Vice-Chairman*) ;  
Baron VAN ASBECK ;  
Mlle. DANNEVIG ;  
M. GIRAUD ;  
Lord HAILEY ;  
M. PALACIOS ;  
Count DE PENHA GARCIA ;  
M. SAKENOBE.

*Expert of the International Labour Organisation* : Mr. C. W. H. WEAVER.

*Secretary* : M. E. DE HALLER, Acting Director of the Mandates Section.

M. RAPPARD (*Vice-Chairman*), acted as Chairman for part of the fifteenth meeting.

The following accredited representatives of the mandatory Power for Palestine and Trans-Jordan attended certain meetings of the Commission :

The Right-Honourable W. ORMSBY-GORE, M.P., Secretary of State for the Colonies ;  
and

Mr. J. Hathorn HALL, C.M.G., D.S.O., O.B.E., M.C., former Chief Secretary to the Government of Palestine.

The accredited representatives were accompanied by Mr. J. M. MARTIN, Secretary to the Palestine Royal Commission.

\* \* \*

Also attended the session : M. V. CATASTINI, former Director of the Mandates Section, Expert.

\* \* \*

All the meetings of the Commission, with the exception of part of the first, were private.

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<sup>1</sup> *Absence of the Members* : M. ORTS, *Chairman* : part of the fifteenth meeting ; M. GIRAUD : twenty-fifth meeting ; M. SAKENOBE : from the fourteenth to the twenty-first meeting ; the Marquis THEODOLI : the entire session ; Mr. WEAVER : last fourteen meetings.

## FIRST MEETING.

*Held on Friday, July 30th, 1937, at 11 a.m.*

### **Opening Speech by the Chairman : Statement of the Reasons for the Convocation of the Session.**

The CHAIRMAN spoke as follows :

I have the honour to declare open the thirty-second (extraordinary) session of the Permanent Mandates Commission.

I will briefly recall the events which constitute the reason for this meeting.

The disturbances in Palestine started in April 1936 and lasted until October of the same year. It was in these circumstances that, at its twenty-ninth session, in June 1936,<sup>1</sup> the Commission informed the Council that it had not been possible to complete the examination of the annual report for 1935, as the accredited representative of the mandatory Power had stated that he was not in a position to analyse the causes of the unrest which had at that time (1935) already made itself evident in Palestine and still less was he in a position to make any statements that might anticipate the findings of a Royal Commission which the United Kingdom Government proposed to set up. In these circumstances, the Mandates Commission examined only part of the report for 1935, reserving the right to revert later to the study of such points in that report as appeared to it to be connected with the causes, circumstances and significance of the disturbances of 1936. The Commission also expressed the hope that, when peace was restored in the territory, the mandatory Power would furnish it, for the autumn session of 1936, with information as to the disturbances, even if the mandatory Power should not at that time be in a position to define its policy in the light of the conclusions reached by the Royal Commission.

In September 1936,<sup>2</sup> the representative of the United Kingdom informed the Council of the appointment of the Royal Commission to investigate the unrest in Palestine, and stated that his Government was not in a position to furnish the Mandates Commission for its autumn session with the information for which it had expressed a desire. The representative of the Mandates Commission drew particular attention to the circumstances which had made it impossible for the Commission to make its examination of the annual report for 1935 as thorough as usual. He also drew the Council's attention to the fact that, unless an extraordinary session of the Commission were convened, it would be a full year before the Council could receive the opinion of its advisory organ in regard to a mandated territory which was the scene of events that were engaging general attention. The Rapporteur to the Council, in his turn, expressed the hope that order would be re-established as soon as possible in Palestine so that the enquiry might be brought to a successful conclusion.

The Council took note of the statements made by the representative of the United Kingdom and by the representative of the Mandates Commission.

The Assembly, in a resolution adopted on October 10th, 1936, expressed its profound regret at the disturbances which were going on in Palestine ; it also expressed its full confidence in the impartiality of the enquiry instituted by the mandatory Power.

At its thirtieth session, held in the autumn of 1936,<sup>3</sup> the Mandates Commission, being anxious not to delay unduly its consideration of the disturbances, decided to hold an extraordinary session to be convened not later than the first week in April 1937. This decision was approved at that time by the President of the Council in accordance with the usual procedure.

On January 25th, 1937,<sup>4</sup> the representative of Roumania, Rapporteur, informed the Council that the mandatory Power and the Acting Chairman of the Mandates Commission had agreed that the special session should be convened for May 31st, 1937, in view of the fact that the mandatory Power would not be able to transmit the requisite information before that date. It was stated that, at the session in question, the Commission would examine not only the Royal Commission's report and the conclusions drawn from it by the mandatory Power, but also the annual report for 1936, which would contain an account of the disturbances. Further, the Commission would complete its examination of those parts of the report for 1935 which had been reserved. The Council took note of this arrangement.

Although these arrangements appeared to be final, it was once more necessary to yield to the force of circumstances. In a letter dated March 25th, 1937 (document C.218.1937.VI), the Government of the United Kingdom stated that the report of the Royal Commission

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, pages 207 and 208.

<sup>2</sup> See *Official Journal*, November 1936, pages 1182 to 1184.

<sup>3</sup> See Minutes of the Thirtieth Session of the Commission, page 207.

<sup>4</sup> See *Official Journal*, February 1937, page 86.

and the decisions of the United Kingdom Government in regard to it could not be submitted for consideration by the Mandates Commission on the date fixed, namely—May 31st, 1937. The Government therefore suggested that the special session of the Commission should be postponed until the end of July 1937. This proposal was approved by the President of the Council in agreement with the representative of Roumania, Rapporteur, and by the Acting Chairman of the Mandates Commission.

In a letter dated July 6th, 1937 (document C.300.1937.VI), the Government of the United Kingdom announced that copies of the report of the Royal Commission on Palestine, which was to be published in the United Kingdom on July 8th, 1937, together with the conclusions of the Government on that report, were being communicated to the Mandates Commission, and that the United Kingdom Government proposed to raise the question of Palestine before the Council of the League of Nations at its September meeting. The letter added that the Council would presumably wish to obtain the views of the Mandates Commission on the whole matter before reaching a final decision. In view of the urgency of the question, the Government of the United Kingdom was anxious that all possible steps should be taken to avoid any unnecessary delay in dealing with it. It expressed the hope that the President of the Council—if necessary, after consultation with his colleagues—would request the Mandates Commission “at once to take into consideration the report and recommendations of the Royal Commission and the statement of policy of His Majesty’s Government thereon, in order that it may be in a position to give the Council the benefit of its preliminary views at its September session”. Such procedure, the letter stated, would not exclude the possibility of a further reference of the question to the Mandates Commission after the September Council meeting, should the Council consider this necessary or desirable.

The President of the Council consulted his colleagues on the point, with the result that these arrangements were approved.

The Mandates Commission has thus been duly invited by the Council to take into consideration the recommendations of the Royal Commission and the mandatory Power’s statement of its policy.

This is the task to the accomplishment of which the extraordinary session which opens to-day will be devoted.

#### **Statement by the Acting Director of the Mandates Section.**

M. DE HALLER spoke as follows :

The annual report on Palestine for the year 1936 was distributed by the Secretariat to the members of the Mandates Commission on June 9th, 1937, during the thirty-first session.

The report of the Royal Commission and the United Kingdom Government’s statement of policy on that report were published in London on June 8th. The Secretariat was informed that these documents had been sent direct by the mandatory Power to the members of the Mandates Commission. On the other hand, it was the Secretariat that communicated them to the Members of the Council, in order to make possible the consultation to which the President of the Council proceeded, in accordance with the request made by the United Kingdom Government on July 6th, to which the Chairman of the Commission has just referred.

Since the Commission’s last ordinary session, the Mandates Section has been engaged on the work of preparing the Minutes of that session for publication in the two official languages, and the printing of this document will be completed very shortly.

A collection of all the observations made hitherto by the Mandates Commission in regard to Palestine and Trans-Jordan has been made in order to facilitate reference by members of the Commission during the present session. Copies of this compilation have just been distributed to them.

The Mandates Section has also, as usual, collected and communicated to the members of the Commission various extracts from the Press, reports of parliamentary debates and other articles relating to recent events in Palestine and Trans-Jordan, to the Royal Commission’s report and to the attitude of the mandatory Power.

The Secretariat has received from various groups interested in the fate of the Palestine mandate a certain number of letters and telegrams, which the Mandates Section has endeavoured to classify and which it will submit to the Chairman so that he may take whatever decision he deems expedient.

Finally, I would add that the Mandates Section will very shortly distribute a list of the various documents concerning Palestine that have been received officially from the mandatory Power since the last session at which the administration of this territory was examined—namely, the session held in June 1936. Further, the members of the Commission will receive several volumes transmitted by the mandatory Power and containing, on the one hand, a collection of the laws of Palestine brought up to date as at December 31st, 1933, and, on the other hand, the Ordinances promulgated during the year 1936.

#### **Statement of the Reasons for the Convocation of the Session (continuation) : Observations relating to the Chairman’s Opening Speech.**

The CHAIRMAN said that he was at the disposal of any members of the Commission who might desire any supplementary information concerning the circumstances to which he had just referred and which constituted the reason for convening the Commission in extraordinary session.

M. RAPPARD said that though, at that juncture, he did not wish to open a discussion on procedure, he would nevertheless point out that the last sentence of the Chairman's statement might lead to some misunderstanding. After recalling the fact that the Mandates Commission had been requested by the Council to consider the Royal Commission's recommendations and the mandatory Power's statement of its policy, the Chairman had said: "This is the task to the accomplishment of which the extraordinary session which opens to-day will be devoted". M. Rappard thought that the Chairman would agree with his interpretation of that sentence—namely, that it did not exclude the examination of the reports for 1935 and 1936. The Chairman had, moreover, referred to those reports in the course of his statement. M. Rappard would, however, ask that the matter be made clear, so that the particularly large number of members of the public present at that meeting should not misunderstand the meaning of the Chairman's concluding sentence.

The CHAIRMAN thanked M. Rappard for giving him the opportunity to make still clearer the object of the Commission's work at that session. He stated that the Commission would examine the annual report by the mandatory Power for 1935 in so far as, owing to the circumstances he had recalled, it had been impossible to make that examination at the twenty-ninth session. The Commission would next proceed to examine the annual report for 1936. Then it would deal with the large number of petitions which it had received from Palestine, and, after examining them, would formulate its opinion in regard to them. In the fourth place, it would proceed to the consideration of the report of the Royal Commission, and finally to that of the United Kingdom Government's statement of policy.

In other words, the Mandates Commission would, during that extraordinary session, discharge both its ordinary task—namely, the examination, on the basis of an annual report, of the situation in the mandated territory during the preceding year—and also the special task with which the Council had entrusted it. To that end, it would study all the information at its disposal, with a view to formulating in due course the opinion which the Council had asked it to give on the basis of the United Kingdom Government's statement of policy.

#### **Adoption of the Agenda.**

The CHAIRMAN explained that the list of petitions given in the agenda would require to be supplemented, as certain petitions had arrived after the list had been prepared.

*The agenda was adopted (Annex 2).*

#### **Request by Certain Governments for the Admission of Observers to the Commission's Meetings.**

The CHAIRMAN informed his colleagues of the requests that had been made to him, on behalf of the Governments of Poland, Latvia, Greece and Iraq, to the effect that the observers of those Governments who had been appointed to follow the Commission's discussions might be admitted to the meetings. It was for the Commission to take a decision on that matter.

After an exchange of views, *the Commission decided unanimously* to continue to observe the line of conduct it had followed hitherto—that was to say, to maintain the strictly private character of its meetings.

#### **Questions of Procedure : General Statement by the Accredited Representative : Preliminary Exchange of Views between the Members of the Commission.**

The CHAIRMAN informed the Commission of an unofficial interview which he had had with the accredited representative of the mandatory Power before the opening of the session, and from which it transpired that the latter intended to read at the next meeting a statement of a very general character, the substance of which would be communicated to the Press. The accredited representative reserved the right to supplement at a later meeting his first statement in regard to points of detail. After that, the Chairman proposed to invite the Commission to proceed to a preliminary exchange of views on the questions to be considered.

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### SECOND MEETING.

*Held on Friday, July 30th, 1937, at 4 p.m.*

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#### **Welcome to the Accredited Representatives.**

The Right Hon. W. Ormsby-Gore, M.P., Secretary of State for the Colonies, Mr. J. Hathorn Hall, formerly Chief Secretary to the Government of Palestine, accredited representatives of the mandatory Power, and Mr. J. M. Martin (Colonial Office), Secretary of the Palestine Royal Commission, came to the table of the Commission.

The CHAIRMAN, on behalf of the Commission, welcomed the accredited representatives the mandatory Power, and their assistant.

The Commission was particularly happy to welcome the Right Hon. W. Ormsby-Gore, Secretary of State for the Colonies, whom the United Kingdom Government had appointed to collaborate with the Commission in the study of the serious problems which had made the extraordinary session necessary.

The Commission was all the more gratified by this choice, inasmuch as Mr. Ormsby-Gore had formerly been a member of the Mandates Commission, and had later returned to Geneva as the accredited representative of the mandatory Power for its African mandates and already on a previous occasion, in 1925, for the examination of the report on the administration of Palestine.

The Chairman welcomed Mr. Hall, with whom the Commission had often had occasion to collaborate when examining the annual reports for Iraq and Palestine. The position of Chief Secretary to the Government of Palestine, which he had held until his quite recent appointment as Resident at Zanzibar, gave him a very special competence.

The Chairman also welcomed Mr. Martin, who had accompanied the Royal Commission as its secretary.

He asked Mr. Ormsby-Gore to be good enough to supplement by a general statement the documentary information supplied by the mandatory Power. He would satisfy the legitimate interest of the members of the Commission by dealing successively—to the extent necessary to acquaint the Commission with the factors of the question on which it was asked to give an opinion—with the annual reports for 1935 and 1936, the report of the Royal Commission together with the latter's proposals and, lastly, the intentions of the mandatory Government as outlined in its Statement of Policy.

#### **Palestine : General Statement by the Principal Accredited Representative.**

The Right Hon. W. ORMSBY-GORE made the following statement :

I appreciate most sincerely the words of welcome just spoken by the Chairman, M. Orts. I naturally reciprocate the sentiments which he has expressed about myself, the more so as I still clearly remember the first sessions of the Mandates Commission, when I was a member of your body. As you say, my colleague Mr. Hall is no stranger to you, and as accredited representative will deal more particularly with the 1935 and 1936 reports. Mr. Martin comes to Geneva for the first time. He has had the experience of visiting Palestine with the Royal Commission, and having, as its secretary, dealt with drafts and redrafts and become familiar with the mind of the Commission ; his assistance in some matters will, therefore, be very valuable and without it I might be at fault. Together we form a team which hopes to be able to assist you at this, one of the most important meetings, if not the most important meeting, of the Mandates Commission since its foundation.

May I conclude these preliminary remarks by saying that there is no part of the League's work and responsibilities in which I have taken a more continuous and sympathetic interest than the working of the mandates system, which has always had, and will always have, my most loyal support.

No fact is clearer in my mind to-day than the fundamental fact that we administer Palestine on behalf of the League of Nations as a mandatory Power. In no mandated territory are the wide and far-reaching international interests so manifest. In fact, before the idea of mandates was evolved, it was agreed, during the war, between the Principal Allied Powers, in the so-called Sykes-Picot Agreement, that Palestine should be international. However, the creation of the mandates system as part of the Covenant of the League enabled a continuous operation of international supervision and approval regarding the affairs of that unique and historic country to be maintained. To-day, I and my colleagues come before you to consider, not merely, as in the past, the record of administration in that country, but the whole future of its political destiny.

I feel that not only the experiences of last year in Palestine but the whole story of our difficulties as mandatory Power in Palestine in the last seventeen years have now to be reviewed. There must be a general stock-taking of the position as it has evolved during the long life of the existing mandate, and in the light of events both within and outside Palestine an endeavour must be made to consider how best to formulate some scheme for the better government of Palestine in accordance with the spirit of the Covenant of the League, of the Balfour Declaration, the good of all sections of those worldwide international interests in the Holy Land which must be re-affirmed.

The document produced by the Royal Commission is remarkable in many ways. It is, first and foremost, a frank and comprehensive statement of all the essential facts, including, what can never be lost sight of in connection with Palestine, the deep historical roots which make it a country different from all other countries, and which are the causes of its peculiar complexities and difficulties.

I venture to say that no more important session of the Mandates Commission has ever been held than the present, and the task which lies before you in deciding what advice you will give to the Council of the League on this occasion is, I fully appreciate, a very grave responsibility. It is your duty to come to an independent judgment on the various documents



laid before you and on the suggestions which I, as the representative of the mandatory Power, hope in due course to lay before you. You, Mr. Chairman, have used the word "collaboration", and it is in the full sense of that word that I will endeavour to assist the Commission. This can best be assured, not by my attempting to present you with a cut-and-dried scheme for the future, but by discussing as informally as possible the various possible alternatives and the advantages and disadvantages of those alternatives which lie before us.

Having said that, I think it is my duty to make it clear that I have, of course, a definite position which I must lay before you. The definitive recommendations of the United Kingdom Government approved by the Cabinet are brief and are set out in a short Statement of Policy published as Command Paper 5513, which I have before me. I must read to you the first four paragraphs of that paper, as they are the definite conclusions of the Government and constitute my position :

" His Majesty's Government in the United Kingdom, . . . have considered the unanimous report of the Palestine Royal Commission. They find themselves in general agreement with the arguments and conclusions of the Commission.

" 2. As is fully recognised by the Commissioners in their historical survey, His Majesty's Government and their predecessors, since the obligations of the mandate were accepted, have taken the view, which the tenor of the mandate itself implies, that their obligations to Arabs and Jews respectively were not incompatible, on the assumption that in the process of time the two races would so adjust their national aspirations as to render possible the establishment of a single commonwealth under a unitary Government.

" 3. In spite of many discouraging experiences during the past seventeen years, His Majesty's Government have based their policy on this expectation, and have taken every opportunity of encouraging co-operation between Arabs and Jews. In the light of experience and of the arguments adduced by the Commission, they are driven to the conclusion that there is an irreconcilable conflict between the aspirations of Arabs and Jews in Palestine, that these aspirations cannot be satisfied under the terms of the present mandate, and that a scheme of partition on the general lines recommended by the Commission represents the best and most hopeful solution of the deadlock. His Majesty's Government propose to advise His Majesty accordingly.

" 4. His Majesty's Government therefore propose to take such steps as are necessary and appropriate, having regard to their existing treaty obligations under the Covenant of the League of Nations and other international instruments, to obtain freedom to give effect to a scheme of partition, to which they earnestly hope that it may be possible to secure an effective measure of consent on the part of the communities concerned."

The publication of this paper was followed immediately by debates in both Houses of Parliament last week. The House of Commons agreed without a division to a resolution in the following terms : " That the proposals contained in Command Paper 5513 relating to Palestine should be brought before the League of Nations with a view to enabling His Majesty's Government, after adequate enquiry, to present to Parliament a definite scheme taking into full account all the recommendations of the Command Paper ". This resolution accordingly constitutes my instructions and it is my duty to bring before you the proposals contained in the Command Paper and to invite your judgment thereon.

Nobody recognises more clearly than I do that, at this particular session of the Mandates Commission, you are only authorised by the Council of the League to give a preliminary report to the Council on the far-reaching issues involved. Parliament has retained the right to examine a definite scheme if and when a definite scheme is formulated. If Parliament retains this right, so also do you, and so does the Council of the League. But let there be no misunderstanding. Preliminary approval or disapproval of the working-out of the " form of a scheme ", to use the United Kingdom Government's considered words, carries us far. Approval will involve negotiations with Jews and Arabs, if they are willing to negotiate, and will involve the preparation of a " definite " scheme for submission to you. And even then our mutual task will not be concluded, for the whole idea of any definite scheme on the general lines proposed involves *ad referendum* the drafting of treaties and subsidiary financial and military agreements and the drafting of an amended or modified form of mandate for those parts of Palestine for which His Majesty's Government is to continue to act as Mandatory on behalf of the League. This is a large programme involving collaboration between us, your recommendations to the Council and the Council's approval at successive stages.

Before you take any preliminary step, you naturally want to know clearly the end in view. What is the aim, *le but*, which any scheme on the general lines of Command Paper 5513 has in mind ? The aim is the termination of the mandate in respect of Trans-Jordan and the greater part of Palestine, with a view to the creation of two new independent sovereign States—the one Arab and the other Jewish—and the reservation of certain places in Palestine, some

permanently, others possibly only temporarily, under British mandate, such mandate involving modifications of the existing mandate. It would be foolish to imagine that this is going to be an easy task. The complexities of the problem are obvious and the task of overcoming difficulties of every kind is not going to be easy, but in our view these difficulties must be faced and overcome, for in our opinion a scheme on such lines represents "the best and most hopeful solution of the deadlock". We believe that there is a deadlock which has got to be resolved. This deadlock arises from the fact that the aspirations of the Arabs and the Jews are in fact, and have been shown to be, mutually antagonistic and it must be resolved if there is to be peace, progress and good government in that part of Asia, and in surrounding countries.

The facts which have led both the Royal Commission and His Majesty's Government to this conclusion are clearly and explicitly set out in paragraphs 43, 44 and 45 in Chapter IV of the Royal Commission's report on pages 110 to 112 of that document, which may be taken as summarising the actual situation as it exists to-day in Palestine. In my own personal belief, these paragraphs are true. If they are true, I believe that the rest follows logically from those facts. I shall, of course, have something to say about them in detail, but not at this opening session.

I would also urge the Mandates Commission to pay special attention in this connection to Chapter XX of the Royal Commission's report—namely, pages 370 to 376—which sets out the whole argument in favour of our policy of partition.

But it is essential that I should make clear at the outset that His Majesty's Government are not tied, and have not committed themselves in detail, to the particular scheme of partition briefly outlined in the Royal Commission's report. Indeed, paragraph 19 on page 383 of the Royal Commission's report makes the position of that body clear. It reads as follows :

"Any proposal for partition would be futile if it gave no indication, however rough, as to how this most vital question in the whole matter might be determined. With the information at our command, we are not in a position to assert that the proposal we have to make in this matter is the only solution of an obviously difficult problem."

Indeed, the Royal Commission itself recommends that this should be referred in due course to a boundary commission. It may well be that preliminary negotiations may have to be undertaken before this boundary commission is set up ; but the terms of reference to, and the nature and constitution of, such a boundary commission are obviously of great moment, and it seems to me that they constitute an essential step without which it will not be possible to formulate the form of a definite scheme. This, therefore, is a matter which I should like to discuss with the Mandates Commission at this session, for the subsequent next steps must be envisaged—steps which will have to be undertaken as soon as the Council of the League has pronounced on the recommendations you make to it at this session. In fact, the whole question of the stage at which the proposed boundary commission is to be set up requires exploration.

May I now make a personal appeal as to procedure. You have before you a number of documents. Included in those documents you have also the ordinary routine annual reports for 1935 and 1936. That is why, on this occasion, there are two accredited representatives. I, as the Cabinet Minister primarily concerned, desire to deal with the report of the Royal Commission, with the Statement of Policy by His Majesty's Government and with the statement which I have just made, while to deal with the annual reports Mr. Hall, till recently the Chief Secretary in Palestine, will be the accredited representative. It would be a matter of great personal convenience to myself—for I have cares and responsibilities for the whole Colonial Empire to attend to—if you could deal with my part of the work first and release me from attendance here during the examination of the reports for 1935 and 1936.

I would also make clear to you that I did not come back to this question in any responsible capacity until this time last year. I was Minister of Public Works in 1935 and for the first six months of 1936, and I was not at the Colonial Office, and I have no direct knowledge of events that took place at the outbreak of the disturbances. Further, may I add that, with regard to the 1936 report, I understand there are certain questions which the Commission will wish to put in connection with that report, and we are awaiting certain additional data from Palestine which we have not yet received, and it would in any case delay our mutual task if we were to embark first on the routine of the annual reports. I may say that the data are on their way and should be here fairly early next week, but certainly we could not deal with the reports to-morrow or on Monday. I would therefore ask the Mandates Commission to proceed as soon as possible to the major issues that have arisen and now arise, and anything I can do to assist the Commission in these matters I will do.

The first fact with which I want to deal is that concerning the relations between the two main races in Palestine. I am afraid that, in the course of the last seventeen years, and particularly as a result of the events of last year, the gulf between Jew and Arab has widened. It is very easy to say that that is the fault of the mandatory Power. We may have had our faults—all Governments have faults—but that all along we have pursued a policy of conciliation

and endeavoured to bring Jew and Arab together cannot be contradicted. We have endeavoured to associate Jews and Arabs in the administration of Palestine in every single Government department : in judicial work and in every aspect of our administration. We have endeavoured to break down, in spite of difficulties, the mutual suspicion that the one has for the other, and I do believe that the charge that, if the mandate had been properly administered from the beginning, the two races would have come together to form a Judeo-Arab self-governing commonwealth is ill-founded.

What has from the first been the real aim of the Jews ? It has been to establish in Palestine a Jewish civilisation, to use their own words, as Jewish as England is English. Equally, the Arabs of Palestine want to preserve their civilisation, their ancient manner of life, their manners and customs, and they do not want to be diluted either by British ideas or by Jewish ideas. To the Jew, Palestine is *Eretz Israel*—the land of Israel—and he calls it that. To the Arabs, Palestine is an Arab country, part of a new renascent Arab world that for four centuries has been dominated by the Turks and is now a young nation again divided into separate administrations, but with one object in view : to revive once again the glories of Arab mediæval civilisation.

Let me take the demands that are made to the mandatory Power, in season and out of season, by both Jew and Arab. The Arab concentrates first on Article 2 of the mandate, which says that the mandatory Power is to establish self-governing institutions. They have never ceased to demand self-government in Palestine and self-government in accordance with the numerical strength of the people in that country. By self-government they mean a Legislative Council with a Government responsible to that Legislative Council. On the present numerical basis that would mean eight Moslem Arabs for every four Jews and every one Christian. But that is only a step in what they want : they have never ceased to desire, and to tell us that they desire, the termination of the mandate and its replacement by a system of treaties similar to that which the other Arabs have in Iraq and are now getting in Syria. Still more insistent, however, is their other main demand, and this demand is put forward, not only by the Arabs of Palestine, but by the neighbouring Arab Governments and countries unanimously—*i.e.*, the stoppage of all further Jewish immigration. In the words of their leaders, they say there are too many Jews in Palestine already.

That is the Arab aspect of the case, as insistently pressed upon the mandatory Power.

What does the Jew want ? The Jew wants the whole of Palestine, and some of them still want Trans-Jordan as well, as a National Home for the Jewish people throughout the world ; and more than anything else they mean by that national home a place where as of right they can settle the millions of Jews who desire to leave the countries in which they no longer wish to stay—notably, the countries of Central Europe. They press upon us the obligation under the mandate to facilitate more and more settlement—in effect, to facilitate to a greater degree than hitherto their acquisition of land at present Arab.

Those are the two cases that are pressed upon us continually. What, therefore, is the position of the mandatory Power ? I cannot, I think, improve upon the words of the Royal Commission, page 136, paragraph 47 : “ We doubt whether there is any country in the world where the position of the Government is less enviable than that of the Government of Palestine, poised as it is above two irreconcilable communities, compelled to follow a path between them marked out by a . . . legal instrument, watched at every step it takes by both contending parties inside the country and watched from outside by experienced critics on the Permanent Mandates Commission and by multitudes of Jews throughout the world ”, and, may I add—which they do not say—by the whole of the Arab world and even beyond.

The Mandates Commission, at previous sessions, has agreed—and the Council has endorsed its view—that under those circumstances it is our duty, as an administration in Palestine, to give equal weight to the interests of both Jew and Arab. As the Royal Commission points out on page 139 of its report (paragraph 53) : “ We doubt, indeed, if anywhere else the principle of impartiality between different sections of a community has been so strictly applied. The Government of Palestine might almost be described as government by arithmetic.”

We plead guilty to that charge ; in the light of our dual obligations, we have endeavoured to give equal weight to the interests of those two deeply divided, race-conscious and civilisation-conscious peoples. It should be remembered that, from the point of view of the Jew, the Arab belongs to a backward people, to what they would call a different and a lower civilisation. From the point of view of the Arab, with his aristocratic ideas, the Jew is called by the name of “ Yahoudi ”, which is a term of contempt. The belief that, because both races are alleged to have originally descended from Abraham, they would be able to assimilate their civilisations in this century and become again one people has been shown by the experience of the last seventeen years to be ill-founded, and the policy based upon it has been a failure. We plead guilty to the charge that we have followed the policy of conciliation to the point of weakness, believing that conciliation and impartial treatment were obligations inherent in the mandate as it now stands.

Again and again there have been Arab outbreaks, but may I point out that on one and the same day I have heard complaints from a Jew that a particular British officer in Palestine was a notorious pro-Arab and, from an Arab, that the same officer was biased in favour of the

Jews. We have few friends in Palestine. The Jews are critical, disappointed, complaining, but full of restraint—for which all honour to them. The Arabs are openly hostile, and are as hostile now to us—the mandatory Power—as they are towards the Jews. The whole question is : Are we to go on suppressing outbreaks, keeping peace by force for a year or two, while further friction and further incidents occur between the races ?

As I understand the mandate, the Palestine mandate is an A mandate. The essence of that is that it marks a transitory period, with the aim and object of leading the mandated territory to become an independent self-governing State. Indeed, the articles of the mandate make it clear that that is so. It is true that in the final article—Article 28—it is stated that, when that day comes and the mandate is terminated, perpetual provision must be made for the care of the Holy Places and particularly the Christian Holy Places, which neither the Moslem majority nor the Jewish minority, nor yet a Judeo-Moslem commonwealth is, in the opinion of the world, capable of protecting. It is the clear intention of those who framed the mandate that there ought to be permanent provision for this end.

In speaking of what are called “ strong measures ” to deal with disturbances and with the aggression of the Arabs, let me make quite clear that the more ruthless the treatment by the British military and police of disturbances arising from a political cause the wider becomes the gulf, not merely between the Arabs and the mandatory Power, but between the Arabs and the Jews, because the Arabs do not believe, and will not believe, that we would adopt repressive measures if it were not on behalf of the Jews, and every repressive act against the Arabs is in fact, in the Arab mind, blamed on the Jews and on Jewish influence in Great Britain even more than on Great Britain itself. I want to make that quite clear.

Now, the next point I wish to get into your mind is how greatly the situation in the neighbouring countries round Palestine has changed since the mandate was originally drafted and since we undertook the obligations of that mandate. In those days we were in mandatory control of Iraq, France was in mandatory control of Syria, we had a Protectorate in Egypt. That has all been changed, and the significant fact noted by the Royal Commission is the enormous interest which the neighbouring Arabic-speaking countries take in the affairs of Palestine. The situation has changed. Iraq is now a sovereign, independent State, a Member of the League. The French mandate over Syria is being transformed, and partition is to take place there into two sovereign States and the special area in the north round Alexandretta. British power in Egypt has gone, and Egypt is now completely self-governing, and a termination to our occupation is agreed. In those circumstances, how long can we go on adhering strictly to the mandate in Palestine of seventeen years ago ? And more than that : we have ample evidence that it does not stop at the Arab world. We have had an Imperial Conference this year and the principal Indian delegate was a Punjab Mohammedan, an elected member of the Council of State in India. He, as is recorded, made at our Imperial Conference a strong plea on the Arab side and for the Arab case.

I do not exaggerate when I say that the continuance of a policy of repression and nothing else is likely to embroil, not merely Great Britain, but the Jews all over the world, in a conflict with the Mohammedans. It is something of a tragedy that, when in the Middle Ages, on religious grounds, the Christian world took an attitude to the Jews which is not one on which enlightened countries to-day can look back with satisfaction, in those days it was the Mohammedan world peculiarly that befriended the Jews in Spain, in the Near and Middle East, with the result that, after the Jews were driven out of Spain, it was in Bagdad and in places of that kind that you had a large settlement of Jewish refugees. To-day those settlements are in danger because of Palestine, and the whole relation between the Jew all over the world and the Moslem all over the world is likely to become a serious one, and is likely to deteriorate, unless we can find a solution to the Palestine problem.

I would now turn to what you may say is the Jewish side as I see it. The Commission will remember the last phrase of the Balfour Declaration, which reads that “ nothing shall be done which may prejudice . . . the rights and political status enjoyed by Jews in any other country ”. It is my fear that the Jews in the Mohammedan world outside Palestine are prejudiced by the continuance of the present regime in Palestine ; but the whole position in Palestine, particularly in regard to Jewish immigration, and, consequent on Jewish immigration, the increased fears of the Arabs in Palestine, has been aggravated by the events in Central Europe. The demand of Jews for entry into Palestine comes at a time when, owing to no causes arising in Palestine or in the British Empire, there is pressure on the Jews to seek another home, and they find the bulk of the countries in the world closed to them—closed to immigration not only of Jews but of others. As it was put to me by an American : “ If we specially facilitate Jewish immigration into America, the entry of Jewish refugees into America, what about all the others ? Will not our policy of preventing a large flow of immigrants of all kinds on account of our economic and internal situation be broken down ? ” And that applies, you may say, almost everywhere else. We know from our own experience inside the British Empire—in Australia, New Zealand, Canada and the like—how difficult it is to get

British migrants from Great Britain into those Dominions to-day. The day of migration of peoples is temporarily suspended. It may resume again, but for the moment any immigration is, as it were, artificial, and now the people of Great Britain are exposed to this conflict of two opposing sentiments.

Possibly as much as any other country in the world, we have sympathy with the humanitarian object of finding some solution for the Jewish problem in Central Europe, of helping them out of their distress. Our original advocacy of Zionism had, no doubt, other causes. It was not conceived as a refugee problem; it was conceived as a spiritual problem. In the mind of Balfour, his adherence to Zionism was due to his belief that if the Jews were enabled to build up their civilisation in Palestine once again, it had something of real constructive value to the world, and that the Jews in their old home would again produce, as they did in the past, and release great spiritual forces. That is what has attracted the British people to that side of it. Since then there has been this desire to help the Jews from oppression into freedom. That is one side of the British outlook on this question, and in this you must take a long view, not what is the immediate view of a particular Government, for we are not a dictator country, we are dependent upon the currents—I hope we shall continue to be—of public opinion. Equally, on the other side, in Great Britain, and never more than to-day, is the sentiment which you see operating in Africa and other native countries of the British Empire—namely, the feeling for the rights of the indigenous native population and for the safeguarding of those rights.

It is inevitable, if the only course in Palestine is a course of repression not leading to self-government or conciliation defensible on the basis of liberal democracy, that that policy is bound to grow more and more unpopular among the people of Britain, and that will not help the Jews. I sincerely believe that at this moment there is a real desire on the part of the British people for some radical solution to be found in Palestine and that they do believe, though they may criticise the details, that the most hopeful solution is partition.

May I put this further point before the Commission? One of the things we have to consider and answer in our own minds is this question. From the point of view of the Jews—not merely of the Zionists who, since the beginning of the Zionist movement by Herzl, have hoped for a Jewish State—and facing the facts in the world as a whole to-day, is it likely that it will be possible to accommodate more Jewish refugees in Palestine—and not only in Palestine but even in the neighbouring Arab lands—on a basis of partition or on the basis of the continuation of the present mandate?

I believe that on the basis of partition and the establishment of a Jewish State, small as that is, it will be possible to find accommodation for far more refugees than by a continuation of the present mandatory regime. For under that regime every move to introduce more refugees will be met with resistance on the part of the Arabs. On the other hand, if a Jewish State is set up under a Jewish Government, which I believe would be a good and tolerant Government, it will, if the Arabs and the rest of the country are granted independent freedom, be easier to induce the Arabs to allow Jews even to enter their areas. I believe that, if this question is once settled in a clear and definite manner, the relations between the Arabs and the Jews will begin to improve. I am therefore quite satisfied in my own mind that, looking at the Palestine question as a possible solution to the world Jewish problem, there is more hope for the Jews in partition than by a continuation of the system in operation during the last few years.

I do not think I need add anything further to this general statement of the position as I see it. I hope that at your convenience I may have an opportunity of dealing with the inherent difficulties which must be surmounted in the creation of any plan of partition. It is a matter to which I have naturally given considerable thought during the past six weeks, and before I invite the Mandates Commission to take any step in the direction of partition, you will naturally wish to be satisfied that I have some clear vision as to how partition would in fact work. I have some criticisms of my own of the plan proposed by the Royal Commission. I do not say that these criticisms are entirely well founded, but you ought to know them. I am convinced that, if we are to seek a radical solution, partition is the one which we ought to explore, taking a long view in the light of political wisdom. If we fail to carry that policy, we are driven back upon the consideration of alternatives, which I do not wish to envisage unless and until I am satisfied, and you are satisfied, that no scheme of partition will be able to realise the results I have outlined this afternoon.

The CHAIRMAN thanked Mr. Ormsby-Gore for his lucid and substantial statement. He understood that Mr. Ormsby-Gore was prepared to deal immediately with the details of the Royal Commission's scheme. In those circumstances, he would be informed when he would be able to make that detailed statement to the Commission.

(The accredited representatives and Mr. Martin withdrew.)

**Questions of Procedure (continuation) : Continuation of the General Statement by the Accredited Representative : Preliminary Exchange of Views between the Members of the Commission.**

The CHAIRMAN suggested that Mr. Ormsby-Gore should be asked to make his detailed statement at the next meeting, it being understood that the statement would be followed by an exchange of views between the members of the Commission.

M. RAPPARD agreed that it was reasonable that Mr. Ormsby-Gore should be heard since he was present, and it was also natural for members of the Commission to exchange their views at the close of the hearing of the accredited representative. M. Rappard assumed, however, that the Chairman did not intend to press the members of the Commission to define their views before they had had an opportunity of examining the annual reports.

The CHAIRMAN intimated that his intentions had been correctly interpreted by M. Rappard.

The Chairman's proposal was *adopted*.

**Task of the Commission in the Light of its Terms of Reference : Preliminary Exchange of Views between the Members of the Commission.**

Lord HAILEY thought that the Commission had a two-fold task. Consideration of the 1935 and 1936 reports formed an ordinary part of what might be called the Commission's routine duty, which it carried out in the light of the terms of the mandate itself. Any circumstances which might have arisen in 1935 and 1936 were to be judged primarily by an application of the prescriptions of the mandate ; though on this occasion the task was rather complicated by the consideration that must be present in the mind of every member that the report of the Royal Commission actually resumed most of the events of 1936 and was in itself somewhat fuller and more informative than the ordinary annual report. He felt that it was the second part of the Commission's task which was going to prove the great difficulty, because in it it was invited, not merely to consider events in the light of the prescriptions of the mandate, but to enter on an entirely new field in regard to which no guiding principles were available.

He suggested that the best line of approach to such questions was to be found in the realisation that the Mandates Commission was an expert body to which the Council looked for expert advice ; the Council could hardly look for advice and recommendations on large questions of general policy such, for instance, as those which flowed directly from the terms of the Balfour Declaration. What the Council presumably expected from an expert body such as the Commission was that it should examine the material before it and advise the Council how far that material was sufficient to enable the Council to come to decisions on the major issues. From that point of view, the Commission should first of all ask itself whether the material before it was sufficient for the Council to decide whether the ideal of a unitary Government in Palestine—that was to say, a unitary Government leading up to responsible self-government—was feasible or not. If the material were not sufficient, what further material was necessary in order to enable the Council to decide whether there was or was not that complete incompatibility between the ideals of the two peoples concerned in the country which would make a unitary Government impossible.

Assuming that the Commission believed there was sufficient material on that point to present to the Council, was there enough material to show whether a change of the terms of the mandate was required in order to make unitary Government more possible ?

Then, assuming that the Commission could itself see no change in the mandate which would overcome that incompatibility, was sufficient material available to the Commission to advise the Council on the desirability or otherwise of partition ? If not, what were the points in regard to which the Commission should ask the United Kingdom Government for further information ? For instance, should it ask the United Kingdom Government to give a clearer view of the fiscal arrangements, military guarantees, or of what was to be the relation between the proposed British mandated territory and the proposed two independent or semi-independent countries ?

There were numerous subsidiary questions which might arise in regard to which the United Kingdom Government might be invited to supply information : the position of communications, ports and the like ; but Lord Hailey did not propose to detail those now. He only wished to emphasise his view that it was the function of the Commission to consider the extent and quality of the material available, and to advise the Council on its adequacy for the decisions which the Council would have to take.



### THIRD MEETING.

*Held on Saturday, July 31st, 1937, at 10.30 a.m.*

#### **Palestine : General Statement by the Principal Accredited Representative (continuation) : Plan of Partition of the Territory.**

Mr. Ormsby-Gore, Mr. Hall and Mr. Martin came to the table of the Commission.

Mr. ORMSBY-GORE spoke as follows :

I propose this morning to approach the actual problem of partition, but before I do that there is perhaps one short passage which I ought to add of a general character.

I hope it is quite clear to the Commission that this proposal for partition did not originate either with the Government of Palestine or with me or with the United Kingdom Government at home. Lord Peel made it quite clear in his speech in the House of Lords that for a long time the Royal Commission examined document after document before it went to Palestine, and while in Palestine was seeking solutions of the problem strictly within the existing mandate; indeed, from much of the report, it is quite clear, in what is called Part II, that the Royal Commission went very exhaustively into what remedial and other measures could be adopted inside the existing mandate. It was only towards the end of its stay in Palestine that hints—I cannot put it higher than that—were thrown out to the Commission by individuals that it was worth while considering—and the hints came both from Jews and Arabs privately to individual members of the Commission—whether a solution on the lines of partition was not worth exploring; and the more they thought about such a solution—so I was told by all the Commissioners—the more that solution crystallised in their minds; but it was not until they came home that they began to elaborate and examine the question. I want to make it quite clear that at no stage did they consult me or I consult them. The only thing I can remember saying to them was when they were leaving for Palestine. At the station, I said to Lord Peel: “ All I ask for is the whole truth. What we want to get at is the truth ”.

Why did I say that? Why, because every Government, and particularly the Government of a mandatory Power, naturally wants to make the best case it can for what is going on in that particular year. Looking back, I do not hesitate to say that in my view some of the annual reports on Palestine have been definitely the result of endeavouring to view the position in the most optimistic light, in the best possible light consistent with truth, and that for a long time past there has been a tendency to make out the best case in favour of the view that the administration, in observing the mandate faithfully and in doing its utmost to carry out its obligations, was being successful in overcoming its inherent difficulties. That must be borne in mind in considering the situation which we have to-day. No country, particularly a mandatory Power, likes coming before a lot of other countries and washing its dirty linen in public and saying: “ Well, this thing is not going very well ”. I think the Royal Commission's report does contain the truth in retrospect over the whole period of the operation of the mandate.

Another comment which may be made is this. People may say: “ Oh, well! The Commission went out to Palestine at a bad time. There had been a six months' general strike by the Arab population. There had been serious crime and outrage, and the whole country was sore and angry, both Jews and Arabs. It is very difficult in those circumstances to paint a true picture.”

That is why the Commission has not confined itself to the events of last year; it has taken this survey of the whole story from the beginning of the mandate in previous years, and I do sincerely believe that it did its best to discount the bad situation it found and to look at the thing broadly and to take a long view. That is confirmed by my first interview with the High Commissioner, Sir Arthur Wauchope, when he came home this spring. I had never met him before. He came home just after the Commission had returned from Palestine. I saw him then for the first time, and I discussed the situation generally. He said: “ Under four of your predecessors—under Lord Passfield, under Lord Swinton, under Mr. Malcolm MacDonald and under Mr. Thomas—with their full agreement, I used every effort to pursue a policy of conciliation ”. You know Sir Arthur Wauchope—he has appeared before you—you know his whole temperament as a most sincere Christian, a man of goodwill. He spared no effort for six years in pursuing the policy of conciliation, and I believe that he earned immense gratitude on the part of Jews and Arabs for his efforts throughout that long period. But the first thing he said to me was: “ Nobody recognises more clearly than I do that my efforts at conciliation have failed, and that we must have a new policy ”.

That is all I will add to what I said yesterday in regard to the general position; and now I pass to quite another aspect of the question.

My predecessors at the Colonial Office, and the High Commissioner, had always hoped that the creation of a Legislative Council in Palestine would be a step forward, that it would be, at any rate, a remedial measure leading to an improvement of the political situation in that country. The history of the efforts to create such a Legislative Council in Palestine is one from which we must learn in connection with our discussions of what has to be done in the future. The project failed. It failed both in Palestine and in London. It failed in Palestine, because the Arabs did not think it gave them enough power and because the Jews were hostile. It failed in London because, though it was sponsored by the Government, no support was forthcoming in either House of Parliament. The first debate took place in the House of Lords, when the Under-Secretary for the Colonies was the only speaker who supported the proposal for a Legislative Council. All parties and all groups in the House of Lords opposed it. That debate was followed by one in the House of Commons, at which I was present, and (apart from one speaker who usually speaks rather from the Arab point of view and who favoured the measure, and another who talked about cantonisation) the House was solid against the project. My predecessor had a very difficult day.

Accordingly, we have to write off the idea of the possibility in the near future of a Legislative Council of Jews and Arabs combined as a way out of the difficulties before us.

It is my belief that the failure of the project for a Legislative Council was, as the Royal Commission points out, one of the principal aggravating causes leading to the outbreaks. It may not have been the main underlying cause; but it was certainly one of the principal aggravating causes.

I can now turn immediately to the existing situation and examine the problem of partition as a solution. It is quite clear that no project for the solution of the Palestine problem by means of partition can be effected unless there is ultimate co-operation with either the Arab or the Jew, or both. Before I go into the problems that arise in connection with any scheme of partition, therefore, the Commission will want to know at an early stage what are the forces working for and against partition in the Jewish and Arab minds.

No one expected, when this novel and far-reaching idea was first put out, that anybody would jump at it; and it was inevitable, the circumstances being what they are, that neither Jews nor Arabs would readily commit themselves to accept the principle. Both, naturally, adopted a tactical attitude.

I will take the attitude of the Jews first. We have every reason to believe that quite a number of Jews are prepared to consider a solution by means of partition if, by doing so, they can obtain certain things. They are prepared, in accepting the principle, to use it as the base for an endeavour to obtain what they want. We must remember, however, that there are some Jews who, both now and probably always, are not only disappointed by a solution by means of partition but are definitely opposed to it. They oppose it on the ground that the project for a national home is being circumscribed to what must inevitably be only a comparatively small part of the original plan. There are others too, and we must bear them in mind, who, while having always favoured the idea of a national home in Palestine as a means of finding refuge for distressed Jews, have always shrunk from the creation of a Jewish State, however small, and all the responsibilities therein involved. There are also those who are, and always have been, keenly anxious for the ultimate achievement of that project. Again, there are those who have been apprehensive of the creation of a Jewish State because of the effect which that would have on the position of Jews in other countries.

Now as to the point of view of the Arabs. I think it is quite clear that the Trans-Jordan Arabs will welcome anything which implies their unification with their brothers in Palestine and the termination of the mandate for Trans-Jordan.

Equally, there is no doubt that, after all the struggles of the last years, a large number of Arabs in Palestine, and particularly those Arabs who live in the area which it is proposed to make into a Jewish State, must (at any rate, to start with) be expected to be hostile. Again, it is obvious that even those Arabs who have contemplated partition are not going to accept this or any scheme unless they feel it will give them certain essential things—a reasonable standard of financial stability, a sure means of import and export, a real Arab sovereign State which they can say is as sovereign and as independent as Iraq is now and Syria is about to be. Therefore, they too, in the coming period, are bound to play for a tactical position, and no negotiations with either side are going to be easy.

As regards the Jewish attitude, a meeting takes place next week of Jewish delegates from all over the world, in which Dr. Weizmann will say what he has to say; and no doubt we shall know a great deal more of the political possibility of a solution by partition when we see what emerges from that Zionist Congress.

I do not think at this stage I can add anything more on the political side. I turn now to what is assuredly no easier than the political problem—the territorial problem. There I would lay down one or two principles.

First, it is no use considering the establishment of a Jewish State unless within the boundaries of that State the Jews are from the outset in a majority. To start the Jewish State on its career with the non-Jews in a majority would, I believe, mean failure at the outset. As you will see, the Royal Commission's report states that efforts will have to be made—however small the Jewish State—to endeavour to arrange some transfers of population (paragraph 35, page 389). But that will take time; and do not let the Mandates Commission imagine that transfers of population—particularly of Arab cultivators wedded for generations to their



land—is going to be an easy matter ! It has been the cause of a lot of trouble already in Palestine, where Jews have acquired land and displaced the cultivators. The movements of Arab families out of any projected Jewish State is bound to be a slow, laborious process.

Perhaps, before I say anything more about any territorial proposals that seem to be possible, I ought to state the view of the United Kingdom Government as to the possibilities of transfer, assuming the Arabs are prepared to move. We obviously want a new expert body to investigate that question—and we want it early in any proceedings—if we are to make any advance towards a solution by means of partition. We have some data. One of our most experienced agricultural officers says he is confident that 100,000 families could be settled in Trans-Jordan alone, apart from any possibilities in Arab Palestine. It is true that apprehensions on the part of the Arabs in Trans-Jordan in regard to infiltration by Jews and Jewish settlement have tended to discourage any large-scale economic developments in that region. The Arabs of Trans-Jordan have preferred to live in their old way. But they would take a very different view, if money for the development of Trans-Jordan were forthcoming out of somebody else's pockets, and if they knew that the development was for the benefit of Arabs. Therefore, I think we have every reason to hope that, outside any area such as is suggested for a Jewish State, there is room for a considerably larger Arab population and for Arab economic development, particularly in Trans-Jordan.

May I say a word about further economic development in Palestine under any scheme of partition ? No doubt the Jews have made representations and will make representations about the Negeb—that is the area in the south of Palestine. The Royal Commission explored what is called the "southern solution"—that is to say, the setting aside of a considerable area of undeveloped land in southern Palestine as a field for Jewish endeavour. A great difficulty is, however, that, between the area of Jewish settlement terminating just south of Jaffa and the southern boundary of Palestine, there are even more Arabs than there are in the area the Commission proposes to include in the Jewish State in the north, so that it would be impossible by means of a southern solution to create a Jewish State in which the Jews start in the majority except in a serpentine form too fantastic to be practicable.

As to the Negeb, the evidence such as we have is necessarily scanty. Wells have been bored ; but the water has been found to be brackish. At present it is a country where there is what the scientists call symbiosis of man and the camel—by which is meant that man is dependent on the camel. It is a Bedouin country, where the camel can live and drink rather doubtful water, and carry water for his master. The two move about wherever there is camel grazing. It is an arid, though not absolutely desert, country with a low rainfall. In this connection, the only other thing to be said is that from archæological evidence there has undoubtedly been permanent human settlement in that area in the past, notably in two periods of history. The first was in the time of ancient Egypt, when we know from other records that Palestine generally was a thickly afforested country and was a source of timber supply for ships and boats. There are archæological remains going back to Pharaonic times, when those conditions obtained in Palestine.

The only other evidence of permanent human settlement in that area is in the Byzantine period just before the Arab conquest. In the fourth, fifth and sixth centuries of our era, there seem clearly to have been considerable settlements based upon water brought from catchment areas north of Beersheba down to the channels in the south. But from other archæological evidence of late Roman and Byzantine remains in Trans-Jordan it is clear that the whole of that country had a higher rainfall than it has to-day ; and I think we cannot reckon that Southern Palestine south of Beersheba down to the Gulf of Aqaba can (unless millions of pounds are spent on pipe-drawn water from central Palestine) ever become an area of really intensive, or anything like intensive, agricultural development. There, if ever, there was an opportunity for co-operation between Jews and Arabs. It is at present a wholly Arab area ; and, if there is peace in the future, there might be co-operation there. But the idea of putting that area here and now into a detached Jewish State must, I think, be ruled out. If we are to be practical in any scheme of partition, the first thing to do is to make the Jewish State as compact an area as possible with a definite single frontier.

Looking at the map of Palestine, one could no doubt imagine enclaves upon enclaves and even enclaves within enclaves, but that is not a practical policy. The criticism that the Royal Commission report proposes the creation of a "Polish Corridor", an "East Prussia", a "Danzig" and a "Memel" has got to be faced. I shall have something to say later on that point.

What I have to say now I want to put, not as an expression of final views, but as a series of exploratory observations. The Royal Commission's proposal and map were put forward as illustrative of a possible solution. But before we exercise our critical faculties on the map, it is desirable to see what are the limits of any eventual proposal.

I will begin with what I may call the "East Prussia" of the scheme, that detached piece of the Jewish State which lies south of the proposed Arab town of Jaffa. Jaffa is, of course, a solid Arab town, an Arab port, worked by Arabs and, incidentally, the place where perhaps the acutest friction between Arab and Jew has taken place in successive disturbances. The

close contiguity of Arab Jaffa and the great new Jewish city of Tel-Aviv is one of the root problems of Palestine. The Jews in recent years have, as it were, "encircled" Jaffa. Jaffa remains an Arab urban island almost entirely surrounded by Jewish settlements. The area south of Jaffa contains some of the most cherished and most firmly established Jewish colonies—Rishon le Siyon and Rehoboth. Königsberg was the home of Kant. Dr. Weizmann's own home is in Rehoboth, in the very centre of the Palestinian "East Prussia", an area of intensive Jewish achievement, the loss of which to the Jews would be taken very ill. The possibility of their being asked to give up that area is extremely difficult to envisage, although if we were drawing scientific frontiers and making the thing without regard to the existing population basis or the course of recent developments in Palestine, it is quite obvious that it would be much more convenient to have the Arab State to the east and south, the Jewish State to the north, and the British enclave (which I shall be coming to shortly) between the Arab State and the southern frontier of the Jewish State. I raise the point because it has been a point raised alike by the Arabs and by every scientific geographer. Herein lies one of the first of many difficulties.

I pass to the other end of the western front of Palestine. From what I have seen of Arab reactions since the publication of the Royal Commission's report, I should say that, if there is one point of detail on which they fasten more than another, it is the suggestion that Acre, in the extreme north, should be in the Jewish State. Acre is an almost entirely Arab city, for which the Arabs have a very special sentimental feeling; and, of course, the Jews in Acre and immediately to the north of it, between Acre and the Lebanon frontier, are in an insignificant minority. In the town of Acre, there are 8,550 Arabs and only 250 Jews. Immediately to the north of Acre is a solid Arab district, and that district and Acre, densely occupied, make up an important section of this very large Arab minority which it is proposed to place under Jewish Government in the Jewish State. As against that, we have to reckon that the Jews, restricted in the area of possible agricultural settlement, with the pressure of European conditions behind them, are bound to industrialise; and the obvious place for them to industrialise is in the Haifa-Acre Bay. They own already nearly all the land between Haifa and Acre, which was formerly a malarious district. They have reclaimed it; they are settling it; and all around from the Bay of Haifa new Jewish industries are springing up, necessarily based upon the port, the only really good port in Palestine.

Now I will come back to the proposed British enclaves. It is proposed that two of them should be permanent and two temporary. The permanent enclaves consist of (a) Jerusalem and a considerable area round Jerusalem and (b) the Nazareth enclave in the middle of the Jewish State. I believe there are almost no Jews in Nazareth: it is a purely Christian town, and it is quite as much a holy place from the Christian point of view as Bethlehem or Jerusalem itself. Immediately round Nazareth there are Arab Christians and a few Arab Moslems who are, as it were, dependent on feeding and providing and marketing in the town of Nazareth. Therefore I think there will have to be a definite British enclave in the middle of the Jewish State there.

A word or two about the Jerusalem enclave. Nobody realises more than I do that the scheme as at present outlined by the Royal Commission is naturally criticised by the Jews on the ground that the Jews are to forego for all time all part or lot in Jerusalem. They point to the fact that the Royal Commission itself proposes that at one end of the proposed British mandated corridor there is to be the isolated Arab town of Jaffa, not in either the British Corridor or in the Jewish State, but as a detached enclave of the Arab State, an Arab port under Arab control and Arab sovereignty. If that is possible, the Jews say; "Why cannot you give us some part of Jerusalem?"

It is not an easy question. Many people sympathise with Jewish aspirations to have an enclave within the British enclave. The Archbishop of Canterbury spoke in the House of Lords in support of the Jewish claim. The matter has not been explored in detail, but it bristles with difficulties. Why? Because it means another series of complex frontiers. As the Mandates Commission is aware, the Holy City—that is to say, the old Jerusalem within the walls—is a place where Christians, Moslems and Jews are all mixed up together. Even in Greater Jerusalem, the new Jerusalem, it is extremely difficult to find an area which is solid Jew, without Moslems, without foreign settlements, foreign Christian settlements, German colonies, convents and other places of European religious orders, Greeks and the like. The problem, therefore, of meeting the Jewish request for a definite element of Jewish sovereignty in or near Jerusalem, which will do away with the cry of "Zionism without Zion", is a really difficult practical problem, comparable for its complexity to the Jaffa problem.

The first, and by far the most difficult, problem facing the mandatory Power is the problem of public security in a country where racial and religious emotion is the main cause of crime. The problem of a single city in which a line has to be drawn down a given street—as it would have to be drawn in Jerusalem—with British mandatory rule and British police and British courts of justice on the one side of the street and Jewish police, Jewish courts of justice, Jewish law and the like on the other is, *qua* problem, positively baffling. It would mean extradition

and all the machinery of international arrangements. The problem is solved, I believe, in the case of Fiume and Sušak by the presence of a river between the two, which serves as a frontier between Yugoslavia and Italy. But in a city like Jerusalem it would not be easy, with the best will in the world, to give the Jews a fragment of Jewish sovereignty within the city of Jerusalem.

Now let me say one more word about the nature of the British mandatory corridor. Why do we want more, and why do we think it is essential to have more, than just the actual Holy Cities? In the first place, from the point of view of population, the boundary ought to be designed, and can be designed, to include a considerable number of the Christian population. We are apt to forget, in this great Jewish-Arab quarrel in Palestine, the presence of 100,000 Christians in the country—some of them Arabic-speaking, it is true, some of them not, but Christians of all kinds; and undoubtedly the great bulk of the Christians throughout Palestine would rather be under British mandatory government than either under Jewish government or under Moslem-Arab government. There is an appreciable number of Christians in and around Jerusalem, and immediately south of it in Bethlehem, while in the neighbourhood there are other almost solidly Christian towns.

But, of course, that is not all. If we are not merely to police, and be responsible for, the Holy City, if we are to remain in Palestine and to render assistance both to the Arab State and to the Jewish State, and to preserve the peace between them, and—a point which will have to exercise this Commission before we are through with this matter—if there are to be special provisions in regard to the safeguarding of minorities in either State, we have to have an effective base on which to rest. We have to have somewhere where we can retain the necessary reserve forces, some necessary control of communications, some permanent mandated area, which will enable us to guarantee in some measure the future history of a divided Palestine. We do not want more responsibility than is necessary to carry out our duties. We want to give the Jews and Arabs the maximum practical amount of self-government. But, if we are to be permanently responsible for Jerusalem and its neighbourhood as well as for Nazareth, we must, I think, have Jerusalem and the country lying between it and the sea, including Ramle and Lydda, if only because they happen to be the present cantonments and headquarters of the British troops and Air Force. All our equipment is there: the aerodrome is there: the principal railway junction in Palestine is there. It is a base which will enable us to carry out our responsibilities—no light responsibilities in view of the complexity of this scheme.

The Royal Commission has omitted to point out, in connection with its provisional map, that it has drawn the proposed corridor in such a manner as to exclude the sole water-supply of the city of Jerusalem. The Palestine administration, with some assistance from the United Kingdom Government, has at long last produced at great expense an adequate water-supply for Jerusalem, which is a city of 125,000 inhabitants. The supply, pumped up for a height of about 3,000 feet, comes from Ras-al-Ein, which is a little to the north-east of Jaffa and almost exactly on the frontier between the Jewish State and the Arab State, some miles north of the proposed British enclave. That is just an example of the complexities which, as I have told the Commission, were in our minds when we were considering these difficult questions of territorial settlements.

I will now say something about the proposal, mentioned on page 385 of the Royal Commission's report, that the towns in Galilee in the area of the proposed Jewish State should be temporarily under British mandatory responsibility. I have already dealt with Acre, and I need say nothing further about that.

The next towns to be considered are Tiberias and Safad, where—not only during the most recent disturbances, but particularly during the disturbances of 1929—most serious incidents took place. Next to Jerusalem, they are, from the Jewish point of view, the only two other places which may be called holy cities, to which, in the Jewish mind, a definite religious character attaches. Undoubtedly the ultimate destiny of these towns lies in the Jewish State. The Jews will probably ask for specific dates on which they are to be handed over; but I think it would be very unwise to fix such dates. Such commitments almost always lead to trouble.

I have left until the end the most difficult problem of all, that of Haifa. At Haifa, nobody is in the majority. Jews and Arabs are almost equal in number. It is now a great city of over 100,000 inhabitants; and, though there are a few more Jews than Arabs, the excess is very small and the population is very mixed. The balance is made up of foreign nationalities; for Haifa is the commercial capital of Palestine. It has the one really good harbour: it is the terminus of the pipe-line to Iraq, where ships not only take the oil but will, in due course, no doubt call for refuelling. It is also—we may as well face the fact—the strategical key to Palestine. It is the headquarters of the railway system of Palestine, and the railway workshops are there. It is the port of Trans-Jordan and the bulk of the traffic in and out of Palestine passes through it, although there is also traffic through Jaffa and a little through Gaza.

It is perfectly clear that a special regime will have to be established in Haifa with all its inevitable complications in regard to Customs and the like.

I will conclude with one reference to a matter which is already in a well advanced stage of exploration—namely, the appalling complications which are bound to arise in regard to Customs duties and Customs frontiers, given the inevitability of enclaves and the inevitability of the establishment of two States in what, hitherto, has been a single country. It must obviously be the aim, in searching for a practical solution on the basis of partition, to reduce the number of Customs posts and frontiers to a minimum ; and I take the view that the British mandatory area should be allowed to form a Customs Union with either of the States.

I refer to this point because there is no doubt that, if both Arabs and Jews are granted their independent States, they will not join in a Customs Union. The Jews wish to develop industrial production. They have their scientists and their skill : they can import raw materials to Haifa by sea : and they have the land all around Haifa where they want to settle as many Jews as possible. They have an amazing scientific knowledge and the wonderful Jewish gift of making good in commerce and in all that kind of activities : but they have always made it perfectly clear that they can only attain that industrial development on the basis of protective duties, at any rate at the beginning.

The Arabs, on the other hand, have always complained about the protective duties which exist in Palestine to-day. They are a non-industrial people and do not wish to export anything except agricultural products, or to produce anything but agricultural products. They complain that the Customs duties are now too high. An Arab independent State would be a country of low import duties. The Jews, on the contrary, would seek—for a time at least—to be a country of high import duties. To have a third system intermediate between the two and a series of Customs frontiers scattered along the railways and on every road in and out of the British enclaves is ludicrous ; and therefore I think that, whatever may be the mandatory principle, it must be recognised that the only solution possible in view of partition and the system of enclaves is to permit the British mandatory authority to form a Customs Union with one or the other. Then, at least, there will be only two Customs systems and only one internal Customs barrier between the Jewish and Arab States.

I need say no more to indicate the kind of difficulties and complexities which must be admitted and faced in any solution on the basis of partition. The political case for partition is, I believe, abundantly clear ; but it is no use having a political case, unless we are able to show how, in fact, it is possible to work out a scheme whereby decent government can be assured in the country as a whole. I have made no attempt this morning to solve, or to suggest how one might solve, the difficulties : but it is important that the Commission in considering the whole matter should have the whole of these difficulties clearly in mind. I certainly do not ask the Commission to offer solutions at this session ; that is for the future. But it is right that the Commission should have the difficulties in mind when I ask them to recommend to the Council that they should authorise the first steps towards a solution by means of partition.

The CHAIRMAN thanked Mr. Ormsby-Gore for his statement and agreed with him that the difficulties were great and the solution contemplated by the Government of the mandatory Power somewhat complicated.

He proposed that the members of the Commission should ask the accredited representative such questions as they might think necessary to enable him to give explanations concerning those points that they wished to see developed further. Those questions, asked with that definite object, could not be considered as implying agreement by the members of the Commission with the points of view put forward by the accredited representative.

#### **Plan of Partition of the Territory (continuation).**

##### **QUESTION OF THE APPOINTMENT OF A BOUNDARY COMMISSION.**

The CHAIRMAN wished to ask a question concerning a passage in the statement made on the previous day by the accredited representative. It was as follows :

“ Indeed, the Royal Commission itself recommends that this should be referred in due course to a boundary commission. It may well be that preliminary negotiations may have to be undertaken before this boundary commission is set up, but the terms of reference to, and the nature and constitution of, such a boundary commission are obviously of great moment, and it seems to me that they constitute an essential step without which it will not be possible to formulate the form of a definite scheme. This, therefore, is a matter which I should like to discuss with the Mandates Commission at this session, for the subsequent next steps must be envisaged, steps which will have to be undertaken as soon as the Council of the League has pronounced on the recommendations you make to it at this session.”

Was it to be understood that the accredited representative expected the Mandates Commission, in the course of the present session, to give an opinion on the frontiers proposed for “ the British mandate ” which was to be maintained in Palestine and for the two proposed States ?

Mr. ORMSBY-GORE was not prepared to ask the Commission to define the frontiers. If the Commission was prepared to say whether it accepted the general principle of a tripartite division and the principle that the Jewish State should start with a Jewish majority, that was as far as he would ask the Commission to go at that stage.

As to the proposed boundary commission, should it be a Commission set up by the United Kingdom Government, composed entirely of British persons, or should it be an international Commission? There had been boundary commissions of an international character in the past—for instance, in Iraq. What was the view of the League in the present instance?

Secondly, should the boundary commission be set up with strict terms of reference for the final and definitive limitation of the boundary, or should its terms of reference be so wide as to enable it to put through variations, other than variations of a minor character, in the boundaries proposed by the Royal Commission?

The accredited representative did not wish to express a final opinion on either of those two points. He would like to discuss them informally with the Commission. The United Kingdom Government had not made up its mind on either point and was very anxious to know what the Mandates Commission thought.

The CHAIRMAN asked the accredited representative whether he wished the Commission to give the Council its opinion on those points.

Mr. ORMSBY-GORE replied in the affirmative.

The CHAIRMAN asked what meaning the representative of the mandatory Power attributed to the term "international commission".

Mr. ORMSBY-GORE said he meant by an "international boundary commission" a commission not composed exclusively of British personnel, and appointed by the League and not by the United Kingdom Government.

The CHAIRMAN requested Mr. Ormsby-Gore to be good enough to state whether, in his view, the commission in question should include representatives of the two future States.

Mr. ORMSBY-GORE thought the boundary commission, whether purely British or international in character, should have a Jewish and an Arab assessor; but the decisions should be taken by a body neither Jewish nor Arab. That was the system adopted in the case of the Iraq frontier.

#### QUESTION OF THE EXCHANGE OF POPULATIONS.

The CHAIRMAN would be glad to have it confirmed that, in the event of the creation of the two new States, the proposed transfer of the rural Arab populations would only be effected if those populations freely consented.

Mr. ORMSBY-GORE replied that such was his view as at present advised. The Royal Commission made use of a phrase to the effect that, after a period of trial, the possibility of using compulsion might be considered (page 390 of the report); but he was not prepared to commit himself there and then to the principle of eventual compulsion. Compulsion presupposed a long period of trial of voluntary transfer, and a reference back to the League. Neither the League nor the United Kingdom Government should be asked to commit itself at the present stage to the principle of compulsory transfer.

He desired to add that he would hesitate to envisage any obligatory transfer of Arabs from the Jewish State into the Arab State, save where the Government of the latter State agreed.

#### DEFENCE : PROTECTION OF MINORITIES : HOLY PLACES.

The CHAIRMAN said he would be glad if the accredited representative would be good enough, on Monday, to give the Commission some indication of the way in which the mandatory Power conceived the solution, in the first place, of the problem of national defence and, in the second place, of that of the protection of minorities.

Mr. ORMSBY-GORE said he would endeavour to do so on Monday.

M. PALACIOS asked the accredited representative to be good enough also to give supplementary information on the question of the Holy Places.

(Mr. Ormsby-Gore, Mr. Hall and Mr. Martin withdrew.)

**Request by Certain Governments for the Admission of Observers to the Meetings of the Commission**  
(continuation).

M. DE HALLER stated that some of the permanent delegates who had asked that they might be allowed to attend the meetings of the Mandates Commission had telephoned to the Secretariat for information as to the Commission's decision. The delegate of Iraq, after being informed of that decision, had immediately sent a letter to the Secretary-General stating that his Government was particularly interested in the question. The delegate of Iraq accordingly asked the Commission to modify its decision.

After a brief exchange of views, *the Commission decided that it could not reverse the decision it had taken.*

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FOURTH MEETING.

*Held on Monday, August 2nd, 1937, at 10 a.m.*

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**Palestine : Task of the Commission in the Light of its Terms of Reference : Preliminary Exchange of Views between the Members of the Commission** (continuation).

The CHAIRMAN recalled the object of the exchange of views to which he had invited members of the Commission to proceed in the course of the meeting.

The President of the Council had requested the Permanent Mandates Commission to "*take into consideration* the report and recommendations of the Royal Commission and the Statement of Policy of the Government of the United Kingdom, in order that it might be in a position to give the Council its *preliminary opinion* before the latter met in September". Couched, as it was, in very general terms, the President of the Council's request left room for some doubt as to what was expected from the Mandates Commission. It was, nevertheless, absolutely necessary for the Commission to have a clear idea on that essential point ; otherwise, inadequately informed as to its aim, and uncertain as to the precise nature of the service which it was required to render, the Mandates Commission would be in danger of working without method and, finally, of not fulfilling the Council's expectations. In other words, it had to interpret the Council's decision entrusting to the Commission a task which, being outside its usual terms of reference, needed to be clearly defined.

In order to facilitate discussion, the Chairman had considered carefully the definition of this task, bearing in mind the character of the Mandates Commission, which was a purely advisory body, and taking into account the preliminary opinions already expressed by several members and what appeared to him to be the prevailing feeling of the Mandates Commission.

From the principle already expressed by Lord Hailey—that the Mandates Commission was a meeting of experts—it might be presumed that the task with which the Commission had been entrusted would consist of providing the Council with all the data necessary to help it to form a just appreciation based on a full knowledge of the facts, of the United Kingdom Government's Statement of Policy. The Commission would have to clear the ground for the Council.

Consequently, the Chairman thought that the Commission was faced with a two-fold task :

First of all it had to consider whether the documentary material provided by the mandatory Power was sufficient to enable the Council to form an opinion as to the nature of the problem—that was to say, with regard to the question whether, as had been stated by the Royal Commission and admitted by the mandatory Power, the position in Palestine had really become intolerable, and whether the cause lay in the mandate itself. If this first question called for a negative reply on the part of the Mandates Commission, the latter could, if necessary, confine itself merely to expressing that preliminary opinion.

On the other hand, if the Commission considered that the general position in Palestine was such that it was necessary to give that country a new constitution, it would consider whether the documentation provided was sufficient to enable the Council to form an appreciation of the various solutions which the problem of Palestine might require. If the documentation were judged to be inadequate, the Commission would request the accredited representative to provide it with the necessary additional information during the present session ; it appeared that that request could easily be met, as the first accredited representative was not an official who was obliged to refer back to his Government, but was himself a member of the Cabinet.

If the documentation were found to be adequate, the Commission would proceed to the second part of its task ; namely, to point out to the Council the advantages and disadvantages of each of the solutions considered in the Royal Commission's report—namely, modification of the mandate, cantonisation, and, finally, "partition" in accordance with the project recommended by the Royal Commission. The Mandates Commission would likewise indicate the advantages and disadvantages of any other solution which might appear, in the course of the discussions, to be worthy of the Council's attention.



To sum up, the Mandates Commission would not pronounce itself in favour of any one solution—that it could only do by disregarding the part allotted to it by the Covenant in Article 22, paragraph 9—but it would provide the Council with all the data necessary to enable the latter to give a considered decision regarding the Statement of Policy of the United Kingdom Government.

M. PALACIOS was in general agreement with the Chairman. For his own part, he desired, without underestimating the difficulties involved, to lay stress on the Commission's competence to undertake the task before it and upon the character of that task. Never, in his view, had it been more necessary for the Commission to have a preliminary exchange of views before attacking the substance of a problem. Never had a more complex and delicate question come before it for examination. Moreover, there was no clear rule which might serve as a guide and help the Commission to form a definite and well-founded opinion. In the absence of that guiding-line, to which M. Rappard had alluded at an earlier meeting, lay the chief difficulty. Normally, the Commission carried out its task, if not always with ease and comfort, at any rate with the aid of a clear criterion in the shape of the mandate itself, its task being to ascertain whether the mandatory Power was or was not carrying out the provisions of the mandate. The Commission was, in that case, on solid ground. On the present occasion, however, whatever the ultimate fate of the schemes laid before it, one fact seemed very clear: the Palestine mandate, as it had previously existed, was emerging from this trial, if not destroyed, at any rate very much shaken. The Commission must thus carry out its task without any solid support.

The difficulty of the task did not, however, signify that the Commission was not competent to undertake it. M. Palacios did not think the Commission could evade it on the ground that it was merely an administrative and not a political body. Any discussion on that distinction, which occupied so much space in theoretical treatises, would only complicate the Commission's work. He did not think that the Commission was an exclusively administrative body; on the contrary, many of the opinions it had put forward, and many of the decisions it had taken, were, in his view, of a political character, in the widest and highest sense of the term. But whatever opinion might be held on that subject, the Commission's powers were derived from the Covenant; even if the last paragraph of Article 22 were interpreted in the most limited sense, the fact that the Council of the League of Nations, in deference to the request of the mandatory Power, had asked the Mandates Commission—its own advisory organ in the matter—for a preliminary opinion on the Statement of Policy of His Majesty's Government and on the report of the Palestine Royal Commission excluded any possibility of doubt on that point.

The Commission must therefore accept the high mission entrusted to it and do its best to execute it. M. Palacios, attached the same importance as did Lord Hailey to the material supplied; the Commission's duty in that respect was as Lord Hailey had defined it. But, as the Chairman had just said, it was necessary to go to the root of the matter. Although firmly convinced that the problem in all its complexity must be tackled, M. Palacios would suggest—as regarded methods—that the word "preliminary" should be applied in its strictest sense. The preliminary opinion which the Commission was asked to give should not therefore only be provisional but such as might be formulated while, so to speak, still on the threshold of the problem and without dealing with it definitively. In M. Palacios' view, everything the Chairman had just said was perfectly consistent with that definition. It might, however, be necessary to draw up a more detailed list of questions, not only in order to serve as a guide in questioning the accredited representative, but also to facilitate the study of the documents; it would also be taken into account when the Commission's statements and observations were being prepared. He suggested that a Member of the Commission might usefully prepare such a draft.

For the rest, the Commission's task was dominated by the proposal for partitioning Palestine. From the remarks, not of Mr. Ormsby-Gore, but of the British Prime Minister in reply to a question in the House of Commons, it would appear that the idea of such a highly important proposal had arisen spontaneously, as if by magic. Neither had the Royal Commission—although, in putting the proposal forward, it appeared to have exceeded its terms of reference—consulted the Government in advance, nor had the Government requested it to do anything further than set forth the truth and the whole truth concerning the situation. Yet it was difficult to believe that a scheme which had stirred public opinion to such an extent and awakened historical world ambitions was totally devoid of deep foundations and had really been stumbled upon accidentally.

What therefore were the real reasons for the proposal? What validity had they and what prospects, both ideally and practically, did the proposal hold for the future? That was the primary object of the Commission's examination—a difficult task indeed, but still less difficult for the Mandates Commission than for any other organ or body interested in the question—for instance, the Jews, who would see the National Home which in their dreams they had imagined so large reduced to the proportions of a minute Jewish State; or the Arabs who would lose part of their territory; or again the mandatory Power and the Council of the League, who by reason of their traditional responsibilities would, at the time of their decision and afterwards, find themselves in a much more serious and exposed position.

The CHAIRMAN noted that, while M. Palacios was concerned at the exceptional position of the Mandates Commission, resulting from its lack of instructions he agreed that it must give the Council the preliminary opinion for which it had asked. In addition, M. Palacios had

made a practical suggestion to the effect that a member of the Commission be instructed to deal with all requests for additional information for which it might be thought desirable to ask the accredited representative.

M. PALACIOS thought that it was essential to draw up a programme for each of the questions in which the Commission was specially interested.

The CHAIRMAN agreed with that suggestion; a list of questions would therefore be compiled and remain open so long as the Commission was examining the reports submitted to it.

M. SAKENOBE agreed with the general lines of investigation proposed by the Chairman. He thought the Commission should begin by examining the basis upon which the whole structure of the Royal Commission's reasonings stood. The Royal Commission argued that the conflict between Jews and Arabs arising out of the differences in language, in religion, in social conditions, and (most important of all) the conflict arising out of the difference in their national aspirations, were irreconcilable. In the opinion of the Royal Commission, the Jews and Arabs would never assimilate, and could never come to terms; so that, as time went on, the strife was bound to become more embittered and more intensified. Accordingly, all hope of the establishment of a unitary government was lost for ever, and the mandate in its present form was unworkable.

That was, he thought, the starting-point of all the conclusions and recommendations of the Royal Commission. That being so, the Mandates Commission should first of all ask itself whether the material before it was sufficient to make possible a decision as to whether the Royal Commission's contention that an irreconcilable conflict existed and would continue to exist was indisputable or not. The Mandates Commission should examine that point in the light of the Royal Commission's report, with reference to the annual reports of the mandatory Power and also with reference to the recent history of Palestinian administration and perhaps with reference to the history of the world. Such an examination might furnish useful material for the Council.

The CHAIRMAN noted that M. Sakenobe agreed with the general lines of his proposal. Like M. Sakenobe, he considered that the first point to settle was whether the application of the mandate led, as was asserted, to a deadlock. If that were not the case, there would be no point in seeking another solution, but if a deadlock had really been reached, an opinion must be given as to the method of getting rid of it.

Mlle. DANNEVIG wondered what was meant by a deadlock between two nations of different ideals and different languages, and a different civilisation. Deadlock! Had not there been in the history of the world very many situations as bad as the present situation in Palestine? It was not the first case of two nations believing that there was an irreconcilable conflict between them and even fighting together, and yet being obliged in the end to find a way out of the difficulty.

The CHAIRMAN asked Mlle. Dannevig to be good enough to reserve the examination of that aspect of the problem until the Committee had agreed upon the object of its mission.

M. VAN ASBECK fully shared the view expressed by the Chairman. He would not wish, however, to signify his assent merely by silence, because in his opinion there were certain points to which attention should be drawn.

In the first place, he thought it quite natural that a Commission of experts which for fifteen years had been constantly dealing with Palestine should be asked to express an opinion on the question whether the incompatibility between the Jewish and Arab populations was such as to necessitate a separation and partition.

By extending, as it had done, an invitation to the Mandates Commission to express an opinion, the Council had at the same time provided a means of filling a somewhat surprising lacuna in the Royal Commission's report: throughout the report, if he were not mistaken, the work, observations and judgments of the Mandates Commission or of the Council were only mentioned three times (pages 64, 136 and 220). As far as the Royal Commission was concerned, the whole scene in Palestine was almost entirely occupied by British, Jews, Arabs, British commissions, Arab committees, Jewish organisations, the British, Palestinian and Arab Governments, White Papers and manifestoes; but, in reading the report, it would hardly be realised at all that Palestine was a territory under mandate and therefore figured also in the work of the League's organs. Even the very active intervention on the part of the Commission after the 1929 disturbances was left in obscurity.

M. van Asbeck thought that the Council's invitation would enable the Mandates Commission to fill that lacuna. Moreover, he thought it only natural that the Commission should be concerned in the Palestine question, since the issue was the abolition of the mandate of 1922. A few years previously, when the question of the definitive emancipation of Iraq had arisen, the Commission had been asked to give its opinion on the "normal" termination of mandates—that was to say, on the basis of the alleged maturity of the population. In that



connection M. van Asbeck fully associated himself with views already expressed to the effect that, in the case of Iraq, the Mandates Commission had been given a task which was primarily political and for the fulfilment of which it had first of all to set up its own criteria. Similarly, in the case of Palestine, the Commission was given a political task which did not lie outside its competence in view of the experience it had acquired of the country of Palestine and, above all, of the mandate in question.

In the third place, it was important not to overlook the special character of the Mandates Commission ; it was an organ of the League, independent of any Government, supra-national, untrammelled by any political, nationalist or religious movement. General attention was being focussed on the Commission's work during these few weeks precisely because it had no connection with national policies ; no need, no necessity to hide or cloak anything whatever ; no link with Zionism or with the Arab movement or with the aims of any world Power. The Commission was the only constitutional body, international or national, which, in the present matter, was outside the conflict.

But the Mandates Commission was a commission of experts and not a political commission in the sense of being required to give political judgments, to find definitive solutions for political problems. Its supra-national character gave it a special strength and a special ascendancy ; its quality as a committee of experts determined its limits and prevented it from giving a political judgment on the Palestine problem. It compelled it to keep to a study of the terms of the problem and the solutions advocated from one side or another.

On that question of the limits of the Commission's task, M. van Asbeck wished to add a few observations. He thought that the Commission should do some pioneer work, should survey the political field in regard to which the Council would have to give its views in September. Consequently, it was necessary in the first place, as Lord Hailey had said, to examine the documentation, the material at the Council's disposal, to see whether it covered all the terms of the problem, all the important details, to see whether that material was genuine, whether it placed the different aspects of the problem in the right light and whether it presented at their true value the various claims of the opposing parties and of the mandatory Power, so that the Council, when it set to work, would have documentary material that was correct, complete, impartial, objective and worthy to form the basis of a decision of the League's political organ. That examination of the documentary material seemed to be more important than the study of a boundary commission in which the accredited representative would like to involve the Mandates Commission.

In the second place, the Mandates Commission was called upon to study the potentialities of the situation—a study for which it was particularly well fitted by reason of its independent nature. The documentary material at the disposal of the Commission and of the Council indicated certain solutions : but it seemed to him that one of the Commission's tasks must be to explore the ground once more, to note the strong points and mark the quicksands, so as to be able to say to the Council : if the political situation is really such, the following solutions should be contemplated, though each of them possesses advantages and disadvantages ; if on the other hand, it must be concluded that the political situation is other than that represented, the solution of the difficulties must be sought in some other direction which, while presenting certain advantages, will also give rise to certain obstacles.

As proof that, in making this suggestion, he was in good company, M. van Asbeck quoted the following expressions in regard to the task of the Commission from Mr. Ormsby-Gore's own statement :<sup>1</sup>

“ A general stocktaking of the position as it has evolved under the existing mandate ” ;

“ . . . to come to an independent judgment on the various documents laid before you ” ;

(to discuss) “ . . . the various possible alternatives and the advantages and disadvantages which lie before us ”.

Those three passages contained useful indications of the duties of the Mandates Commission as conceived by the accredited representative himself.

In conclusion, M. van Asbeck thought that, as a body of independent experts, the Mandates Commission, should consider its duty to be to prepare the decision which the Council was asked to take by studying the available data, past and present, by exploring the political field and by considering the various solutions and claims that were piling up on the table before it. The political *decision*, which involved a choice, was for the Council : the objective *examination* of the question rested with the Mandates Commission.

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<sup>1</sup> See pages 13 *et seq.*

The CHAIRMAN noted that M. van Asbeck had adduced new arguments in support of the proposal the Chairman had made to the Commission.

M. RAPPARD, like M. van Asbeck, thought that each member of the Commission should give his opinion even if it did not involve a recommendation to change the plan of work which the Chairman had outlined. That seemed to him necessary, because it was the Commission's duty to give an opinion to the Council and because its report, however extensive, would never be sufficient to enlighten the Council on all the views of the experts. More than ever, the report would have to be read in the light of the Minutes. In that connection, time constituted a great difficulty; it was the beginning of August and the Council met at the beginning of September; it must receive the Minutes some days before its session. The Secretariat would, therefore, have to see that the Minutes were prepared more rapidly than usual in order that they might be read in time.

He would like to summarise, as briefly as was compatible with clearness, the position as it appeared to him.

Why had the Mandates Commission met in extraordinary session? Because the disturbances in Palestine had prevented it from examining the annual reports for 1935 and 1936, as it should have done. Those disturbances, which were the cause of the present session, had given rise to the appointment of a Royal Commission whose first duty had been to discover their underlying causes. The Mandates Commission had entirely agreed with the mandatory Power that it would be indispensable for it to read the Royal Commission's report in order to form a judgment as to the underlying causes of discontent in Palestine and as to the methods used to prevent such disturbances from breaking out and to suppress them when they had broken out.

It had by no means been the Royal Commission's duty to propose a modification of the mandate. To the general surprise, that idea had arisen, not out of the enquiry which had been carried out, but out of the discussions of the Royal Commission,

The first task of the Mandates Commission, therefore, was to examine all the documentary material placed at its disposal and to take advantage of the presence of the accredited representatives to fill up any gaps in that material in respect of the primary duty of the Commission—namely, to ascertain the causes of the disturbances and to form an opinion as to the administrative methods used to prevent and to suppress them.

How had that position, which was rather different from that submitted by the accredited representatives of the mandatory Power, been able to arise? As had been noted before, it was a matter for general surprise that the Royal Commission had made proposals for partition. The United Kingdom Government, on the proposal of the Secretary of State for the Colonies, had hastened, with a speed which had astonished the two Houses of Parliament, to endorse the general conclusions of the Royal Commission. With a frankness which was a matter for the utmost satisfaction, the accredited representative in his remarks in the Mandates Commission had recognised, not only that Parliament was divided on the matter—a fact which was known—but that the Government itself was divided and that, after the debate in the House of Commons, the Government, in order to avoid a vote, had adopted a form of resolution which enabled both the opponents and the supporters of partition to accept that resolution. It merely called for a further examination of the proposals for partition, together with a study of other proposals.

In view of that position, and even before it arose, the Government had considered that it could not propose to apply the recommendations of the Royal Commission without the authorisation of the Council of the League of Nations, since they obviously implied a change in the mandate.

It was pointed out to the United Kingdom Government that the Mandates Commission itself was meeting and had no doubt to report to the Council on Palestine. The Government had then said: "The Mandates Commission must also express its opinion". But, taking account of the fact that the Mandates Commission, under the terms of the Covenant and of its own constitution, would have had no power to express an opinion on the proposed changes care was taken to obtain a decision from the Council under which it entrusted the Mandates Commission with a special mission in order to enable it to overcome the scruples which it might have felt against exceeding its powers.

As the Council had not met, the United Kingdom Government has asked, through the intermediary of the President of the Council, whether the Council saw any objection to the Mandates Commission's examining the Royal Commission's recommendations and formulating observations on them. The members of the Council had not met. They had replied through the intermediary of the Secretariat, stating that they saw no objection to such a procedure, though some of them added that, of course, they reserved full freedom in regard to their subsequent attitude.

What was the Commission's duty now? Its first duty was quite clear. Even if there had been no proposal to partition Palestine, the Mandates Commission would have to examine the mandatory Power's report, the Royal Commission's report and the accredited representative's statements on the cause of the troubles, their origins and the Administration's attitude towards them. That was not only its normal duty, which nothing permitted it to shirk; it was its duty also because it had first to examine fully the situation in Palestine as revealed in the light of the mandatory Power's annual report and the Royal Commission's report, before reaching any conclusion as to the necessity of modifying the mandate; and the Mandates Commission could not enter upon an examination of the situation without being favourably predisposed towards the mandate itself. The mandate had been drawn up by the Council of the League.

For fifteen years, the mandatory Power had given an assurance that it was not contracting any obligation incompatible with the mandate. The first step therefore must be to examine the working of the mandate and the methods adopted by the mandatory administration. That had already been said at previous meetings. The mandatory administration's conception of its mission was not necessarily the only one, or the true one.

When, in adopting the mandate, it had been decided to set up in Palestine a national home for Jews, it had perforce been realised that such a project would not be enthusiastically welcomed by the Arabs. Accordingly, the mandate had provided that the civil and religious rights of the Arabs must be safeguarded. Thus account had to be taken of those rights of the Arabs, but not of their political preferences. When it was said that the success of the undertaking was based on the hypothesis of Arab consent, there was introduced an element that was entirely new and unforeseen and really absurd: no country would willingly agree to have a national home for an alien race established within its frontiers.

The Royal Commission recognised, very circumspectly, that the mandatory Power had failed in the first of its duties—namely, that of maintaining order and preventing the discontent, which the mandatory Power would necessarily arouse, from developing into violent disturbances. If it had not failed in that duty, would the mandate, conceived in the spirit in which it was drawn up, have been inapplicable? That was the question which the Mandates Commission had to ask itself in the first place. If it were said that the mandate had become inapplicable and, further, that the mandatory Power had failed in one of its primary duties, there was at least a presumption that it was precisely because the mandatory Power had failed in that primary duty that the mandate had become inapplicable. The mandate had become inapplicable because it had not been applied.

That would be the Mandates Commission's first task, even if there had been no proposal for partition.

The second part of its task was the outcome of the special mission entrusted to it by the Council. The Commission undoubtedly had the right to assess the value of proposed policy submitted by the mandatory Power, which was foreign, and indeed contrary to the mandate. It was a right conferred upon the Commission, which it could exercise and which it could not be blamed for having exercised. The point was to know to what extent it would wish to exercise it.

M. Rappard agreed with the Chairman that the Commission would be failing to do what was expected of it if it remained silent in the matter. He agreed with the Chairman as to the extraordinary difficulty of that task, resulting as it did not only from the clash of opinion which divided various elements in the British Parliament and, indeed, various elements in the British Government, and various elements, too, of the Palestine Administration, and which brought Jews and Arabs into conflict, not, as was usually the case, by dividing the Jewish and Arab communities, but by dividing the Jews among themselves and the Arabs among themselves. The principal difficulty was the absence of any basis for determining what would be a good government for Palestine. If a good government was one which ensured the happiness of the majority of the population, the Mandates Commission should propose the revocation of the Balfour Declaration and the return of the emigrants to Europe; for therein lay the obstacle to the happiness of the majority of the population in Palestine. If the Commission was to take its stand upon the desire to make the country rich, to ensure its material prosperity, it should, on the contrary, propose the exclusion of the discontented Arabs, since it was evident that it was essentially the Jews who were making Palestine rich and that the Arabs would hardly make any contribution at all. Those were two theories which might be conceived to be equally possible and equally defensible, but which would lead to diametrically opposed conclusions.

In one of the statements he had made, Mr. Ormsby-Gore, while speaking of the Commission's task as that of finding the best government for Palestine, had added that that government should be carried on "in the spirit of the Covenant and in accordance with the recommendations of the Balfour Declaration".

The spirit of the Covenant—that was a much abused expression the meaning of which, in the present instance, was very vague. As a rule, it was when it was proposed to set on one side the exact terms of the Covenant that reference was made to its spirit.

As regards the Balfour Declaration, M. Rappard would like to know whether or not it was still in force, whether the United Kingdom Government intended to free itself, not only from the mandate, but also from the Balfour Declaration, or whether it intended to maintain the Balfour Declaration embodied in a new mandate. That was a point on which the Commission would have to ask for information.

In conclusion, M. Rappard thought that the Mandates Commission's first task was to examine with the assistance of the accredited representatives of the mandatory Power, the whole of the documentary material submitted to it, and to formulate a perfectly clear opinion on the administration of Palestine under the mandatory regime. The Commission's second task would be to explore very carefully but also very cautiously the other extraordinary solutions, alien to the mandate, pointing out such advantages and drawbacks as it might find them to contain.

The CHAIRMAN noted that M. Rappard, while sharing M. Sakenobe's point of view, agreed with the Chairman's proposal.

As regards the use of the expression "spirit of the Covenant", he had on many occasions made the same observation as that just made by M. Rappard. In this particular instance,

however, Mr. Ormsby-Gore's reference to a solution in accordance with the spirit of the Covenant seemed to the Chairman to be clear enough. The accredited representative could only have in mind paragraph 4 of Article 22 which said that :

“ Certain communities . . . 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.”

M. PALACIOS had a point to make in regard to M. Rappard's remark concerning the mandatory Power's intentions in regard to the Balfour Declaration. As M. Palacios understood it, the mandatory Power considered that, in the event of the partition of Palestine, the Balfour Declaration would be realised by the establishment of an independent Jewish State, and that there would therefore be no need to incorporate the Declaration in a new mandate. It remained to be seen whether his interpretation of the mandatory Power's intentions was correct.

M. RAPPARD said that a statement by the mandatory Power in the sense indicated by M. Palacios was exactly what he was awaiting.

Mlle. DANNEVIG was surprised that the Royal Commission in its report hardly mentioned the McMahon letters. She gathered from the newspapers that Sir Henry McMahon was still alive. She was surprised that he was not consulted as to the underlying suppositions of the McMahon letters. She could not believe that Sir Henry McMahon was so negligent or so ignorant as to omit all mention of Palestine in his agreement with the Emir Hussein. The only reason Palestine was not mentioned in the letters must have been that it was understood by all the parties that there was no doubt that Palestine was not within the terms of the agreement between the Arabs and Sir Henry McMahon. That meant that one of the primary causes of the present discontent among the Arabs in Palestine was a false interpretation on their part of the MacMahon agreement. That point was not elucidated by the Royal Commission. Surely it was one of the tasks of the Mandates Commission to bring it out clearly.

The CHAIRMAN agreed that Mlle. Dannevig's remark was an interesting one and suggested that she should raise the point at the right time and place, in the presence of the accredited representatives.

He requested his colleagues for the moment to inform him whether they accepted his interpretation of the Commission's duty.

COUNT DE PENHA GARCIA thought the previous observations were necessary and that the Commission had begun at the end. For the moment, it had three documents to examine : the two reports—that was to say, part of the 1935 report and the whole of the 1936 report—together with a new and very important document, the Royal Commission's report, as well as the mandatory Power's Statement of Policy. The last report contained, not only conclusions, but also a text very full of facts and information.

He thought the Commission must have sufficient documentary material. The Royal Commission's report, however, contained many points which were put forward as impressions and sometimes even less than impressions. On the other hand, some of the conclusions seemed to be somewhat strained in their principle and this was noticeable from the report.

Moreover, before dealing with the conclusions which came at the end of the discussions, the problem should be studied in the light of the documents, and advantage should be taken of the explanations to be furnished by the representatives of the mandatory Power.

Possibly, in reading the annual report for 1936, the members of the Commission would, like himself, be surprised to observe that, after analysing the regrettable occurrences, the report seemed to convey the impression that the mandate might quite well continue.

For instance, it contained rather interesting conclusions concerning administrative autonomy. There was a period subsequent to the Royal Commission's report, on which information might be given. Up to the present, there had been no further outbreaks after the recent events and yet the Royal Commission's report had raised a new problem. That was a possible sign that a solution, whatever its character, was not so pressing that the Commission should display undue haste.

Count de Penha Garcia approved the Chairman's programme. In any case, the logical course would be first to study the two annual reports and then the Royal Commission's report, but the Mandates Commission should entirely refrain for the moment from discussing conclusions. The essential point was to ascertain what was involved in the texts, which would be used as a basis for stating whether the mandate was workable or not and whether the new system would give better results.

The Secretariat had acted wisely in furnishing the Commission with a collection of its observations made at earlier sessions. The Commission must not go from one extreme to the other ; for several years, it had followed the praiseworthy habit of making very moderate criticisms which formed a sort of running interpretation of the way in which the mandate should be carried out. That fact should be constantly borne in mind. It would be well to read again those observations, which were the result of several years' experience, since the Commission might possibly, in the light of these observations, accomplish its task usefully and perhaps in a less decisive manner than that indicated by M. Rappard. But, in any case,

the essential point was to furnish the Council with the most complete documentary material possible, the clearest statement of the position both in the event of the mandate being maintained or the new proposal being studied. The Commission would thus be fulfilling its task.

M. GIRAUD approved the Chairman's suggestions in regard to the Commission's method of work, as also his conception of the Commission's rôle. It rested with the Council to take the decisions; but the Commission must give it as much light as possible on the problems arising and on the possible solutions.

Lord HAILEY proposed to limit himself entirely to the question of procedure put by the Chairman, and to avoid for the present any question that might be considered one of substance.

He agreed entirely with the Chairman's programme of procedure. In examining the annual reports for 1935 and 1936, however, the Commission would not merely be discharging its ordinary duty of examining annual reports of mandated territories: it would also be concerned to consider how far these reports threw any light or afforded any indications as to the main problem which would still remain to be dealt with—the problem, namely, of the existence of such incompatibility in the circumstances and ideals of the two main races in Palestine as to make a unitary government impossible.

That word "incompatibility" called for definition for the purposes of the Commission's enquiry. Incompatibilities, even apparently irreconcilable incompatibilities, existed almost everywhere, but the question in this case was whether the incompatibility was such as to make it impossible to form a government that would fulfil the ideal of the Covenant that these people "should ultimately stand alone"; in other words, were there such inherent circumstances as would make it impossible to give Palestine a unitary government that might eventually develop into responsible government? That was the aspect of incompatibility with which the Mandates Commission's enquiries were primarily concerned.

The Commission should not, he thought, attach too much importance to the precise recommendations—so far as they were precise—of the Royal Commission. If he was right, the United Kingdom Government itself regarded the whole of that element of the question as fluid. It was something of an embarrassment to some members of the Commission—possibly even to the United Kingdom Government itself—to be confronted with a map showing proposed lines of delimitation. If he interpreted aright the attitude of the United Kingdom Government, it was this, that incompatibility existed to such an extent as to make that form of government to which the mandate looked forward impossible in the future, and that a solution must be sought in preference by partition. But partition might take several forms; and the United Kingdom Government, as he understood it, was not at the moment bound to any one particular form of solution. All it seemed to ask was to have it recognised that there were circumstances which at all events justified further exploration of the alternatives in question. Those alternatives need not necessarily mean partition in the exact form proposed by the Royal Commission.

Accordingly, Lord Hailey suggested that while, in examining the accredited representative, it would be well to obtain all possible information from him on the particular form which the Royal Commission's recommendations had taken, it was well at the same time to recognise that these precise details were not of immediate importance. The Commission's present task was one of preliminary examination, and the real point for preliminary examination was (as the Chairman had said) the question whether the circumstances were or were not such as to make responsible government for Palestine impossible under the present system.

The CHAIRMAN asked Mlle. Dannevig if she agreed with the proposals he had made at the beginning of the meeting.

Mlle. DANNEVIG replied in the affirmative.

The CHAIRMAN accordingly noted that his colleagues were fully agreed on the definition of the Commission's task and on the general considerations with which it should supply the Council. He also noted that the members of the Commission were agreed on the order of importance of the questions which arose.

The Commission had before it a series of documents which Count de Penha Garcia had enumerated. In what order should they be examined? The Chairman recalled that he had suggested at the first meeting, that the Commission should examine the mandatory Power's annual report for 1935, in so far as circumstances had prevented this from being done at the twenty-ninth session, that it should next examine the annual report for 1936, then the Royal Commission's report, the petitions and, lastly, the mandatory Government's Statement of Policy.

The Chairman added that, at the next meeting, he would invite his colleagues to ask the accredited representative such questions as were considered useful to enable him to furnish explanations concerning his statement. Those questions would not commit the members of the Commission to any opinion regarding the substance of the problem.

M. RAPPARD agreed with the suggestions of the Chairman regarding the programme of work ; he did not think, however, that the Chairman intended that the documents should be examined one after the other in the order he had indicated. In M. Rappard's opinion, it was the questions which should be examined one after the other, in the light of the documents submitted to the Mandates Commission.

M. PALACIOS asked whether it was agreed that the Commission should examine the annual report for 1936, including those parts of the 1935 report which had been reserved, after which it would proceed to study the report of the Royal Commission. If that were the Commission's, intention, he thought that, for the examination of the latter report, the same order of chapters as that used by the Commission should be followed, or else a questionnaire should be drawn up, otherwise the discussion might become confused.

The CHAIRMAN admitted the justice of M. Rappard's remark : a guiding thread was necessary in a debate of this kind. He suggested that the 1936 report be taken as a basis for the examination.

Referring to M. Palacios' proposal concerning the preparation of a questionnaire, the Chairman suggested that M. Palacios should undertake that task.

*The Chairman's proposals were adopted.*

#### **Press Communiqué.**

In reply to a question by M. de Haller, the CHAIRMAN proposed that a sufficiently clear and explicit Press *communiqué* be drafted concerning the programme of work adopted by the Commission, it being agreed that the *communiqué* should contain a reservation regarding the possibility of modifying that programme.

*The Chairman's proposal was adopted.*

#### **Correction of the Minutes.**

M. DE HALLER reminded the Commission that M. Rappard had pointed out that it would be useful for the Council to have the Minutes of the present session before it met in September. He hoped it would be possible to meet that wish if the members of the Commission would be good enough to return their corrected texts within forty-eight hours.

The CHAIRMAN suggested that a decision be taken to the effect that the Secretariat should take into account only those corrections reaching it within the forty-eight hours following the distribution of the Minutes.

*The Chairman's proposal was adopted.*

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### FIFTH MEETING.

*Held on Monday, August 2nd, 1937, at 3.30 p.m.*

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#### **Palestine : General Statement by the Principal Accredited Representative (continuation) : Plan of Partition of the Territory (continuation) : Defence : Protection of Minorities : Holy Places.**

Mr. Ormsby-Gore, Mr. Hall and Mr. Martin came to the table of the Commission.

Mr. ORMSBY-GORE replied as follows to the Commission's questions regarding defence, minorities and the Holy Places.<sup>1</sup>

#### *Defence.*

Under any scheme of partition, we take the view that partition will have failed in its primary object if the political separation of the two races is not followed by some alleviation of their present mutual antagonism and the eventual development of more friendly relations between them.

Nevertheless, we recognise that there are, and, particularly in the early years, there will be, serious dangers of friction, and that, therefore, special safeguards must be devised to maintain peace between the proposed Jewish and Arab States.

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<sup>1</sup> See page 26.



I am sure that attempts to secure for either of the States an ideally defensible frontier from the purely military, or, should I say, the tactical military, point of view are not possible, wherever the line is drawn. One cannot find a watershed, a Pyrenees, or anything of that kind. Therefore, it is inevitable that any frontier which is drawn can be criticised from the point of view that, if one State is going to attack the other, whichever frontier is decided upon may be a difficult one to defend. But I very much doubt whether, once the two States are established, either of them will think any object worth the provoking of hostilities. Of course, if the Arabs were likely to be formidably armed, well-disciplined, with a considerable army of organised troops, and if the Jewish State had no army and no troops, the situation would be dangerous, but I do not think that is going to be the position.

Let me say in parenthesis what perhaps I should have said at an earlier stage. The Jews have not reacted with force against Arab aggression, not because they were incapable of reacting but from a deliberate policy of self-restraint; and all honour to them. During last year's disturbances, they, like the United Kingdom Government, taking the long view, did not wish to leave a long-running sore which would be the consequence of heavy casualties and mutual loss of life. They exercised most wonderful restraint. But remember what has been happening.

We cannot deny, and we see no reason to deny, that the Jews themselves have already organised what are called, I believe, in European parlance, para-military organisations—the *Hagana*. They have now organised a large number of their young men. Again, many of them have arms which have been brought in somehow; and, of course, the moment the Jews have a State of their own, they will have very good arms.

The idea that the Arabs would have an easy time if they attempted to violate the frontiers of the Jewish State, however they were defined, is one which I think we can regard as unlikely. On the other hand, I am sure that, knowing what we know of the Jews, they are not the least likely to organise physical aggression against the Arabs. But I agree that we cannot expect those considerations—considerations arrived at objectively by examining the situation as we know it—to be placed before the world, still less to satisfy the world. It is obvious that, at any rate for a period, the League will expect Great Britain, the former mandatory Power and the remaining mandatory Power, to retain forces in the country to guarantee whatever settlement is finally approved by the League. That is probably one of the points to be settled in the final stages of negotiations.

If precedents are required, there is, of course, the precedent of the Treaty of Alliance between the United Kingdom and Iraq, of June 30th, 1930, together with Annexure and Exchange of Notes. Article 3 of that Treaty reads: <sup>1</sup>

“Should any dispute between Iraq and a third State produce a situation which involves the risk of a rupture with that State, the High Contracting Parties will concert together with a view to the settlement of the said dispute by peaceful means in accordance with the provisions of the Covenant of the League of Nations and of any other international obligation which may be applicable to the case.”

Article 4 reads:

“Should, notwithstanding the provisions of Article 3 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of Article 9 below, immediately come to his aid in the capacity of an ally. In the event of an imminent menace of war, the High Contracting Parties will immediately concert together the necessary measures of defence. The aid of His Majesty the King of Iraq in the event of war or the imminent menace of war will consist in furnishing to His Britannic Majesty on Iraq territory all facilities and assistance in his power, including the use of railways, rivers, ports, aerodromes and means of communication.”

I will not read the further articles, but there are arrangements about air bases and the like. I am perfectly clear that similar provisions would have to be inserted in the treaties between the United Kingdom Government, the Jewish State and the Arab State. One naturally knows that this Commission first, and then the Council of the League, will examine those provisions and will not agree to them unless they are satisfied that proper provision is made. I do not think I need say anything more at this moment on the defence question unless I am asked further questions, except to give the opinion on this matter which was stated in Parliament by my colleague, the Secretary of State for Air, Viscount Swinton, replying to the debate in the House of Lords, in which the general defence question was raised. He said:

“Then I was asked specifically by Lord Strabolgi whether strategic considerations had been wholly lost sight of. The answer is: No. He put to me the question: Had they been considered? Certainly, and they were considered, appropriately, by our military

<sup>1</sup> For text, see *Treaty Series of the League of Nations*, Vol. CXXXII, page ff. 364.

advisers—I use that term in the largest sense—in all three services. These proposals were advised on by them and acceptable to them, provided, of course—and this would be essential to secure—that there are proper provisions which would appropriately be made in the treaties with the two countries. But they have laid stress, too, on this, and it is a consideration which even the layman can appreciate—the greatest security you can have is peace. If this is likely to bring peace, that is the greatest security which we can have in that land.”

It is clear that the military advisers in London were consulted and expressed that view.

### *Minorities.*

Let us examine for a moment the problem of minorities as it would present itself under any scheme of partition. I take it that the basic principle of any partition scheme would be to leave as few Jews as possible in the Arab State; indeed, even under the proposals of the Royal Commission, that seems to be the main basis upon which it has acted, and would, I believe, be the only possible basis on which a frontier could be drawn. But, however you draw that frontier, it is inevitable that there will be a large Arab minority in the Jewish State, and it is therefore politically wise, and indeed necessary, that special provisions should be made for the legitimate safeguarding of the interests of that minority. And again, on the other side, though an appreciable number of the Christians will be in the proposed British mandatory enclave, there will be, in the proposed Arab State, however you draw that frontier, a considerable number of Christians.

The Mandates Commission has, in the last few days, received an interesting and important document from the Arab Higher Committee, embodying the views of the Arab leaders in Palestine.<sup>1</sup> You will note that that document claims that, as against the Jews, the Arab Moslems and the Arab Christians are united; which is true. The moment partition is effected, and an overwhelming Moslem majority is formed in the proposed Arab State, the Christian minority in the Arab State will, I have little doubt, seek for special safeguards. In addition to the Arab minority in the proposed Jewish State and the Christian minority in the Arab State, you must remember that Palestine contains a considerable number of people who are neither Jew nor Arab. There are old-established German colonies, German Protestants who have lived there for a long time. There are scattered about the country, for example, religious foundations—not holy places but religious convents—missionary centres; there are some Greek colonies, there are Armenians, and among the non-Christians there are some Druse colonies; there is a complex of nationalities who will be in one State or the other.

Therefore, I grant that provisions for safeguarding minorities will have to be made over and above the ordinary provisions which are made in the ordinary minorities treaties operating under League auspices in many countries in Europe. The Mandates Commission will be aware that, on past occasions in public, both in Geneva and in London, I have taken the responsibility of criticising the adequacy of those provisions, and I fully realise that, in the conditions which obtained after the war in Europe, it was very difficult for the League to exercise more power for the protection of minorities than it did. I could have wished that it had had more power. I see no reason why, in the case of Palestine, we should be strictly limited to the kind of procedure which operates in those European States. The suggestion has often been made in regard to them that the League itself should have observers, because the protection of minorities should surely not mean the right merely to petition the League and to permit the minorities to bring their case before the League; should not mean merely safeguards to prevent religious or linguistic discrimination, or to protect schools and such institutions, or even to protect property. The essence, as I see it, of any ideal system for the protection of minorities is to have somebody on the spot who can act, or who can set in motion some form of action. It is a matter for the League, not for me, to decide, but certainly, in the early years, I see no reason why the experiment of League observers in both States should not be made. Again, in the past, the responsibility for the protection of minorities has been a responsibility placed by the League on the sovereign State concerned. Similarly, in Palestine, in the early years, it is a question as to whether the League, in view of the history of the past seventeen years in Palestine, would not require that, in the treaties between Great Britain and the Jewish State and the Arab State, there should be special provisions as regards minorities.

I do not think I ought to occupy the time of the Commission at this stage by pursuing suggestions which might be made in this matter, and I might here say that I do not do so because I am not asking at this session that you shall advise the Council of the League on all these questions of defence and minorities. What I ask is that you should advise the Council that, in the light of our experience and our knowledge of Palestine, a solution on the lines of partition should be explored as the best and most hopeful solution of what the mandatory Power is itself convinced is, in fact, a deadlock. I do not ask you to approve a scheme of partition, or to settle these questions of defence, minorities, etc. All I ask you is to recommend that the door should not be closed to a solution by partition. I ask you to open the door and

<sup>1</sup> Document C.P.M. 1922.



not to close it. I do not ask the Mandates Commission to commit itself finally, but to allow the mandatory Power to explore the solution which it thinks best in the circumstances, and to produce for the League in due course a more definite scheme for your later consideration.

In this connection, may I read the less controversial part of Lord Samuel's speech in the House of Lords. Lord Samuel of Mount Carmel is a very influential member of the Jewish community in England and was the first High Commissioner for Palestine. Speaking in the House of Lords the week before last, he said :

“ However, we are all of us much less interested in the past than in the present situation and in planning for the future. Whatever the causes may have been, whoever may have been to blame, I agree in the conclusion of the Commission that we have now reached a deadlock, and that we cannot go on as we are. I can see no reason why a British Government should engage in a policy of repression and coercion. It seems to me, as a Jew, a monstrous thing that we should be required to lock up a whole division of the Army in Palestine, with the possibility that in any world crisis we might have to lock up two or three divisions. Meantime, while the British Government are subjected to active and sometimes bitter criticisms from the Jewish side, they now find that they are alienating the whole Arab world and offending the Moslem world outside the Arab countries. Furthermore, they have been called upon, and at any moment may be called upon again, to sacrifice the lives of British soldiers and British policemen in order to maintain authority there.”

I mention that here because I do not want the Mandates Commission at this stage to commit itself to a detailed discussion of defence and minorities and I want, if I may, to urge you to consider whether, and how far, you are competent and able to encourage us to pursue the policy which we have put before you, or how far you feel it your duty to discourage us and tell us (and advise the League to that effect) that you wish us to drop the idea of partition and to explore other alternatives.

#### *Holy Places.*

I will be quite brief in my answer to M. Palacios on this subject. As I understand any scheme of partition, it will involve the conferring, not of a temporary mandate, but of a permanent mandate on Great Britain for the safeguarding of what are called the Holy Places. The term “ Holy Places ”, as I understand it, applies more particularly to the famous shrines in Jerusalem, Bethlehem and Nazareth which are predominantly Christian, but it also includes the *Haram-esh-Sharif*, a famous Mohammedan holy place and the Wailing Wall outside the Haram, a Jewish shrine for all time. I presume that the permanent mandate will contain either in the existing form or, if need be, in a strengthened form Article 13 of the existing mandate. As to the administration of the Holy Places, it has always been our aim—one in which we have been not unsuccessful, I think—to maintain the *status quo* ; that is to say, to maintain the existing rights of the various Christian denominations in the Christian Holy Places, of the Mohammedans in their Holy Places, and of the Jews in theirs. It is not an easy task, but nobody recognises more clearly than I do that it is a task which should be a sacred trust, as it quite rightly arouses the religious sentiments of the whole civilised world.

I entirely agree with the Royal Commission in its proposal that the Christian Holy Places in Jerusalem, Bethlehem and Nazareth should form part of the permanently mandated area, because, as can be seen from the Arab Higher Committee's document, the Arabs do not recognise that possibility but claim the right to manage the Christian Holy Places. That is a demand which I do not believe the Christian world will readily grant in view of what has happened ; on the contrary, I think it will demand that a Power like Great Britain should be responsible for maintaining the rights in the Holy Places of the various religious bodies and denominations of the Christian world.

#### **Palestine : Plan of Partition of the Territory (continuation) : General Review of the Situation on the Basis of the Documentary Material supplied by the United Kingdom Government and the Statements of the Accredited Representatives.**

DEFENCE : HOLY PLACES : TREATY OBLIGATIONS : JERUSALEM : NEGOTIATION OF TREATIES WITH THE NEW STATES : BALFOUR DECLARATION : EDUCATION AND SOCIAL SERVICES : QUESTION OF THE EMANCIPATION OF THE ARABS OF PALESTINE AND TRANS-JORDAN. QUESTION OF THE INTERPRETATION OF THE MANDATE CHARTER.

The CHAIRMAN recalled that the questions put to the accredited representatives were simply intended to enable the members of the Commission to obtain an exact idea of the manner in which the accredited representatives viewed the problem. It was understood that those questions could not be interpreted as an acquiescence in the solution which the mandatory Power might prefer.

M. RAPPARD wished to explain in what spirit he proposed to ask a question. He wished to ascertain how the mandatory Power considered one of the problems which must preoccupy everyone, but he would not like his question, which might seem to imply a certain criticism, to be interpreted as an attack on the scheme.

M. Rappard proposed to consider the matter of defence in the light of historical precedents and geographical analogies. Palestine, as envisaged by the mandatory Power, would be a tiny State. Such States already existed. There was the type of State which formed a demilitarised enclave in a friendly country, such as Monaco and San Marino. There were tiny principalities on the frontiers between two friendly States, such as Liechtenstein, Luxemburg and Andorra. There were also fortified bases such as Gibraltar and Aden. These were examples of minute territorial units surrounded by foreign countries.

Palestine was not surrounded by friendly countries like the first group. On the contrary, it would be born, according to the scheme suggested, of the acute hostility between Palestine and its future neighbours—the Arab world. On the other hand, Palestine was not suited, either by its situation or its special configuration, to become a fortified State like Gibraltar. For that reason, the Commission felt some concern about the situation, a concern doubtless shared by the mandatory Power, and it wondered how those difficulties could be overcome.

The accredited representative had said that, if the relations between Palestine and the Arab hinterland did not become friendly, the scheme would have proved a failure. That was a very serious matter, because it was not quite clear how those relations could be expected to become friendly. It would be a relief to think that they would become even tolerable. It was serious also because, if the scheme now proposed proved a failure, it would doubtless be impossible to revert to the previous situation. Without wishing to adopt any particular attitude, M. Rappard simply expressed to the accredited representative the misgivings which the plan, as outlined, obviously suggested.

Mr. ORMSBY-GORE replied that M. Rappard's question necessarily raised the problem whether, as a result of the partition and of the clean cut thus made, the major animosity and fear of the Arab world would be allayed. There was to-day undoubtedly a fear that the Jews would overrun the whole of Palestine and, in the course of time, would become a majority in the country as a whole. The Arabs, having been denied the self-government which they now demanded, feared that the British would give the Jews self-government throughout Palestine and then disappear. Apart from their fear that their civilisation and their civil and religious rights would be swamped by a Jewish majority, another major fear, which pervaded the whole Moslem world, was that, if the Jews obtained a majority throughout Palestine, they would set up a Jewish State and gain control of the *Haram-esh-Sharif*, which was the third holiest place in Islam. It was impossible to overlook the fact that the *Haram-esh-Sharif*, which had been in Arab hands for 1,300 years since the original Arab conquest (apart from the few years during which the Crusaders acquired it and turned its great mosques into Christian churches) stood on the site of the old Jewish temple. Although the Zionists might deny it, the Arabs could not be persuaded that the aim of the Jews was not to destroy the two famous Arab mosques together with the *Haram-esh-Sharif*, and rebuild the Temple on that site. The prayers repeated every week by the Jews at the Wailing Wall outside encouraged them in that belief.

That was mainly why there was some reason to hope that, under a scheme of partition on the general lines proposed, the major fears of the Arabs would be diminished.

Next, the whole position was now uncertain. The Arabs, rightly or wrongly, were fired by patriotism and nationalism, particularly the youth of Palestine coming from the Arab schools. They had a perfervid nationalism and, in spite of their knowledge of and fear of Jewish influence in the outside world, they believed, he thought wrongly, that, if they sacrificed their lives and their prosperity in ruinous general strikes and the like, they would convince the world that they were fighting for their survival as natives of the country and that world sentiment would support them, seeing not only the Jewish side but also the Arab side of the question.

If not only Great Britain but the Powers of the world finally decided on this scheme, and the League of Nations gave Great Britain support for it, the Arabs would face the finality that there was nothing more to be gained. They had resisted the temporary mandate ever since it started, mildly at first but more and more vigorously later and with increasing support from the outside Arab world. If the situation were finally cleared up on the basis outlined, it might be hoped that the old pre-war relations between the Jews and the Moslem world would be restored.

M. Rappard in his question had referred to States like Monaco, Liechtenstein, etc. But that was an exaggerated comparison. Palestine was a small country, but at least it would start with just over 600,000 inhabitants and, if the Jews got their independent State, there would be intensive Jewish immigration. Again, it was wrong to apply European analogies to Palestine. The military power and organising capacity of even small States in Europe was probably greater than that of any one Arab State. British experience had been that Arabs excelled in guerilla warfare conducted by small bodies of men. Even during the war, when British officers were trying to organise with the help of Colonel Lawrence the Arab forces which helped to turn out the Turks and which made the great dash to Damascus through

Trans-Jordania, it was an extremely uphill task to organise units of any considerable size, even when provided with British arms. Experience had shown that in Palestine the young villagers were very anxious to go out to fight but that they never assembled in large bands. Even the largest groups were mere handfuls.

Consequently, Mr. Ormsby-Gore did not believe that the danger to the small Jewish State of an actual invasion by large numbers of Arabs was one which might arise and, to be quite frank, the Arabs would know that, if the League agreed, Great Britain would maintain, in the Jerusalem area, substantial British forces. Such an action as an invasion of the allied State would be a breach of the Arab treaty with the United Kingdom and would bring into force the Treaty of Alliance with the Jewish State. The Royal Commission referred to the exchange of populations which took place after the Græco-Turkish War of 1922 as an illustration of the transference of populations, but, apart from that, the Royal Commission's final phrase on the matter was (paragraph 40, page 390) :

“ But the courage of the Greek and Turkish statesmen concerned has been justified by the result. Before the operation, the Greek and Turkish minorities had been a constant irritant. Now the ulcer has been clean cut out and Græco-Turkish relations, we understand, are friendlier than they have ever been before.”

The question was : Were responsible statesmen justified in taking not a pessimistic view, not the most optimistic view, but a reasonably optimistic view ? He maintained that they were.

M. PALACIOS thanked Mr. Ormsby-Gore for the explanations he had just given on the protection of the Holy Places, but he would like to revert to the question.

Mr. Ormsby-Gore had confirmed what the Royal Commission's report appeared to convey, and even what it did not, for he had spoken only of Article 13 of the mandate, making no mention of Article 14. Article 14 was, however, expressly referred to in Article 28, which provided for the termination of the mandate. Article 28 read as follows :

“ In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14 . . . .”

Article 14 did not relate only, as did Article 13, to the maintenance of peace in relations of a religious nature connected with the Holy Places, but it involved the direct participation of the religious communities concerned in the definition and determination of their own rights and claims :

“ *Article 14.* — A special commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine . . . .”

The mandatory Power had endeavoured to comply with this provision of the mandate by means of Lord Balfour's report to the Council of October 4th, 1922. Lord Balfour had fully recognised the special character of this part of the mandate ; at the beginning of his speech he had said :<sup>1</sup>

“ The question of the Holy Places stands quite apart from the ordinary duties of the mandatory Power and from the political questions bound up with the problem of the Home of the Jewish People.”

The mandatory Power had not succeeded in setting up the special commission, through no fault of its own, it was true, but because the Powers interested in the representation on the Commission for the Holy Places had not come to an agreement at the time the proposal had been made and perhaps not even later. The question was still open, however, as regarded the execution of the obligations stipulated in Article 14. When the mandatory Power had asked the Mandates Commission to appoint an *ad hoc* commission to enquire into the Wailing Wall disturbances in November 1929, the Mandates Commission had not considered that such a commission could be set up under Article 14. The Council had only permitted it under Article 13. The question which M. Palacios wished to ask was therefore as follows :

As the article which provided for the termination of the mandate expressly mentioned Article 14, and as Article 14 not only provided for religious peace but also implied that each religious community should be able to participate in the definition and determination of all relevant religious questions, would the mandatory Power—if it obtained, as it proposed, a permanent mandate for the Holy Places—give effect to the stipulations in Article 14, or did it propose to consider the question as settled and to pass over the obligations of that article ?

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<sup>1</sup> See *Official Journal*, November 1922, page 1150.

Mr. ORMSBY-GORE saw no reason why the matter should be abandoned once and for all. It had been allowed to drop, at any rate for the time being, with the full knowledge, he believed, of the Mandates Commission and of the Council of the League; but if the Council of the League desired in the modified mandate to retain Article 14, as well as Article 13, Great Britain would have no objection. It depended entirely on whether the various religious communities, and in particular the various Christian communities, were prepared to co-operate in serving on a special commission to deal with the various problems that arose out of the Armenian, Coptic, Orthodox, Maronite, Catholic and other rites in particular Holy Places.

M. PALACIOS understood from Mr. Ormsby-Gore's explanations that the question remained open; there were, in fact, so many interests at stake that it would be very difficult to take a decision immediately. It was clear that, the question had not been put on one side with the consent of the Mandates Commission.

The CHAIRMAN confirmed that, while Article 14 had remained inoperative, the Mandates Commission had not, so far as he remembered, taken any decision on the question.

M. VAN ASBECK wished to put a supplementary question arising out of the statement made by the accredited representative at an earlier meeting<sup>1</sup> and embodied in paragraph 4 of the Statement of Policy, to the effect that the United Kingdom Government proposed to take certain steps "having regard to their existing treaty obligations not only under the Covenant of the League of Nations and other international instruments". What were the other international instruments?

Mr. ORMSBY-GORE thought that this was a general phrase inserted to cover engagements which the mandatory Power had entered into with various countries regarding trade and commerce, which would all have to be examined in the light of any change made, and also to cover the United States of America. There was a Convention between the United Kingdom and the United States dated 1924, referred to at the beginning of the Royal Commission's report, which was an international engagement between the United Kingdom and the United States in regard to Palestine. When the League had expressed its view, and further progress had been made, it was quite clear that the Convention in question might require modification in the light of any new or changed obligations *vis-à-vis* the League, and of the treaties between the United Kingdom and the two independent States: in inserting those words, the Government had, he thought, particularly in mind the Convention with the United States, but inevitably there were other international instruments, not necessarily of a major kind, which would have to be examined and covered.

M. VAN ASBECK understood that there had so far been no preliminary consultation with the United States Government.

Mr. ORMSBY-GORE replied that the United States Government had officially been supplied with a copy of the Royal Commission's report and the Statement of Policy. The United Kingdom Government was a Mandatory on behalf of the League and therefore the first step was with the League rather than with the United States Government. When the League's attitude to this whole policy was made clearer, it would be necessary for the United Kingdom and United States Governments to confer.

M. VAN ASBECK concluded that, from a juridical standpoint, after the matter had passed through all the stages of League procedure, it might conceivably be dropped because of the veto of the United States.

Mr. ORMSBY-GORE thought that, as the essence of the Convention between the United States and the United Kingdom was a recital of the mandate, if the mandate were changed in any way, it was unlikely that the United States Government would wish to insist on a Convention which recited the old mandate and not the new.

M. VAN ASBECK said that the question of the jurisdiction in foreign affairs of the newly-created States seemed to arise in this connection.

Mr. ORMSBY-GORE agreed. He explained that the status in this matter of the United States, apart from the Convention in question, was somewhat different from that of the Allied Powers. The United States of America was never, during the great war, at war with Turkey, though it was at war with Germany. When the Mandatories were selected, the mandatory Powers for the former German territories were selected by the principal Allied and Associated Powers, which included the United States, but he believed it to be an historical

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<sup>1</sup> See page 14.

fact that, when the mandate for Palestine was conferred upon Great Britain, it was actually conferred, not by the principal Allied and Associated Powers, but by the principal Allied Powers alone.

M. RAPPARD pointed out that there was an American note concerning Iraq in which it was stated that, as the United States had contributed to the common victory, it possessed certain rights in this matter.

M. VAN ASBECK said that the accredited representative had stressed the difficulties inherent in the Jewish claim that Jerusalem should be included in the proposed Jewish State. In order to obtain a clear idea of those difficulties, it would be extremely useful to have a map or plan showing the municipal area of Jerusalem—the old town and the new town.

Mr. ORMSBY-GORE confessed that so far the question had not been examined in detail. The matter had been raised by the Jews only since the publication of the Royal Commission's report, and before he could express any considered opinion on the point, it would be necessary to make a careful examination of the most up-to-date map showing the distribution in and around Jerusalem of the various sections of the population. Even the old map which he had before him showed that the new Jerusalem and the old Jerusalem were a continuous town, and could not easily be divided. The sentiment inspiring the Jewish desire was comprehensible, and obviously the possibility of satisfying it should be explored, but he would not like at the present stage to say himself, or to ask the Mandates Commission to say, how exactly it could be satisfied.

M. VAN ASBECK gathered from the accredited representative's remarks that he was not awaiting an opinion on the point.

COUNT DE PENHA GARCIA noted, in the first place, that in the event of a partition there would be an Arab State and a Jewish State. But what would become of the name of Palestine? Geographically, that term had a definite meaning. Would it be kept by the Jewish State or the Arab State? What names would be given to those two States?

Mr. ORMSBY-GORE proposed to give the Commission his own ideas on the subject. The Jewish State would wish to be known, not as Palestine, but as *Eretz Israel*. He could not say whether the Arabs would like the name Falastin in memory of another small minority which exercised great power in that country in the early days of Jewish history. More probably they would wish to call their country Southern Syria. He himself would like Great Britain to retain the name Palestine for the other part. He envisaged three kinds of postage stamps—*Eretz Israel*, with its crossed triangles, for the Jewish State; Southern Syria, possibly with the portrait of the Emir or King, or whoever was the head of the Arab State; and for the Permanent Mandated Area, if it was to be permanent, he frankly would like stamps bearing the head of King George VI, and the name Palestine.

COUNT DE PENHA GARCIA pointed out, in the second place, that the Mandates Commission was faced by a position which was not very clearly defined. There was a mandate which had not ceased to exist. It was said that that mandate, in its present form, would disappear, but would be replaced by a fresh mandate. He concluded that it was for the League of Nations alone to lay down the rules which would govern that fresh mandate. Was that the intention of the mandatory Power?

Mr. ORMSBY-GORE said that the word "new" was not a term of art. In his view, the Council of the League had power to terminate or modify a mandate, but not necessarily to grant a new mandate. As he saw it, the proposal was to terminate the mandate in respect of the greater part of Palestine and to continue the mandate, with modifications, in respect of the remaining part. In effect, the status of Great Britain as mandatory Power would be continuous; it would not be a case of terminating the whole mandate and starting again, thus raising the question of the Principal Allied Powers, etc. The League was fully competent to modify the mandate in respect of the proposed British area, and to terminate the mandate in respect of the other two. The juridical situation, he thought, was clear.

COUNT DE PENHA GARCIA, in the third place, desired to put a question regarding the system of treaties. According to Mr. Ormsby-Gore's statements, he had understood that the treaties in question would be instruments on the model of the Anglo-Iraqi Treaty in a more or less modified form. Treaties of alliance would be negotiated, on the one hand, with the Government of Trans-Jordan and the representatives of the Arabs of Palestine and, on the other hand, with the Zionist organisation. That the Government of Trans-Jordan could be recognised as a power he understood, but the position was not the same in the case of the representatives of the Arabs of Palestine or the Zionist organisation. Could they be given legal powers to negotiate treaties?

Mr. ORMSBY-GORE pointed out that treaties could only be concluded with a Government. There was no Jewish Government at present, and no Government representing both Trans-Jordan and the Arabs in the proposed Arab area in Palestine. Therefore, it would be necessary to create quite informally provisional bodies to enter into provisional agreements; but there could be no treaties until they became States. As regarded the Zionist organisation, he thought that the more suitable body with which to begin negotiations on the Jewish side was not the Zionist Organisation, but the Jewish Agency, the official body recognised under the mandate at present as representing the Jews. The Jewish Agency included, not only the Zionist Organisation, but other Jews, and was the more comprehensive body. He did not know whether the Royal Commission had overlooked that fact, but as it was clear that in the existing mandate the Jewish Agency was the appropriate body, it was with the Jewish Agency that negotiations should first be opened. He repeated that there could be no question of a treaty until the States were actually created and the Governments actually functioning.

Count DE PENHA GARCIA thought that that would clearly involve a change in the personal status of Palestinians. Did the mandatory Power believe that it would be useful or desirable to undertake some form of consultation of the population affected?

Mr. ORMSBY-GORE said that obviously no negotiations could be conducted with a million and a quarter people, but only with their representatives. It was not easy, when there was no voting or similar system, to select those representatives, and they must be purely provisional. The negotiations would have to be conducted with such people as could be found to negotiate with, and as, in the Mandatory's opinion, represented a nucleus of a provisional Government of the area eventually to become a State. Obviously the matter was not an easy one, especially in the early stages, but that the difficulties could be overcome he saw no reason to doubt.

Count DE PENHA GARCIA explained that he had put that question because reference was often made to the right of self-determination. Since the present stage was only a preliminary one, did the mandatory Power consider it necessary to obtain an opinion from the population by way of a referendum, for example, as in Switzerland? It might possibly be replied that the population was not competent to take part in such a consultation; but that would merely prove that the population was perhaps also unfit to be given the status of an independent country?

Mr. ORMSBY-GORE felt that Count de Penha Garcia was rather trying to put him on the horns of a dilemma. There was no voters roll and no register of the persons who would be entitled to vote under a referendum. He would hesitate to commit himself to holding a referendum.

M. PALACIOS asked for a further explanation in connection with the Balfour Declaration and the Jewish Agency. Did the mandatory Power propose to liquidate the whole question of the Balfour Declaration—which spoke only of a National Home—by setting up a Jewish State? If the solution contemplated by the mandatory Power were put into effect, would the Jewish National Home be preserved within the portion of territory remaining under British mandate? Or would the question of the Jewish National Home, and perhaps also that of the Jewish Agency, disappear finally?

Mr. ORMSBY-GORE understood that the creation of the proposed Jewish National State would terminate the Balfour Declaration, and the Balfour Declaration, after the partition, would cease to be operative. That did not mean, however, that no Jews would be allowed to live in the British mandated area. They could of course do so, but there would be no obligation on the mandatory Power specially to facilitate Jewish more than other immigration.

Mlle. DANNEVIG had noted the accredited representative's remark that the mandatory Power had been unable to convince the Arabs that the Jews would not ultimately be permitted to pull down the Arab mosque and build up their own temple in its place and that the Arabs were afraid that the Jews would swamp their Arab civilisation. Did the Arab leaders refuse to believe the mandatory Power when they were told that it would be made impossible for the Jews to pull down the Arab mosque and replace it by a new Jewish temple, even if at some future time they might wish to do so, seeing that the mandate provided for further protection of the Holy Places in case the present mandate should come to an end?

Secondly, which Arab civilisation did the Arabs fear would be swamped—was it the Arab civilisation in Palestine? Or did they imagine the possibility of the Jews interfering with the civilisation of the other Arab countries such as Iraq, Syria, etc.?

Lastly, she would ask the accredited representative what considerations there were besides the Arab revolt which had caused the mandatory Power to consider the present relations between Arabs and Jews as an irremediable deadlock. What was a deadlock? In the histories of many nations, had there not been situations which had seemed irreparable, but which had been solved in the course of time? The accredited representative had called fifteen years a long time. In the history of a nation it seemed to her a short time. The mandatory



Government seemed to have changed its opinion entirely in the course of some months. Former reports had always been optimistic, saying that the differences between Arabs and Jews could and would be solved. Now, suddenly, it was asserted that no solution could be found except by partition. Was not that too pessimistic a view ?

Mr. ORMSBY-GORE had really very little to add to his earlier reply regarding the Arabs' fears about their Holy Places. The Royal Commission's report showed that they expressed to the Commission their fears for their Holy Places. The United Kingdom Government had often pointed to Articles 13 and 14 of the mandate and done its best to convince them on that point but without success.

As to Arab civilisation, possibly "civilisation" was not the right word. The Arab way of life was oriental and the Jewish way of life was occidental, it was European. The Arabs in Palestine demanded as their natural right to be allowed to live their own lives in their own way and not to be gradually compelled to adopt a civilisation and manner of life like that of the Jews or English. They wished to be allowed to live a life like that of the Arabs in Syria.

Mlle. Dannevig had asked why the mandatory Power was now pessimistic after having tried to be optimistic before ? The whole report of the Royal Commission, and Chapter XX in particular, contained the reply to that question. He had no other answer to offer except to say that in his belief the situation had now become a deadlock, that in the course of years the aims of the two peoples had become irreconcilable and that a new solution must be found. If the mandatory Power were forced back on the mandate as it stood to-day, there was nothing to look forward to but a series of troubles and stresses which would imperil not only its relations with both Jews and Arabs but would for many years embitter the relations between the Jews and the Moslem world. That was his sincere conviction. He firmly believe that all possible alternatives essentially involved (1) the drastic restriction of Jewish immigration and repression of the Arabs, and (2) the elimination from Article 2 of the mandate of all prospect of self-government.

On the question whether there was any reason to suppose that the Arabs would be any more reassured regarding their Holy Places under the partition scheme, he emphatically believed that their fears would be removed (1) because there would be a territorial limit to the Jewish State and no prospect that the Jewish State would ever control those Holy Places ; (2) instead of the temporary A mandate involving self-government on its eventual termination, a perpetual mandate would be conferred on Great Britain for the safeguarding of the Holy Places. That would make all the difference ; the Arabs feared the future as much as they disliked the present.

Mlle. DANNEVIG asked the accredited representative how he thought the partition scheme would affect the future position of women and children. Would the educational openings for Arab children and for future Jewish child immigrants into Palestine be the same as under the mandate ? Further, would the social and other improvements enjoyed by women and their families during the mandate continue after the partition scheme came into operation ? Or, would those conditions, instead of improving, deteriorate for economic reasons as regards those women and children who, at present, had no opportunity of making themselves heard ?

Mr. ORMSBY-GORE assured Mlle. Dannevig that the women of Palestine were certainly able to make their opinions known. He had received more telegrams from Arab women protesting against the so-called "pro-Jewish policy" than from Arab men. The Arab women were very vocal and took a tremendous interest in the struggle now going on.

As for their future prospects, he had no reason to suppose that partition would diminish social or educational services either in Jewish or in Arab Palestine, rather the contrary. When the mandate for Iraq terminated, there was a very significant expansion of educational services for both girls and boys. The Arabs, realising that compared with the Jews and with European standards they were a backward race, insistently demanded more and more education. Admittedly, they wanted it to be on nationalist lines, but they were continually asking for more money to be spent on their education. The money, however, was not available, and the longer the present acute friction continued the less money there would be for social services and education and the more would have to be spent on defence and on increased British personnel and police. Further, the number of Palestinians, both Jews and Arabs, in the Administration would have to be decreased and the Administration made more solidly British. That was inevitable. If the mandate continued, there would be a big setback in social progress, whereas under partition he believed that both States would make a great step in the direction of social progress, because the whole interest of the community would be concentrated on better development and not on continual friction both with the mandatory

Power and with each other. In the matter of education, much ground was lost last year and a number of schools had to be closed. Undoubtedly, some of the most ardent Arab nationalists were school-masters, and two Arab school-masters had, in the interests of public order, to be kept under preventive detention in Sarafand concentration camp.

In conclusion, Mr. Ormsby-Gore hoped that both States, when they became sovereign, would send their representatives every year to Geneva, and that the lady members of the Fifth Committee of the Assembly would have something to say if either State fell behind the standards which they desired to see the League of Nations take a lead in setting.

Mlle. DANNEVIG took note of the assurances of the accredited representative that there would be sufficient money to maintain social and educational services in both States also after the fulfilment of the partition scheme.

M. SAKENOBE wished to clear up two points. In his statement at the second meeting<sup>1</sup>, Mr. Ormsby-Gore had said :

“ As I understand the mandate, the Palestine mandate is an A mandate. The essence of that is that it marks a transitory period, with the aim and object of leading the mandated territory to become an independent self-governing State. Indeed, the articles of the mandate make it clear that that is so.”

Did the accredited representative mean to say that Palestine should be treated more or less on the same lines as Iraq and Syria, because they were under A mandates, although he noted that there was a distinct difference between the provisions of the Syria and Iraq mandates on the one hand and that of Palestine on the other ? Further, which were the articles of the mandate which “ make it clear that that is so ” ?

Mr. ORMSBY-GORE was very glad that this important point had been raised, as it played a great part in the political controversy at present being waged in Palestine. The Preamble of the mandate opened with the words :

“ The Council of the League of Nations :

“ Whereas the principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory . . . the administration of the territory of Palestine, which formerly belonged to the Turkish Empire . . . ”

Paragraph 4 of Article 22 of the Covenant read :

“ Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone . . . ”

The final articles of the mandate, 27 and 28, clearly implied that the mandate was not for all time. It was expressly stated that when the mandate terminated, special provision must be made for the Holy Places. In fact, in the famous Fourteen Points of President Wilson, it was definitely stated that the former Turkish possessions were in a different category and were to be recognised as due to evolve into autonomous States. The exact words were :

“ The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development.”

From the very beginning, it was always contemplated that the mandate for Palestine, with its provisions for developing self-government, would lead to a self-governing State emerging on the termination of the mandate. That was implicit in the Covenant of the League of Nations, and, unless that was the intention, there would be a conflict between the article in the Covenant and the mandate as drafted ; the only justification for the mandate as drafted was that it would lead to Palestine becoming an independent State as contemplated in Article 22 of the Covenant.

M. SAKENOBE noted the views of the mandatory Power on this question, though he regretted to be in complete disaccord with the interpretation given. He reserved his opinion for the moment.

M. RAPPARD had, at the morning meeting, drawn attention to a reference in the accredited representative's first statement to “ some scheme for the better government of Palestine in accordance with the spirit of the Covenant of the League, of the Balfour Declaration, the good of all sections of those world-wide international interests in the Holy Land,” and had not been

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<sup>1</sup> See page 17.



very deferential in his characterisation of the words "in accordance with the spirit of the Covenant". It had, however, been suggested that reference had, doubtless, been made there to the fourth paragraph of Article 22, which, in M. Rappard's view, was extremely important. As he now understood it, the task of the Commission as envisaged by the mandatory Power was this : the Commission was called upon, not to verify, or not only to verify, whether the mandate had been applied, but to note the desire of the mandatory Power to find a solution different from that of the mandate, but inspired by the same principles on which the mandate itself was based—another way of implementing the fundamental promises embodied in the Covenant and in the Balfour Declaration. Was that a fair statement of the matter ?

Mr. ORMSBY-GORE agreed entirely with M. Rappard's interpretation.

M. SAKENOBE wished to ask a question about the independence of Trans-Jordan and the Arab part of Palestine. It was said that the Arabs in Palestine were pressing for independence and that the United Kingdom Government, after considering all the aspects of the situation in Palestine, had come to the conclusion that the Arabs should have independence. Was the mandatory Power satisfied that Trans-Jordan and the Arab part of Palestine were capable of being independent ?

Mr. ORMSBY-GORE pointed out that the Royal Commission said so. The United Kingdom Government's view was that they were as capable of being independent as Syria, Iraq, Sa'udi Arabia or any other part of the Arab world.

The CHAIRMAN proposed to ask the accredited representative at a convenient moment to explain the reasons for that view.

M. VAN ASBECK thought that the Commission might return later to the question of the exact meaning of paragraph 4 of Article 22 of the Covenant.

#### **Palestine and Trans-Jordan : Programme of Work : Communication by the Chairman.**

The CHAIRMAN made the following communication to the accredited representatives :

At this morning's meeting, the Commission decided on its method of work. After a thorough examination, it came to the conclusion that the only method which would enable it to fulfil its task was to take the annual report for 1936 as the basis of an examination of the problem, it being understood that, as the Commission proceeded to examine the various aspects of the situation, it would take into account the relevant information and suggestions contained in the 1935 report and in the report of the Royal Commission.

The Commission would be sorry if that decision interfered with the personal convenience of the first accredited representative, but it hoped that the latter would realise that the method adopted was necessary, as any other would inevitably lead to lack of system in the discussions, and consequently, to confusion.

The Chairman therefore hoped that the first accredited representative would be able to reconcile his personal convenience with the needs of the Commission.

In those circumstances, the examination of the 1936 report would be begun at the next meeting.

Mr. ORMSBY-GORE appreciated the remarks of the Chairman and was, of course, ready to fall in with the desires of the Commission. Mr. Hall was present as the accredited representative for the discussion of the reports for 1935 and 1936, and would deal with questions concerning those reports, but on questions involving future policy, he himself might intervene.

As regarded his own future course of action, Mr. Ormsby-Gore contemplated leaving Geneva after Thursday ; but was prepared to return, if so desired, when the Commission was coming to final conclusions. Mr. Hall, who knew his mind on these matters, would remain in Geneva throughout and would always be able to communicate with him.

The CHAIRMAN replied that it was for Mr. Ormsby-Gore to judge whether his presence was necessary from the point of view of the interests which he represented.

#### **Palestine : Communication to the Mandates Commission of the Text of the Evidence given before the Royal Commission.**

The CHAIRMAN asked whether the accredited representative could say when the text of the evidence given before the Royal Commission would be available for the Mandates Commission.

Mr. ORMSBY-GORE understood from Mr. Martin that the final proofs had gone to the printer, and that the document might be available by the end of the week.

## SIXTH MEETING.

*Held on Tuesday, August 3rd, 1937, at 10.30 a.m.*

### **Palestine : Examination of the Annual Reports for 1935 and 1936 : Disturbances of 1936.**

Mr. Ormsby-Gore, Mr. Hall and Mr. Martin came to the table of the Commission.

The CHAIRMAN recalled that, in considering the annual report for 1936, reference might be made to any passages in the report for 1935 or in the report of the Royal Commission relating to the same subject. Similarly, reference might be made to certain points brought forward in petitions, which had been submitted to the Commission in the regular course.

#### FORM OF ANNUAL REPORT FOR 1936.

The CHAIRMAN pointed out that the form of the report for 1936 was slightly different from that of other reports to which the members were accustomed, because it included a long introduction dealing with the disturbances. There was no Rapporteur for that part of the report, so that it was permissible for all the members of the Commission indiscriminately to ask questions.

#### PLAN OF PARTITION OF THE TERRITORY : 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 CHAIRMAN, referring to a point raised by M. Sakenobe concerning the maturity of the two States which it was proposed to set up, the Chairman drew the accredited representative's attention to the report of the Mandates Commission to the Council in 1931,<sup>1</sup> in which the Commission outlined the general conditions precedent to the termination of a mandate. The conclusions of that report had been adopted by the Council.

#### DISTURBANCES IN PALESTINE DURING 1936 : TERMS OF REFERENCE OF THE ROYAL COMMISSION.

Count DE PENHA GARCIA remarked that the accredited representative's statement on the very regrettable events in Palestine during a relatively lengthy period could be taken as a whole for discussion or it could be taken in detail.

He proposed to take it as a whole, and he would be glad to hear from the accredited representative what he had to say in regard to the first impression which the statement inevitably made. The disturbances began in a somewhat curious way. Side by side with sporadic disturbances, there was a movement directed by responsible Arabs against the Jews and more strongly against the mandatory Power. That was serious, because it meant that the Arab Higher Committee was taking up an attitude of actual rebellion against the mandatory Power. There were two factors, he thought, which were at work ; and they were not equally serious. On the one hand there was the conflict between the Arabs and the Jews : that was not new, and the Mandates Commission had had occasion more than once to consider sporadic incidents in that connection. On the other hand there was a concerted movement on a large scale, directed against the authority of the mandatory Power itself as well as against the Jews.

When the details of the events in question were considered, one was somewhat surprised to see how long the mandatory Power waited before taking the necessary measures to suppress a movement which had assumed the dimensions of a real rebellion and could not be treated as a mere series of disturbances. It might be said, no doubt, that it was desired to try milder measures first : but the fact remained that the Mandatory was faced with a real rebellion, and for months took none of the steps which should have been taken, and later were taken, to suppress it. A day or two earlier, Mr. Ormsby-Gore had explained the Jewish attitude at the time. The Jews were unwilling to organise their own defence, as it would have been natural and legitimate for them to do. They called upon the mandatory Power to do its duty. Later, the mandatory Power thought fit to make some use of the Jews in the suppression of the movement.

Count de Penha Garcia would like to know what were the reasons for that weakness or, if it were not weakness, that lack of resolution and authority in the immediate suppression of what was nothing less than rebellion.

Mr. HALL, in reply, said it was perfectly true that the movement of disturbance in Palestine was directed both against the mandatory Power and the local Palestine Government and against the Jews. It was directed primarily against the mandatory Power because, in the

<sup>1</sup> See Minutes of the Twentieth Session of the Commission, pages 228 and 229.

minds of the Arabs, the mandatory Power was associated with the policy of facilitating a Jewish national home—which the Arabs regarded, wrongly, as a pro-Jewish and anti-Arab policy. To say that it was a concerted movement against the mandatory Power in the sense of having occurred in accordance with a pre-arranged plan, was, he thought, quite incorrect. It was a spontaneous movement. One must remember that, at the time the outbreak occurred—it broke out in Jaffa—the Arab leaders were negotiating with the High Commissioner about the despatch of a delegation to London to discuss the question of the Legislative Council and the questions of immigration and land. Previous to that discussion, it was true, there had been much bitterness and excitement among the Arabs as a result of the debates in the House of Commons, from which the Arabs gathered that the project of a Legislative Council would be abandoned, and they deduced—again wrongly—that it would be abandoned because of Jewish pressure on Members of Parliament and on Ministers in London. There was very great bitterness in consequence. It was argued that the Jews could put their case, while the Arabs had no such opportunity. Then the suggestion was made to the Arab leaders that they themselves should send a deputation to London to see the Secretary of State and to have an opportunity of talking to leading statesmen in London. That proposal was put forward at a meeting between Arab leaders and the High Commissioner and was accepted unanimously by the Arabs.

At that date, which was shortly before the disturbances, the principal immediate interest of Arab leaders was to secure the representation of their party on the delegation. Also the question of finance was being very closely discussed. The suggestion of a delegation, in short, had produced an immediate political *détente*; there was no doubt about that. Before that suggestion was made, there had been great anger. The anger had in some measure subsided; and at that time, though he could not say there was any friendly feeling towards the Mandatory, there was a lively interest in the formation of the delegation. It had to some extent taken the place of the debates in Parliament in people's minds, although the rancour aroused by those debates still remained; and there was at that moment no particular reason to apprehend any immediate outbreak of serious trouble on the part of the Arabs. Of course, in Palestine at any moment there might be serious trouble; a spark in Palestine was liable to kindle a large conflagration.

Then had occurred that disastrous chain of events at Jaffa. Even then there was no real organisation of uprising in Palestine. That developed very much later. At first the movement was spontaneous and formless. The initial demand for a general strike did not come from the leaders; it came from a committee hastily formed in Nablus. That proposal had an echo throughout Palestine. Other similar committees sprang into existence. The Arab Higher Committee did not come into being until five or six days later; it was thrown up by the movement. The movement was taken up by all Arabs, some, a small minority, supplementing it by acts of violence. From the beginning—that was to say, before the Arab Higher Committee was set up or leading Arabs were consulted, the suggestion was made that the general strike that had been spontaneously declared should continue until there was evidence of a change in the policy of the Mandatory in the shape of a stoppage of immigration.

The spontaneous demand that was made by all the Committees, even before it was sponsored by the Arab Higher Committee, when that was set up, was for the immediate stoppage of immigration. To understand that demand fully, one must look back into history. The Arabs had observed that Sir Herbert Samuel stopped immigration after the outbreak in 1921, and thought that he had done so as a result of the outbreak. Again, after the outbreak in 1929, immigration was so drastically limited as to be practically stopped. The Arabs thought that this time also the mandatory Power would fall in with their demand. They did not know that the mandatory Power had other intentions, and that in fact there was a fixed determination on the part of the mandatory Power *not* to stop immigration as a consequence of the disturbances.

Consequently, the Arabs were in a dilemma and could not get out of it. Throughout the disturbances, moderate Arabs tried to find a bridge over which they could retreat. Eventually they found a way out in the appeal from the Arab Kings for an unconditional stoppage of the strike and the disorders. It was desirable that the Mandates Commission should have that explanation in view.

He could not admit that Count de Penha Garcia's statement as to the mandatory Power's not having taken prompt measures to nip these troubles in the bud was in accordance with the facts. The Palestine Government *did* take prompt measures to stop the troubles. For months before they broke out, the Government, in consultation with its military and police advisers, had prepared a security scheme; and, immediately the disturbances broke out at Jaffa, the scheme was applied on the lines pre-arranged. Soldiers were moved up to support the police; and the disturbances which broke out in Jaffa at about 10.30 were quelled by 2 o'clock. The Defence Order-in-Council and emergency regulations were proclaimed that same evening. All forces were moved to their "action" stations in Palestine. Naturally, the Administration could appreciate the disturbances in Jaffa only in the light of contemporary events and the situation existing at that time. It was not in the happy position of its critics to-day who were able to indulge in what had been called retrospective prophecy. There had been many riots in Palestine and various methods were used to quell them; and those methods had been successful.

The day after the Jaffa riots there was an outbreak of rioting in the borderland between Jaffa and Tel-Aviv—that was to say, between the Arab Saknat Abu Kebir and the Jewish Catton quarter. The cause of those riots was never finally established. The Jews said that the Arabs were about to attack them, and the Arabs said the Jews had burned some Arab huts. The police had to intervene and to fire both on Arabs and Jews. That disturbance was quelled in two hours by the police, assisted by the military.

The first manifestations of disturbance in Palestine were accordingly quelled by means previously concerted and with promptitude. Further measures to deal with the extension of the troubles throughout the country were taken with equal promptitude. But the Administration never anticipated—and nobody could have anticipated—the precise form that the movement would take. The rebellion, as Count de Penha Garcia had called it, had very few of the features of rebellions as known, not in Palestine only, but throughout the world. It had no military objective; it was hydra-headed. If it had had a military objective, like a normal rebellion, if it had been directed against a particular town, it would have been easier to quell. The forces at that time available were considered ample. They proved later to be inadequate, and they were reinforced in the light of circumstances. If the disturbances had developed on normal lines, they could have been quelled by the forces available. But those developments were lacking. The rioting in the towns ceased almost at once, and its place was taken by dispersed and isolated attacks on communications, destruction of property and sniping at individual Jewish settlements at nightfall and in the very early morning. At one moment it was at Nablus, then right in the north, and then in the south. It was sporadic and disorganised. Later, bands began to form and to attack road transport, etc.

Let it be remembered that the Arab villager readily resorted to arms when he had an opportunity. If an Arab had a quarrel, for instance, about the cutting-down of a fruit tree or a bad deal about a cow, there was danger that he would rush off half a mile from the village, dig up a rifle that he had hidden, and attack the other man. Arabs took life very lightly, just as they were ready to give their lives very lightly. That was one of the difficulties of the situation.

The Administration was faced with a problem which needed almost day-to-day improvisation on the part of the military and police authorities. The trouble never presented itself in a concentrated form permitting of a striking and dramatic blow such as would have discouraged the remainder of those elements that were disposed towards disturbance.

Again, Count de Penha Garcia asked why the Government did not arm the Jews, or rather, why it was slow in arming them. It was a primary objective of the Government in its handling of the disturbances to prevent increased bitterness between Arab and Jew. If it had adopted the Jewish proposal which was pressed upon it at an early stage and had proceeded to arm Jewish units to operate as military forces, that bitterness might not have lasted for a day, but for all time. Moreover, the Palestine Government was naturally not uninfluenced by the enquiry made by the Shaw Commission into that very problem. On that occasion, Jewish witnesses appeared before the Commission and complained that the Jews had not been armed. The Shaw Commission concluded—unanimously, he believed—that the Administration had been wise not to arm the Jews. That was at the time the only recorded and authoritative opinion on the question of arming the Jews against Arabs. It could not lightly be disregarded. Later, it was felt that the Jewish settlements were so dispersed that a departure from that policy was necessary; and, at a fairly early stage in the disturbances, at the beginning of June—some 560 Jews were armed and enrolled as supernumerary police, trained and used for the defence of their settlements. That number was increased gradually to (roughly) 3,000, which was approximately the number of the total police force at the time the disturbances began.

Again, it had been argued that the Government ought to have increased the security forces in Palestine more than it did, so as to be able to deal with this form of disturbance. The Government did increase them. The Palestine Government and the accredited representatives had been criticised by the Mandates Commission from time to time for spending too little on social services in Palestine. There had been a vicious circle. Whenever the Government wanted to spend money on social services, it had to spend money on security. It had to rob the social services—the development of which might indeed have led to less tension and less bad feeling—in order to ensure, or try to ensure, the protection of life. If the Commission followed the growth of the security forces of the Government through the annual reports of the last few years, it would see that there had been a very large extension. He maintained that, within the limits of the Government's financial capacity, it had increased the security forces to as great an extent as any thinking person would have considered necessary in the light of events as then known.

COUNT DE PENHA GARCIA said that he had listened to the last statement with the keenest interest. He was nevertheless anxious to put one further question, which he thought to be of some importance. A perusal of the annual report of 1936 showed that insecurity had been prevalent in Palestine for a period of several months. Mr. Hall had just argued that there was no question of a concerted movement; yet the mandatory Power had drawn up a plan for the defence of the towns, doubtless as a result of the anxiety caused by information supplied

by the police. The striking fact was that, although there may not have been a concerted and organised movement before April 20th, 1936, a first step towards organisation was taken on that date; from that moment certain persons became responsible for the movement. Soon afterwards, on April 25th, the Arab Higher Committee was set up. As early as April 19th, the Government took the legislative steps required to enable it to put down any disorder by force of arms. He concluded, therefore, that, on April 25th, an Arab Committee, composed of individuals exerting a considerable influence among Arabs, was in charge of the movement. What measures had been taken against those responsible—that was to say, against the members of the Arab Higher Committee? Were they arrested? Were they taken before the Courts? Was any other action taken? If one followed the chronological sequence of events, two facts became clear. In the first place, Lieutenant-General Dill reached Palestine in September—that was to say, several months after the beginning of the insurrectionary movement. In the second place, in the following month (October), the Arab Committee, after an intervention on the part of the Arab Kings and Princes, gave orders for the stoppage of the strike, which ended forthwith. He was not aware of any connection which might exist between those two facts. In any event, it was clear that, from the official point of view, the body responsible for the movement was the Arab Higher Committee. What measures had been taken against its members?

Mr. HALL said that Count de Penha Garcia had taken up the point that preparations had been made for preserving security before the conflict took place, and from that had—quite rightly—deduced that the Palestine Government realised there was danger of an outbreak. That was never disputed. It was clear from the Royal Commission's report that almost from the beginning there had been danger of an outbreak.

Tension between Arabs and Jews had increased practically year by year; the smallest incident might have caused a serious outbreak. If the Palestine Government, in conjunction with its military advisers, had not produced security schemes which were revised from time to time, it would have been open to serious criticism. In fact, the schemes were revised shortly before the disturbances and a slightly altered plan was evolved.

Tension had existed for years in Palestine. It was part of the British argument that there was an irreconcilable conflict between the two races.

Again, Count de Penha Garcia had said that there was no security for months on end in Palestine. That, Mr. Hall felt, was an exaggerated statement; there had been a considerable measure of security in parts of Palestine throughout. Possibly the task of suppressing the disturbances would have been easier if there had been general insecurity, because in that case the whole population would have been guilty. Actually, a small proportion of the population was guilty. One of the difficulties was how to avoid wounding and killing innocent persons. The Administration had endeavoured to pursue a policy of discriminate, as opposed to indiscriminate, action.

After the first few months, the roads were reasonably safe and transport was able to move freely under convoy during the hours of daylight. The railways, with certain interruptions, carried large numbers of people. The towns were safe except for isolated incidents; and, in speaking of the towns, he thought it was only fair to the police in Palestine that the Commission should realise the difficulty of preventing isolated outrages. If an Arab was prepared to kill any Jew in any circumstances and without any motive except that he was a Jew, no force of police however numerous would be able to prevent isolated murders. The criminal need only wait at a street corner until the police had moved away, and could then shoot his man and escape. The police had been very much criticised; and the exasperation of their critics—that was to say, of the Jews who claimed that their lives were not protected—was understandable. It must have been a horrible thing for the Jews to see their fellows killed in the streets. The explanation must, however, be borne in mind; no police force, however efficient or numerous, could entirely eliminate murder without any motive except that of race.

Count de Penha Garcia had further asked why legislative action was not taken against the Arab Higher Committee or members of it. That was a big question. To begin with, the Arab Higher Committee, as Mr. Hall had tried to explain, had been thrown up by the movement: it had not started the movement. The movement was general throughout Palestine, and in its earlier stages—indeed, until the later part of the disturbances—entirely spontaneous. Only in its last few months, when the disturbances were drawing to a close, was there any considerable intimidation of moderates. The Arab Higher Committee, although it publicly identified itself with the general strike, never identified itself with violence; in fact, on May 15th, in a public statement, it advocated peaceful methods and non-violence.

It was true that, at the same time, it recommended the Arabs of Palestine not to pay their taxes, in accordance with a decision taken by a congress of local committees over which it presided. But it must be remembered that, had the Arab Higher Committee not identified itself in some degree with the general strike, it would have been at once thrown over, and in the later stages its members might have been in danger of their lives. As was known, certain moderate Arabs had not only been threatened but, in the later stages, had been killed by some of the wild young men inspired with nationalistic ideals.

Secondly, it was not true to say that no action had been taken against the Arab Higher Committee. One of its most extreme and influential members was put into a concentration camp for practically the duration of the disturbances, and was not released until they came to an end. The man who replaced him, also an extremist, was similarly interned.

Two things had to be kept in mind. First, had the Arab Higher Committee committed any illegal act? The only illegal act committed by the Arab Higher Committee was its identification with the policy of non-payment of taxes. Perhaps it would be said that, immediately the Arab Higher Committee identified itself with that policy, it should have been prosecuted. The first recommendation for the non-payment of taxes came from two other Arabs, members of a transport strike committee, who were prosecuted at once. They were each sentenced to pay a fine of £25. If the Arab Higher Committee—which incidentally was only one body among some 160 persons present—had been prosecuted with similar results, the prosecution would have acted as no deterrent, rather the reverse.

From that moment onwards, the Committee committed no known illegal act.

Various alternative measures against the Arab Higher Committee were very carefully considered from time to time by the Palestine Government and His Majesty's Government in the light of all the existing circumstances and of a close appreciation of the Committee's influence on events, and it was desired to take no further action than the internment of the two members previously mentioned. In that connection, it was noteworthy that the preaching in the mosques was moderate in tone during the earlier months and at no time were religious passions really seriously inflamed.

Count de Penha Garcia had argued that the Arab Higher Committee, which Mr. Hall had described as thrown up by the disturbances, had at any rate commanded sufficient authority to enable it to call off the disturbances. But that was only half the truth, or even only a fraction of the truth. It was his opinion that the Arab Higher Committee could not have called off the strike, had it not been for the intervention of the Arab Kings. The Arabs of Palestine were very sensitive and responsive to opinion in the independent Arab States, perhaps, even more so than to the opinions of their own leaders. Had there not been that call from the Arab rulers, Mr. Hall did not believe the strike and disturbances could have been called off effectively. Further, it was his view that an appeal from the Arab Kings would not have been successful in the early stages of the conflict, even if it had been supported by the Arab Higher Committee. It was the fatigue of the strike, the growing weariness, the loss of money and livelihood, and especially the increasing military pressure (which had led, at a conservative estimate, to the loss of a thousand Arab lives) which, together with the appeal from the Kings, sponsored by the Arab Higher Committee, made it possible to bring the strike and the disturbances to an end. Without those forces, in his belief, the appeal would not have been effective.

As to the part played by the Arab Kings, it was a fact that, at an earlier stage, King Ibn Saud made enquiries as to whether he could use his influence in helping to put an end to the conflict and prevent further loss of life. In his communication, King Ibn Saud said that he had full confidence himself in the good-will of the United Kingdom Government and in the latter's determination to treat the Arabs fairly. The reply in effect was that the United Kingdom Government would be glad if he could use his influence to bring the people to their senses; but that there could be no concession to violence. The King then made enquiries and satisfied himself that at that stage—that was to say, about the end of May—no appeal by the Arab Kings would have been effective, unless it was based upon a concession by the United Kingdom Government in the matter of immigration.

He would read one independent commentary on what he had said. It was an extract from a speech of Lord Samuel, who, apart from being a very eminent Jew, was of course the first High Commissioner for Palestine. In the House of Lords on July 20th, he said :

“ It is a delusion to think that all that is necessary is to remove the Mufti and that then all would be well. We used to hear that kind of thing in the old days with regard to Ireland. It was said, ‘ Only let the priests and the land agitators be quiet, and the Irish people will be entirely contented.’ We used to hear it with regard to trade disputes and strikes. — ‘ Only let the paid agitators be still, and the working-people will give no trouble.’ We heard it in regard to India—‘ Arrest Gandhi ’—and with regard to Egypt ‘ Arrest Zaghlul ’. But movements of this kind cannot be dealt with in that way. As the Commission ”—that meant the Royal Commission—“ rightly points out, the Arab national movement is the same in Palestine as it is in Syria, as it is in Egypt and as it is in Iraq. It is analogous to the movement of Indian nationalism and similar movements in other countries of the world, and it is not to be disposed of easily and lightly simply by using the strong hand and applying methods of coercion.”

Count DE PENHA GARCIA disclaimed any intention of criticising the mandatory Power's policy in Palestine. The aim of the Mandates Commission, in this highly delicate question, was to obtain the fullest and the clearest information, in order to throw light upon the situation.

The representative of the mandatory Power had just said that his country's policy in regard, for instance, to immigration after the 1929 disturbances had been wrongly interpreted by the Arabs and that this misunderstanding was among the causes of the present disturbances. This showed that a policy based on the very best intentions might often lead to results diametrically opposed to those expected to flow therefrom. In any event, the impression



was clearly created—and it was important that it should be dissipated—that, during this period, a power had arisen in Palestine which for one reason or another was in a position to negotiate on an equal footing with the mandatory Power, and was still strong enough, on the arrival of the Royal Commission, to boycott that body for two months.

Mr. ORSMBY-GORE replied that the Royal Commission itself spoke about the three governments in Palestine—the Jewish Agency, the Arabs and the mandatory Government—and, where there were two highly race-conscious forces, it was almost inevitable that, particularly in times of crisis and of acute difficulty, the nature of those forces should become the more apparent. They were there, and he did not deny that they were there.

Mr. HALL added that the Royal Commission's reference was primarily to the Supreme Moslem Council, a quasi-religious body. Again it was necessary to go back into the old history of Palestine. The Jews were determined, very naturally determined, to create their own self-governing institutions; and they created the Vaad Leumi. The first High Commissioner, Sir Herbert Samuel, with his known fairness and impartiality, created as a counterpoise to that the Supreme Moslem Council and gave it certain powers and a permanent president.

M. SAKENOBE said that the accredited representative had told the Mandates Commission that all the riots were spontaneous. He had happened to read recently a book, "Jewish State or Ghetto", in which the author, J. M. Machover, spoke of the famous Fauzi ed Din el Kauwakji, who was the head of the Arab band which directed the troubles in Palestine. The author said :

"According to Kauwakji, as early as 1934 two schemes were worked out by him for the 'liberation' of Syria and Palestine respectively. For the purpose of elaborating those schemes, Kauwakji came to Jerusalem in 1934, where the matter was discussed at a special large meeting. He then went to Baghdad, and in April 1935 returned to Palestine to make the final preparations. 'After the strike in Palestine started', states Kauwakji"—this was the statement of Kauwakji himself—"in twenty days we were able to organise sufficient forces from Homs, Hama, Damascus, Druses from the Lebanon, and from Trans-Jordan and Iraq. We supplied our forces with sufficient arms and ammunition and drew up plans of the road which each was to follow so that we might meet at a certain place. We started our march with the blessing of God and reached our destination safely. . . ."

He desired to know whether, when during the disturbances the bands directed by Kauwakji entered into Palestine, the Palestine Government was aware of the fact. He would also be glad to hear what the accredited representative had to say on the above statement.

Mr. HALL explained that Fauzi ed Din el Kauwakji was not a Palestine subject. He had owed adherence to several States. He might in 1934 have been dwelling either in Iraq or Sa'udi Arabia, and he might have made the most grandiloquent plans; but the Palestine Government knew nothing about them. Later on, he became an officer in the Iraqi army. Previously, he was concerned in the revolt of the Druses and escaped from Syria. To the best of the Administration's knowledge, he entered Palestine some time in August. The forces which then accompanied him and which he had then mobilised, organised, armed and equipped were a mere handful.

Mlle. DANNEVIG asked whether it had been impossible for the United Kingdom Government to prevent Kauwakji from escaping from Palestine into Trans-Jordan. Secondly, did the accredited representative know anything about Kauwakji's whereabouts at the present time? Thirdly, there seemed to have been a great many bands of criminals and mischief-makers of all sorts in Palestine, and the High Commissioner had been given powers to punish them severely. Had he exercised those powers? How many people had been punished, and how many of the fines which had been imposed had been paid?

Mr. HALL answered that every attempt was made, including some major military operations, to catch Fauzi Kauwakji, but he was afraid they had as little success as the security forces in Syria had in their attempts against him during the Druse revolt. There was no doubt Fauzi was an expert guerilla leader, and he had the advantage of mobility. He escaped to Iraq and the Iraqi Government sent him under surveillance to Kirkuk, in Kurdistan, where he now was, and from whence he was not, Mr. Hall believed, permitted to leave.

With regard to the bands of criminals, it was true there were in being in Palestine, at intervals, robber bands. They were mainly composed of people who had committed crimes and were fleeing from the police. That was a recurrent feature of insecurity in Palestine. During the disturbances, there appeared other bands, the numbers of which fluctuated, of persons who were adherents of the policy of Arab nationalism and were violently opposed to the Jews. Fauzi Kauwakji's own band, which started with some thirty or forty people, increased in numbers; but Mr. Hall doubted whether at any time it amounted to more than 100 or 150.

Special powers of punishment were given to the High Commissioner, but very few of those people were caught. Any person found with arms without a licence was subject to a minimum sentence of five years' imprisonment, and a great number of those sentences had been imposed. Persons guilty of shooting at the troops were subject to life imprisonment or death. Sixteen persons were convicted on that account. Evidence was never very easy to get. If any members of the Commission would like to look at it, he had in his possession a statement of the number of people arrested, the date they were brought for trial, the date of conviction, the sentence, and so on. That statement showed that a great number of very severe sentences were imposed.

The CHAIRMAN did not doubt that the accredited representatives were aware of the fact that the circumstances in which Kauwakji had been able to cross the frontier had given rise to considerable comment, and that the case had been quoted as evidence of the extreme weakness with which repression was carried out. It had even been said that the man had been deliberately allowed to escape when cornered and on the point of being taken prisoner.

He added that, according to *The Times* correspondent, Kauwakji was received with open arms in Iraq and lionised by the Iraqi Ministers.

Mr. HALL said he could not speak with any particularity about Fauzi Kauwakji's reception in Iraq. It might have been very warm at the beginning ; but it appeared to have been frigid a little later. As to the suggestion that the Palestine Government ought to have stopped him from getting away, Mr. Hall could only say that there were military patrols out in the Jordan Valley, and that there were vigorous military movements against Kauwakji during the disturbances. It was true that the same military effort was not maintained after the disturbances as was made during that period ; but, after all, the strike and the disturbances had been called off and there was general pacification and relaxation of tension. Fauzi Kauwakji was certainly a very elusive person. It should be remembered that one could cross the Jordan almost anywhere. Fauzi Kauwakji had escaped with very few adherents.

Mr. ORSMBY-GORE knew that concerted military movements had been made by the General Officer Commanding to catch Fauzi Kauwakji (annual report for 1936, page 16). There were very large movements of troops against him.

M. VAN ASBECK had listened with interest to the accredited representative's statement. There was one point, however, to which he would like to revert to gain a clearer idea of the situation. The accredited representative had said that it was not true that there had been a concerted plan of revolt against the Government, but that, on the contrary, the revolt had spread spontaneously throughout the Arab population without there having been any leaders. To confirm that contention, he had said that it was the disturbances which had given rise to the creation of the Arab Higher Committee and that the latter did not exist when the disturbances broke out. As the Arab Higher Committee did not exist at the time of the disturbances, it could not have fomented them. As regards that point, M. van Asbeck would like to make an historical retrospect, which would at the same time enable the members of the Commission to pay some attention to certain passages of the 1935 report which the Commission had been unable to examine last year, the accredited representative having then stated that he could not reply to certain questions as long as he was not in possession of the Royal Commission's report.

If reference were made to page 5 of the 1935 report, it would be seen that, in addition to the normal tension which had existed in the country since 1921 or 1922, there had been, in the second half of 1935, an abnormal tension. The accredited representative, quoting the Royal Commission, had said that, since the beginning of the mandatory administration in Palestine, there had been a danger of disturbances. That was the normal tension, but at the period indicated an abnormal tension had become apparent, in the form of vehement speeches and strongly worded Press articles (paragraph 10, page 5 of the 1935 report).

As regards that point, M. van Asbeck would like to know what steps had been taken by the Palestine Government to deal with the situation, which that Government had itself described as abnormal. Last year, the Mandates Commission had sought to elucidate that point and, on page 65 of the Minutes of the twenty-ninth session, it would be seen that it had not succeeded, for the reason he had mentioned. Nevertheless, he would like to know what steps had been taken in that connection.

In the second place, he wished to draw attention to a very important fact as a " portent " of the disturbances (such was the expression which the Vice-President of the Commission had used before the Council).<sup>1</sup> As a portent of the disturbances, a paragraph would be found on page 6 of the 1935 report (paragraph 14) stating that, after a certain exacerbation of feeling in the first half of the year, efforts had been made to unite the five organised political parties, and this association had taken place in the last part of the year. The purpose of that association was to allow those political parties to uphold Arab interests more effectively and with greater cohesion. That seemed to be a fact of the greatest importance. M. van Asbeck ventured to emphasise that, with one exception, all the names of the leaders of these parties, which would be found on page 8 (paragraph 22) of the 1935 report, appeared again in the Arab Higher

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<sup>1</sup> See *Official Journal*, November 1936, page 1183.



Committee constituted on April 25th, 1936. That was a striking fact. It was quite natural that the Grand Mufti's name should not appear at the end of 1935 since it was a question at that time of a union of political parties. On the other hand, the Grand Mufti in 1936 became President of the Arab Higher Committee. Consequently, the Arab Higher Committee combined the political leaders and the chief spiritual leader of the Arab population.

In the third place, the 1935 report went on to speak of the Legislative Council, the plan for which had finally broken down during the debates which had taken place in Parliament in London (February 1936). That also was a portent; it was true that, in the Royal Commission's report, it was said (page 91) that the London debates had once again convinced the Arabs in Palestine that they had nothing to hope for from London, that they were a sort of political proletariat which could not gain a hearing from public opinion in Great Britain, whereas the Jews, in the Arabs' opinion, had every opportunity of defending their views both before the United Kingdom Government and before Parliament. Several passages in the Royal Commission's report (pages 74, 92 and 109) showed that this was a very old grievance of the Arabs, who had always claimed that the Jews could make themselves heard in London, whereas the Arabs did not possess that method of defending their political interests.

M. van Asbeck would be glad to hear the accredited representative's opinion as to whether the failure of the plan for a Legislative Council, which had occurred in February 1936, had not given rise to the gravest anxiety on the part of the Palestine Government as regards the maintenance of public order. This failure seemed to be the most direct cause of the disturbances, not one of those deep causes which the Royal Commission had endeavoured to explore, but an immediate cause, one of those causes of which Mr. Eden and M. Orts had spoken in the Council at its session of September 1936.<sup>1</sup>

Two questions arose for M. van Asbeck: (1) Had not the chain of events from the end of 1935 to the commencement of 1936 constituted a warning—for a Government which previously had already had the unfortunate experience of disturbances due to antagonism between the Arabs and the Jews—that the political situation was getting worse? (2) Had not the committee of political leaders been the germ of the Arab Higher Committee, the strike committee?

M. van Asbeck would now like to raise another question. In 1936<sup>2</sup> Mr. Trusted's statement had given the impression, which still appeared quite justified to-day, that the Royal Commission was going to be asked, not only to examine the general political situation of Palestine, but also, and not as a subordinate task, the causes of the disturbances—not their profound causes, but their immediate causes. A reference to the Minutes of the Council's session mentioned above could not but lead to the same conclusion if a comparison was made between the speech of the Chairman of the Mandates Commission, M. Orts, and the reply of the British Secretary of State for Foreign Affairs. Why was the Royal Commission not to enter upon an examination of the disturbances and their immediate causes? The Chairman of the Royal Commission had expressly left on one side that aspect of the situation in the speech he had made at Jerusalem on November 12th, 1936. Why had it been judged useful and wise not to study the immediate causes of the disturbances?

In that connection, M. van Asbeck drew attention to the fact that, at the 1936 autumn session<sup>3</sup> the Mandates Commission had refrained from expressing any opinion on the petitions concerning the disturbances because it expected to have in due course the views of an absolutely independent body, the Royal Commission. The members of the Mandates Commission had then been absolutely convinced both by Mr. Trusted's statement and by the debate which had taken place in the Council that it would receive in due course the Royal Commission's views on the immediate causes of the disturbances. It had been a profound disappointment to M. van Asbeck and several of his colleagues to read in the newspapers that the Royal Commission was deliberately going to refrain from clearing up that aspect of the political situation, although, judging by its terms of reference, it would have been quite entitled to deal with the matter. The sincerity and impartiality of the Palestine Government could not of course be called in question. But the Mandates Commission, having before it petitions regarding the disturbances and the measures taken by the public authorities as a consequence of those disturbances on the one hand, and a statement by the Palestine Government on the other hand, only knew the views of the two parties concerned. It would have been extremely glad to know the views of the Royal Commission also.

Mr. HALL explained that he had not said there was no concerted plan. Secret plans might have been in existence. What he had said was that the disturbances had not occurred in accordance with any concerted plan, but that they were spontaneous.

Attention had been drawn to the statement on page 5 of the 1935 report to the effect that the situation had been exacerbated by "vehement speeches and strongly worded Press articles". He would point out that those had been a feature of public life in Palestine for many years. Both Arabs, and in a lesser degree Jews, did make vehement speeches. They dealt in exaggeration; they were dramatic and excitable, and the Government of Palestine had to take that into account.

It must be remembered that there had never been a public and national platform for speakers and leading politicians in Palestine. They had only their meetings and their

<sup>1</sup> See *Official Journal*, November 1936, pages 1182 and 1183.

<sup>2</sup> See Minutes of the Twenty-ninth Session of the Commission, pages 63 and 64.

<sup>3</sup> See Minutes of the Thirtieth Session of the Commission, page 108.

newspapers. That had been one of the things which it had been hoped to remedy by the setting-up of a Legislative Council, apart from carrying out the second part of the dual obligations imposed by the mandate. It had been hoped that, by providing that platform, the expression of views would be more moderate, because the speakers could be stopped at any moment by an impartial chairman, corresponding to the Speaker in the House of Commons, and also because they would be speaking in fear of immediate contradiction. In the absence of a Legislative Council, there had been a tendency on the part of the Arabs to make vehement speeches and for Press articles to be of a violent nature. That was a story which had been repeated in Egypt, India, Palestine, and, in fact, all over the world, and action had been taken against it when considered necessary. Newspapers which had, in the opinion of the Palestine Government and of its advisers overstepped the mark, had been suspended.

It must further be remembered that the vehement speeches, although they did affect public opinion in Palestine, did not have the immediate effect that would have been the case in a European country. The readers of newspapers in Palestine and the people who listened to political speeches were so used to exaggeration that the effect on their minds was somewhat different from what would be the case in a European country. That was a point which had to be kept in mind. As they could not and had not set up a legislative body, some means for the expression of public opinion had had to be left open, and these had taken the form of speeches and Press articles.

Referring to the union of parties mentioned on page 6 of the 1935 report, Mr. Hall said that that had been a rather uneasy union. A united front was formed in Egypt, and Palestine which, as he had said, was very sensitive to events and movements in other Arabic-speaking countries, had adopted the idea of unity, although the unity was perhaps more apparent than real.

The leaders of the various parties who formed part of this union, took part, and necessarily took part, in the High Commissioner's discussions on the subject of the Legislative Council and the various other measures proposed. That was how the union of parties had come about and how it had been kept going. It was a convenient body with whom the High Commissioner could conduct discussions on matters of public policy. Neither the Mufti nor Awny Bey, the leader of the Istiqlal Party in Palestine, were members of that body, although both were members of the Arab Higher Committee. Certain other people were also members of the latter Committee. Generally speaking, however, the membership of the two bodies was much the same.

He had been asked whether the debate in Parliament could be cited as one of the direct causes of the disturbances. Mr. Hall did not think so, although it was a serious aggravating cause. It was true that it had increased Arab suspicions and fears because, quite wrongly, they had felt that the debate was the result of Jewish influence in London. It was not, however, in his view, a direct and immediate cause; that was to be found in the events in Palestine.

Mr. ORMSBY-GORE wished, as he had himself drafted the terms of reference of the Royal Commission, to say something in regard to them. He pointed out that they had been drafted after Mr. Trusted had appeared before the Mandates Commission as accredited representative, and had not been decided upon until July 1936. When he took over from his predecessor in office, Mr. Thomas, on June 1st of last year, two considerations occupied his attention. It had already been announced by his predecessor that a Royal Commission would be set up, and what Mr. Ormsby-Gore had to consider was, first, the personnel of that Commission and, secondly, its terms of reference. He had felt he would be helping British public opinion, as well as the Mandates Commission, the League, the Jews and the Arabs, better by drafting the terms of reference in such a way as to invite the Commission to try to get to the bottom of the troubles than by asking it to become involved in the details of the events of March, April and May at the beginning of the disturbances. He might have been wrong, but it had been his considered view, in the light of the information available to him, that it was high time to have a fundamental stock-taking of the political position in Palestine.

All that M. van Asbeck had said in regard to 1935 and 1936, and all the information at Mr. Ormsby-Gore's disposal at the Colonial Office, tended to convince him that another "Shaw Commission" dealing only with immigration and land and the immediate matters connected with the particular set of troubles involved would have been inadequate. He did not want the Royal Commission to become involved in the taking of evidence in detail on the circumstances then existing, because he foresaw that, even when the Royal Commission's report was drawn up, that might not be the end of the troubles, and he felt that an elaborate process of examination on the spot as to what happened at a particular time might be prejudicial. Therefore, after prolonged deliberations, he decided on the terms of reference as announced, and he felt that Lord Peel had been perfectly correct in making the statement he did at Jerusalem as to the intentions of the Government in London regarding the character of his enquiry.

It was, of course, always easy to be wise after the event. He might have taken another course: but in the light of the existing circumstances, coming back (as he had done) to the Colonial Office after seven years, he had decided upon the terms of reference advisedly. That had been his considered conclusion; and on the whole—though he could appreciate other points of view being taken—he still felt that he was right.

SEVENTH MEETING.

*Held on Tuesday, August 3rd, 1937, at 4 p.m.*

**Palestine : Examination of the Annual Reports for 1935 and 1936 (continuation) : Disturbances of 1936 (continuation).**

Mr. Ormsby-Gore, Mr. Hall and Mr. Martin came to the table of the Commission.

TERMS OF REFERENCE OF THE ROYAL COMMISSION (*continuation*) : PROPAGANDA : QUESTION OF THE LEGISLATIVE COUNCIL : PUBLIC SECURITY : ARMS AND AMMUNITION.

The CHAIRMAN thought it advisable to confirm M. van Asbeck's remarks at the previous meeting ; the reason why the Mandates Commission at its summer session in 1936 had not fully completed the examination of the annual report for 1935 was that the accredited representative had given an assurance that he could not reply on all the points raised in the report, because a Royal Commission was to be appointed to enquire into and report upon the disturbances in Palestine ; the Mandates Commission had deferred to that consideration.

He could also confirm that Mr. Eden had made, in his presence, a similar statement at the meeting of the Council of the League on September 26th, 1936. Subsequently, the terms of reference mentioned at the previous meeting had been given to the Royal Commission and were not in accordance with that statement.

Mr. Ormsby-Gore had said at the end of the previous meeting that he had possibly been wrong in drawing up those terms of reference ; the Chairman, for his part, would say that he had possibly been right, so that he would not express an opinion on the question whether those terms of reference were or were not entirely in agreement with the character which should be conferred on the Royal Commission. But he thought it necessary to emphasise the fact that it was on account of the circumstances to which he had just referred that the Mandates Commission was only dealing in August 1937 with events the portents of which had been apparent as early as 1935.

M. VAN ASBECK asked, in the first place, how many legal actions had been taken against speakers or journalists using violent language in their speeches or articles, and how many newspapers had been suspended or prosecuted in the second half of 1935 and the beginning of 1936 until the time when the disturbances broke out.

He also asked whether any proceedings had been taken against Jews and whether any Jewish newspapers had been suspended or prosecuted, since it was advisable to ascertain whether public order had been disturbed by both parties.

Mr. HALL replied that the figures relating to the suspension of newspapers from January 1st to April 18th, 1936, were given on page 18 of the report for 1936. He would do his best to obtain the other figures requested.

M. VAN ASBECK observed that disturbances such as those of 1936 could be attributed to facts or influences which had set alight the powder that had accumulated as the result of " remote causes ". He asked the accredited representative what his view was as to the definite facts which had constituted the immediate causes of the disturbances—in other words, which had started them.

There had always been a normal tension, which had become abnormal at the end of 1935. What factors had led to the outbreak of disturbances in the second half of April 1936 rather than at any other time ?

In that connection, it was useful to recall that, at the previous meeting, Mr. Hall, in reply to Count de Penha Garcia, had laid stress on the fact that the Palestine Government was fully prepared to prevent and suppress disturbances, for, some months previously, it had drawn up a new programme of measures for safeguarding public order. What were the events which, in the first few months of 1936, had led the Administration to draw up that new plan of emergency measures ?

Mr. HALL replied that the actual events, or, rather, the chain of events, which had led to the outburst in Jaffa were explained on page 7 of the report for 1936. He gave the following account : it started with the murder of two Jews—perhaps one of the most cold-blooded and repellent murders of which he had ever heard. Arab highwaymen had held up some vehicles transporting Jewish, Arab and German passengers. Having robbed the rest of the passengers without doing them any bodily harm, the highwaymen then selected the three Jews and placing them in the front seat of a lorry fired at them point-blank. One died immediately, another succumbed later, and the third had either recovered or was in process of recovery. On the following night, two Arabs were murdered in a hut on the road between Kfar Saba and Petah Tiqva, also in cold blood. One was killed immediately and the other died later in hospital. The latter made two statements to the police, in the first of which he said that the murderers were Jews or Christians ; in a later statement made before he died, the victim asserted that they were Jews. Numerous enquiries were made into that case, but the police had never satisfied themselves as to who actually had committed that murder. Whether it was committed by Arabs or by Jews as a reprisal, there was no doubt that, throughout the country, it was believed to be a reprisal.

The next day an Arab feast was held at a place called Nebi Saleh, a feast of rejoicing at which crowds usually foregathered. The authorities were very apprehensive that the report of the murder of two Arabs would cause a disturbance among these crowds and special precautions were taken. As a matter of fact, there were no signs of disturbance or trouble.

On April 17th, at Tel-Aviv, one of the victims, a Salonika Jew, was buried. The funeral arrangements did not proceed as mutually arranged between the Government and the Jewish authorities. The tyres of the hearse were cut, so that the body could not be conveyed in the hearse and, contrary to normal practice, the procession returned along the road on which it had started. No actual disturbances occurred during the funeral, though many violent speeches were made against the Government and the police. The man was finally buried, not at the cemetery arranged for by the Jewish authorities and the Government, but at the old cemetery near Jaffa.

After the funeral, a number of irresponsible young men, despite the wishes of their elders and of more responsible people, assembled and declared that they would march on Jaffa. They may not really have intended to go to Jaffa, but police forces were brought out and, when the crowd arrived within 150 yards of the boundary between Tel-Aviv and Jaffa, the police ordered them to go back. They refused to obey and, instead, stoned the police very heavily, so that baton charges had to be made. The senior police official present at that time was a Jewish officer, and the other policemen either Jewish or British. Several baton charges had to be made and the police officer had to fire two shots from his revolver before the mob was finally dispersed. One of the policemen was invalided from the force as a result of the blows he had received. It was thus a serious disturbance of its kind.

Following the funeral, there was an accentuation of the anti-Arab labour campaign in Tel-Aviv. Several Arabs were assaulted in Tel-Aviv, though no grievous bodily harm was done. Some were admitted to hospital. This campaign continued on the evening of April 17th, throughout April 18th and on the morning of April 19th. In May, the Government sent down a senior officer of the Criminal Investigation Department to carry out an enquiry into the occurrences of the actual day of the disturbances and the preceding days. This official interviewed a number of witnesses and drew up a report which was in Mr. Hall's possession and which contained the detailed reports received from time to time by the different police stations and the action taken by the police on each occasion.

The anti-Arab labour campaign was never marked by any grievous bodily harm to Arabs, though Arabs were beaten, and in certain cases were driven out of Tel-Aviv, and the windows of shops employing Arabs were broken. This continued until the morning of April 19th.

Then a certain number of taxis arrived from Tel-Aviv, whose drivers said that they had been stoned, and rumours started to circulate in three parts of Jaffa. As explained in the annual report, there was no certainty that those rumours had been started by agitators. There was, however, in his mind, an indication that someone had been fishing in troubled waters, that someone had invented stories for subversive purposes. The stories had some verisimilitude and circumstantial detail, and seemed calculated to inflame feeling. The first rumour (that four Arabs had been killed) led to a crowd forming outside the central police station, and the authorities invited the leading Arabs to come in and see for themselves if there were any Arab bodies in the police station. The place was searched by Arab notables, who returned and informed the crowd that the report was untrue. The Arabs were, however, excited to the point of murder, and several Jews were murdered by Arabs in various parts of Jaffa. In several instances, the police were able to shoot Arabs about to commit murder. Not unnaturally, there was a certain amount of tension on the part of the Jews, and as mentioned by the Royal Commission in its report, and as established by the report of a police officer who went to take evidence (a report which Mr. Hall could submit to the Mandates Commission if required), Arab cars coming from Tel-Aviv into Jaffa were stoned by Jews. The position was aggravated by the appearance of a lorry in Jaffa, with an Arab, wounded by stoning lying on top of the vehicle the Arab driver of which shouted that there was a dead man on top.

Mr. Hall thought that this account fairly represented the chain of events.

The CHAIRMAN pointed out that these matters were partly recorded in the report for 1936 and in the Royal Commission's report. The accredited representative's explanations did not reply exactly to the question put by M. van Asbeck. The latter had asked how it came about that a murder, which at any other time would probably not otherwise have attracted attention, had had such serious effects. Was there an exceptional state of tension in the country at that time due, not only to the remote causes which dominated the entire situation in Palestine, but also to more direct and immediate causes ?

Mr. ORMSBY-GORE wished to deal with the particular point raised by the Chairman to the best of his ability. Naturally, he was not acquainted with local conditions ; but, as he saw it, it was not merely the one murder but the chain of events of those four days—murder, alleged counter-murder, riot and outrage of one kind and another—that differentiated the

occurrence from any ordinary crime of brigandage. That chain of events, curiously enough, had followed a short period of general *détente*, following on a previous period of tension. In the fortnight before the outbreak in the Tel-Aviv-Jaffa district, generally speaking, the Arabs had been gratified by his predecessor's invitation to send a delegation to London, and had been busily engaged in discussing the matter. That fact had diminished the tension which previously existed in the interval between the debate on the Legislative Council in Parliament in March and the arrival of the invitation in question. Undoubtedly—and this was his considered view in the light of what he had heard generally—the rejection of the Legislative Council scheme by the House of Commons, and the manner of that rejection, had made a very vivid impression on the minds of the Arab population generally.

Soon after Mr. Ormsby-Gore went to the Colonial Office in the beginning of June, four Arab notables, including one of the Istiqlal leaders, arrived in London. He had interviewed these notables and almost the first questions raised were the Legislative Council and whether it was possible for Arabs, except by a rising in force in Palestine, or by demonstrations in Palestine, to impress the United Kingdom Government in the same way as it was impressed by Jewish influence in London? They had said quite frankly: "You have four hundred thousand Jews in England; the Arabs have revolted, but we have no Arab representation here. The Jews have powerful organisations in London; we have none. You say that it is your duty to exercise the mandate with equal weight for both parties. We have no weight; and the debate in the House of Commons on the Legislative Council has finally convinced us that we have no hope of achieving our aspirations."

The argument might be genuine or not, but that was certainly the case which the four Arab notables had put to him. Undoubtedly, the debate in Parliament, following on the declarations made by the High Commissioner and by the United Kingdom Government about the Legislative Council, had created, in the last week or two of March, a great feeling of tension, and the Colonial Office had been informed of it. That was why the then Secretary of State for the Colonies had invited the Arabs to send an official delegation to London to discuss the Legislative Council, immigration and land—the three questions of burning importance to the Arabs. Therefore, while it was that chain of events in Jaffa and Tel-Aviv, and their scale and character, that had set the match to the powder magazine, the powder magazine was always there and had become much more dangerous as the result of what had taken place in the previous weeks regarding the Legislative Council.

He considered that those were the two immediate causes why the outbreak, which spread so quickly right through Palestine, did take place in April 1936 and at no other time.

M. VAN ASBECK had listened with interest to Mr. Ormsby-Gore's explanations and noted in particular that, according to those explanations, the fate meted out to the scheme for a Legislative Council by the British Parliament had been one of the direct causes of the disturbances which had broken out two months later. As a result of the rejection of the scheme for a Legislative Council, the Arabs felt that they were being ignored and that they were unable to express their views in London, where the final decisions regarding Palestine would be taken, and Arab public opinion had been painfully impressed. If the situation at that time were reviewed, it would be noted that the normal tension, due to the very existence of the mandate, to the immigration question, to the sale of land, etc., had degenerated into an abnormal tension which had manifested itself in the second half of 1935 and which was mentioned in the report for 1935. At the end of 1935 there had been a *rapprochement* between the Arab political parties and, at the beginning of 1936, an event of the greatest importance had occurred—namely, the rejection of the plan for a Legislative Council.

When all these factors were considered, the revision of the precautionary measures seemed to assume a somewhat different aspect. That morning, M. van Asbeck had had a very distinct impression that this revision had not been a more or less automatic annual revision but a special revision, on the basis of which it could be said that the Palestine Government was ready, that it realised the special difficulties with which it was faced, and that it was taking precautions. Now, however, he had the opposite impression. This revision seemed to him to have been, not a special measure due to exceptional circumstances, but an ordinary annual revision to which no special importance should be attached.

The report for 1936 did not give the impression that, in the early months of the year, the Government had paid any particular attention to what was going on behind the scenes. The country in question was, it was true, an Oriental country where, as the accredited representative had well explained, a certain tension always existed, where one was accustomed to exaggerations and realised the necessity of a safety-valve, and where one did not react to the Press and to political movements in the same way as in a Western country. M. van Asbeck fully realised all that, and had in fact experienced it himself. What he did not understand was that, in the abnormal situation which had developed in Palestine at the beginning of 1936, and in view of the exceptional tension which was then prevailing, more anxiety was not felt than would appear from the report.

He added that, at the previous meeting, he had not implied that the Committee of political leaders of 1935 was absolutely identical with the Arab Higher Committee of 1936. He had

simply pointed out that, in 1935, the Arab Higher Committee already existed in embryo. In 1935, when the movement was only a political one, it was not necessary for the Committee to include the Grand Mufti. But when the whole country was in a state of revolt, the religious chief had joined the political leaders.

Mr. HALL said that, during the autumn of 1935, the High Commissioner, acting on advice received as to the state of public opinion in Palestine and influenced mainly by the reactions in Palestine to events in Egypt and Syria, had asked, and obtained approval, for a very substantial increase of the British and Palestinian police. Additional British police had been sent to Palestine and were there when the outbreak began. They had not all been fully trained, but were all employed on security duties. That showed that steps had been taken to deal with the accumulation of tension.

M. van Asbeck had spoken of a routine revision. Routine revision took account of the whole political atmosphere and of all the possibilities that could be foreseen at the time by the High Commissioner and his advisers. The revision might have been to some extent a routine revision, but it covered all the possibilities as apprehended at that time.

Reference had been made to the abnormal situation in Palestine before the outbreak, but in Palestine, unfortunately, the abnormal was the normal. There was always tension. It had been suggested that the Administration had not given full consideration to the question of security, but Mr. Hall assured the Commission that that was one consideration which would never be out of the Administration's mind. It was, and must remain, their prime preoccupation.

He wished to make it clear to the Commission that, immediately before the disturbances, the information and intelligence of the Administration had not been such as to lead them to expect disturbances. He did not think that disturbances would have happened at that time without, as the Secretary of State had said, some spark setting light to the powder magazine.

Lord HAILEY proposed to confine himself entirely to the subject of the predisposing, direct or indirect causes of the 1936 disturbances.

He had been concerned most of his life with communal disturbances of one kind or another, often on a much bigger scale than those under discussion, and realised the difficulties of deciding at any particular moment when the signs of tension became really dangerous. He would therefore ask, in view of what had happened on previous occasions in 1929 and 1933, if there was anything which ought really to have warned the Administration that an unusual or abnormal tension existed at the end of 1935 or beginning of 1936. Was Mr. Hall frankly able to say whether the situation had really shown any abnormal features, over and above the state of tension which always existed in Palestine.

Mr. HALL replied in the negative. Looking back on events from the end of 1934, tension had, with occasional intervals of *détente*, been gradually increasing. He did not think that, either at the time, or within four or five days, of the outbreak, there had been any increase of tension. There had rather been a temporary relaxation of tension which the Administration hoped would continue during, and as a result of, the Arab delegation's visit to London. But as Lord Hailey had said, it was extremely difficult, living on the spot in a place where some tension always prevailed, to judge accurately when it was more or less. Tension could not be measured with a foot-rule; it had to be felt or gathered from reports which were not necessarily always complete. The Administration felt that the tension had somewhat relaxed. When the chain of murders took place, the Administration anticipated increased tension, and made preparations accordingly. Those preparations were immediately put in hand and swift action was taken to deal with the manifestations of disorder as they presented themselves at the time.

What was outside the Administration's experience was the form which the outbreak later assumed—a general prolonged strike throughout the country and sporadic and widely separated acts of violence and disorder. The answer to Lord Hailey's question was that the Administration did not see at that time, until the murders took place and until that sudden chain of events occurred, that there was any abnormal tension.

Lord HAILEY asked whether there had been an unusually large number of public meetings.

Mr. HALL replied in the negative. Had there been an unusual number of public meetings, he would certainly have known of the fact, as such meetings had to be authorised by the Government. Actually, he thought that there were very few.

Lord HAILEY asked whether the newspaper writings and speeches which were delivered at the time had been unusually violent or had previous parallel situations existed which had not led to trouble.



Mr. HALL said that there had certainly been parallel situations. Immediately after the debate in the House of Commons, the tone of the newspapers had become worse than it was normally. He could not recall any speeches made at that time which were particularly violent. A number of protests were sent to the Government by the various Arab parties, but Mr. Hall could recollect, even in his own short experience of Palestine, times when the Press and when public speeches had been much more violent and yet no trouble at all had occurred.

Lord HAILEY explained that he was still looking for the signs and portents of which the Government ought to have taken notice. Had any confidential reports been received from the Criminal Investigation Department warning the Government of unusual tension? Perhaps, in answering that question, Mr. Hall would tell the Commission what was the composition of the Criminal Investigation Department or any other source on which the Government depended for its secret information.

Mr. HALL replied that he had with him the actual report from the Criminal Investigation Department, Intelligence Branch, for April 18th, which was the day before the outbreak. It consisted of only two pages, and, if he might be permitted to read it to the Commission, the members would see that there was no particular reason on April 18th to anticipate serious trouble.

(Mr. Hall here read a Criminal Investigation Department Intelligence Report, dated April 18th.)

Mr. Hall added that so little did the Administration or its advisers expect an outbreak, the Nebi Saleh festival having passed off successfully, that the Air Officer Commanding, the Inspector-General of the Police and he himself had been proposing to go to Akaba for a couple of nights and would have started on the 20th. In fact, their kit had been sent on ahead.

Lord Hailey had asked as to the constitution of the Criminal Investigation Department. It was set out in some detail on pages 120 and 121 of the 1936 report, from which it would be seen that it was under the command of a deputy inspector-general. The senior officers of the police force consisted of an inspector-general, who was in fact the commandant of the whole police force, with two deputy inspectors-general, one of whom was in charge of the Criminal Investigation Department—that was to say, of prosecutions, intelligence and the like—and the other in charge of administration. The staff consisted of one district superintendent, five assistant superintendents, five inspectors, five sergeants, five corporals, twenty-seven detectives and sixteen clerks. That was the Criminal Investigation Department actually in Jerusalem; each district police headquarters had its own criminal investigation staff under a deputy district superintendent, assisted by Jewish and Arab assistant superintendents of police who, again, had their staffs. They were controlled by the Deputy Inspector-General of the Criminal Investigation Department at Jerusalem. The duties of the Department were set out in summary form at the top of page 121 of the report for 1936.

Lord HAILEY thought the organisation seemed to be more than adequate for a country of the size of Palestine, but his question was really designed to obtain some expression of Mr. Hall's own opinion on the reliability of the information obtained by the Criminal Investigation Department. He had asked that question particularly on account of the observations on page 195 of the Royal Commission's report, and also in recognition of the fact that a central Criminal Investigation Department depended very largely on the work of the district police. The question was also necessary in view of the very unusual action of the large number of Arab officials in their protest to the Administration at a later date.

Mr. HALL said that information given by the Criminal Investigation Department was checked from other sources of information and was reasonably full and accurate in time of peace. Naturally, the British detective officers had to rely for their information upon native detective officers, who, in turn, had to rely for their information often on informers and people of that sort. In the nature of things, the British officers of the Criminal Investigation Department could not themselves undertake detection in the same manner as was done in England. However, in times of serious strain, such as during the general strike and the disturbances, the information from indigenous sources, Arab and Jewish, was apt to be very inaccurate, and the Arab sources of information dried up. The native detective staff continued to work loyally; but informers would not give information and members of the general public would not pass on facts which came to their knowledge. The Government, in its action against crime, received no help from the general public at such times. In the 1933 disturbances, which had been of short duration, information from the police had been good and complete. That went to show that it was the peculiar character of the disturbances in 1936, rather than any failure of organisation on the part of the Criminal Investigation Department, which had resulted in the closing-down of sources of information after the disturbances had begun.

To avoid any misunderstanding, Mr. Hall emphasised that he did not intend to suggest any general tendency on the part of the Jewish public to withhold information. They were generally helpful. But the need was not for information as to what the Jews had been doing

so much as for information about the Arabs, and it was the latter information about the Arab side that had been so difficult to obtain. The Jews had, in general, done everything they could to assist the police throughout the disturbances.

Lord HAILEY asked whether it could be said that the Administration had been able to imbue its police with an *esprit de corps* which made them serve the Administration as well in troublous as in peaceful times ?

Mr. HALL replied that, if he had been asked that question before the last disturbances, in view of the Administration's experiences in 1933, when Arab police had charged and fired on Arab crowds, he would have replied " Yes ". If the question had been put to him half-way through the recent disturbances, he would also have said " Yes ". But it was a very great strain upon Arab policemen who, as the Royal Commission had pointed out, had no separate barracks or separate married quarters, and who lived among the population, to maintain active loyalty. They had been passively loyal, but it was difficult for them to keep their active loyalty and energy throughout such disturbances when, like every other Arab in Palestine, they were probably in sympathy with the movement that had given rise to the disturbances.

The CHAIRMAN noted that Mr. Hall had referred to the Arabs as being the aggressors. Was Mr. Hall prepared to confirm that view ?

Mr. HALL agreed.

The CHAIRMAN pointed out that that view did not altogether tally with the general impression given by the introduction to the report for 1936. Subject to Mr. Hall's consent, they would, however, revert to the matter on a future occasion.

Mr. HALL agreed.

Lord HAILEY observed that he had no desire to go into further considerations as to what had happened when the disturbances were well advanced. He had wished to ascertain whether the accredited representative considered that, previous to the disturbances, the information that had been obtained had been reliable.

Lord Hailey wished now to put some questions regarding the precautions involved in the normal scheme of defence. Was he right in assuming that the Administration calculated on being able to use a force of approximately 3,000 police.

Mr. HALL replied that the number was somewhat less, since some of the British police had not been fully trained. They had been used in the disturbances almost from the beginning, but they were not fully trained at the outbreak of the disturbances.

Lord HAILEY remarked that, considering the size of the population, that represented a high proportion, since it meant one police officer to every 450 people. Were those police armed ?

Mr. HALL replied in the affirmative. Every policeman in the Palestine police force possessed a rifle. Policemen having sedentary duties, such as the Criminal Investigation Department, traffic control, etc., did not carry rifles ; and policemen on ordinary patrol duty in the towns did not carry rifles in peace-time ; but at the police stations, there was a rifle for every policeman.

Lord HAILEY asked whether the instructions issued to the police in any way restricted their discretion as to whether they should or should not fire on unlawful assemblies and the like.

Mr. HALL replied that he had before him a copy of a set of instructions issued to all members of the police force in English, Arabic and Hebrew. It dealt with the use of firearms and defined the various occasions on which fire might be levelled at mobs.

Lord HAILEY asked whether the police were authorised to fire on their own initiative, or whether they required an order from a magistrate or superior officer before they could do so.

Mr. HALL said that the police could fire on their own initiative in certain circumstances—to prevent murder, serious assault, arson, breaking into or attacking houses or shops, breaking into or attacking places of worship—if, in their opinion, there was no other way of preventing those occurrences.



Lord HAILEY observed that, in the British tradition, the ordinary way of dealing with riotous assemblies was to use the police, the military being used only as a last resort. But he would be glad to know from the accredited representative what military forces were present in Palestine at the time the disturbances broke out.

Mr. HALL replied that, at that time, there were two battalions of infantry in Palestine, on a colonial establishment—namely, about 900 strong—together with a company of armoured cars and two squadrons of the air force and the ancillary forces attached to them.

M. SAKENOBE asked whether those forces excluded the Trans-Jordan Frontier Force.

Mr. ORMSBY-GORE explained that the Trans-Jordan Frontier Force was a separate military body.

Lord HAILEY asked whether the scheme of defence, which contemplated putting into force at once all the special ordinances and regulations giving powers to the police, magistrates, etc., also contemplated at the same time the setting-up of special courts. It was often supposed that martial law could only be carried out by soldiers, but martial law merely meant the abrogation of ordinary law, and in such a case it was usual, if disturbances occurred, to constitute by statute special courts, which were not necessarily military courts, for dealing rapidly and summarily with law-breakers.

Mr. HALL replied that the (Defence) Order-in-Council, applied on the evening of the disturbance, contained provisions allowing the High Commissioner to set up special courts. Those courts were not set up under that (Defence) Order-in-Council, but in their place the existing courts were differently constituted by an ordinance providing for single British judges, thus eliminating the Arab and Jewish judges. It was not thought advisable to set up at that stage courts-martial.

Lord HAILEY inferred that this appeared only to refer to personnel. He presumed that no special courts were constituted with enlarged powers, such as trying cases punishable with death.

Mr. HALL said that the differently constituted courts, with single British judges, had powers apart from the ordinary law, because under the Emergency Regulations certain minimum sentences were imposed, and new crimes were created. Moreover, in the course of the disturbances, an ordinance was enacted providing that a judge could commit on the evidence of one person. That had been found necessary because it became impossible to get corroborative evidence which was reliable from members of the public.

Lord HAILEY asked whether those courts' verdicts were final, or whether there was an appeal to the ordinary courts.

Mr. HALL drew attention to paragraph 7 on page 98 of the 1936 report, which explained the constitution of the courts.

Lord HAILEY added that the account of the actual events at the beginning of the 1936 disturbances, given in the annual report for 1936, had been traversed in some respects by the President of the Jewish Agency for Palestine.<sup>1</sup> He would welcome, at some future time if not at once, the accredited representative's views on the Jewish Agency's remarks on, or criticisms of, the 1936 report.

Mr. HALL said that he was entirely at the disposal of the Commission and would be perfectly willing to go through the document in question paragraph by paragraph, either at once or later. He would have something to say on most of the paragraphs.

The CHAIRMAN stated that the report of the Jewish Agency was regarded as a petition. In forwarding the report, the mandatory Power had stated that its accredited representatives would be prepared to give evidence on the subject of the various comments therein contained. For his part, however, the Chairman would prefer to dispose first of the question which had been under discussion since that morning.

He had an observation to make in connection with one of Mr. Hall's replies to Count de Penha Garcia during the morning meeting. Count de Penha Garcia having stated that insecurity had existed in Palestine for months, Mr. Hall had replied that such a statement was somewhat exaggerated. He had added that, on the contrary, the period in question had

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been notable for the very satisfactory state of general security which had prevailed, proof of which was that, after the first few months, roads were again safe, transport could be carried out in a normal way during the day, the railways—apart from a few stoppages—had carried a large number of passengers, etc.

The Chairman had been struck by that statement, since, in view of the news reaching them from Palestine from month to month since the beginning of the disturbances, the members of the Commission had gathered the impression—confirmed from various sources—that the disturbances were persisting. On September 26th, for example, five months after the beginning of the disturbances, Mr. Eden had informed the Council that the Royal Commission was unable to leave for Palestine owing to the fact that the disturbances had been prolonged and “ were still continuing ”. The first sentence of the preface to the report of the Royal Commission itself, moreover, stated : “ Although appointed on August 7th last, we were compelled, owing to continuance of the ‘ disturbances ’, to postpone for nearly three months our actual departure for Palestine ”.

The Chairman had rather the impression that the disturbances had lasted for a considerable period—six months at the least—and that they had only ceased when, thanks to the intervention of the Arab Princes, the strikes, railway outrages, bomb-throwing and encounters with the troops and the police had come to an end. That was a rather important fact regarding which there should be no uncertainty.

Mr. HALL had not intended to differ from Count de Penha Garcia as to the period of the troubles. That, surely, was now an historical fact. What he did question was the statement that there was general insecurity throughout Palestine during the six months. He had merely tried to correct what he thought was a slightly false impression. There was insecurity in Palestine throughout those months, but there was not insecurity throughout *all* Palestine during those six months.

M. PALACIOS pointed out that paragraph 6 on page 12 of the report for 1935 and paragraph 14 on page 6 of the report for 1936 both dealt with the discovery of a large quantity of arms and munitions, smuggled into Palestine from Belgium and, according to the Arabs, consigned to the Jews. To what extent were those allegations true ? Was the rumour that led to many disturbances in Palestine based on that fact ? The incident was also mentioned in the Royal Commission's report. Was it true that the Jews were secretly arming ? If so, was it for purposes of defence or attack ?

Mr. HALL said that the consignee of the arms had never been traced, and the man who signed for them had never been caught. The arms had been sent from Antwerp by a Belgian steamship line whose Tel-Aviv agency was held by a Jewish firm. They had been consigned to one Kattan, whose place of residence was given as being Tel-Aviv. They had been signed for by a man who had subscribed himself either S., I. or J. Kattan, the initial being difficult to decipher, and collected by a Jewish transport company. This applied to the part of the consignment collected before it was discovered that the cement barrels contained arms. They had been dumped on waste ground in Tel-Aviv.

The Government had investigated the matter most carefully, not only in Palestine and in London, but also in Antwerp, with the help of the Belgian police, but had never been able to get to the bottom of the business. The Arabs undoubtedly thought that those arms were being imported for the Jews. It would not occur to them that if the importer were an Arab he would consign arms to Tel-Aviv and have them collected by a Jewish firm and dumped in Tel-Aviv. The Arabs preferred to believe that the arms were obtained for the purpose of attacking them. Whether the Arabs seriously thought that the Jews would use those arms to attack them, or whether they were annoyed at the Jews being better armed than themselves, he did not know.

Mlle. DANNEVIG remarked that the Commission had been told several times during the proceedings that rumours were current among the Arabs, and that they had caused very great difficulties. What had the Administration done to counteract those rumours ? Somewhere in the annual report it was said that the High Commissioner had tried to reassure the Arabs, but she would like to know what general efforts had been made to reassure them when such dangerous rumours were circulated.

Mr. HALL replied that it was very difficult to scotch rumours effectively. To take the case in point, he had happened to be in charge at the time, and had seen several Arab leaders and the Mufti together. He had also received a delegation of Arab ladies, and done his best to impress upon them that, first, there was no proof that the arms were intended for the Jews. That he had found very difficult, because all the evidence seemed to point to their having been imported by the Jews. His next and main argument had been that he was certain that the arms had not been imported for any offensive or aggressive purpose. A Press *communiqué* had also been promptly issued to guard against exaggerations. As a result, a situation which might have become very serious actually did not become so, and the matter passed off. As regards the rumours of the murder of Arabs by Jews in Tel-Aviv on April 19th, the District Commissioner and police officers had promptly denied them publicly ; Arab notables had been invited to inspect the police station to satisfy themselves that no Arab bodies were there.

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Mr. HALL replied that it was very difficult to scotch rumours effectively. To take the case in point, he had happened to be in charge at the time, and had seen several Arab leaders and the Mufti together. He had also received a delegation of Arab ladies, and done his best to impress upon them that, first, there was no proof that the arms were intended for the Jews. That he had found very difficult, because all the evidence seemed to point to their having been imported by the Jews. His next and main argument had been that he was certain that the arms had not been imported for any offensive or aggressive purpose. A Press *communiqué* had also been promptly issued to guard against exaggerations. As a result, a situation which might have become very serious actually did not become so, and the matter passed off. As regards the rumours of the murder of Arabs by Jews in Tel-Aviv on April 10th, the District Commissioner and police officers had promptly denied them publicly ; Arab notables had been invited to inspect the police station to satisfy themselves that no Arab bodies were there.

They had done so and had gone out and announced that the rumours were false. But once a rumour began to spread, it was very difficult to suppress it.

Naturally, the Administration was anxious for every reason that troubles should not break out in the country, and therefore that rumours likely to disturb the peace should not circulate uncontradicted. In serious instances, the Administration denied rumours by Press *communiqué* and by broadcast. The Administration had power under the Press Law, and had used it very often during the disturbances, to require the Press to publish a correction of a misstatement ; but it was then too late ; the rumour had already spread and the same people who heard the rumour did not always read the correction. That, he thought, was the difficulty of the position.

Mlle. DANNEVIG asked whether any attempt had been made to arrest the persons who spread such rumours, or whether anything had been done to suspend the newspapers printing them.

Mr. HALL explained that, before the disturbances broke out, an Ordinance had been passed on March 18th giving the High Commissioner power to suspend a newspaper publishing any false news or rumours calculated to create alarm or despondency. Papers had been suspended for this, both before and during the disturbances. Lord Hailey, however, would confirm that it was extraordinarily difficult in the case of mouth-to-mouth rumours to catch either the people passing them on or the originator.

Mr. Hall could not say offhand how many people had been prosecuted for spreading false rumours. With the aid of the list to which he had referred that morning, containing details of cases brought to trial and punishments awarded, he might be able to give the Commission a more specific answer, but the number would be very small.

Mlle. DANNEVIG suggested that the Mandates Commission would like to know what punishments were imposed on newspapers ; for how long had they been suspended, and had the punishments had any effect in making the newspapers more cautious in circulating rumours. She had read complaints by the Jews that such fines and suspensions were very lenient and, in some cases, even helped the newspapers, because they saved them expense.

Mr. HALL could not give an immediate reply. The whole matter, as the Commission would remember, had arisen out of the case of arms smuggling into Palestine. That was not rumour, but a fact, and no amount of denial could have made the people of Palestine believe that it was not a fact. Arabs in the Customs service had seen those arms coming in, and it was therefore not a question of dealing with rumours but of trying to represent what was a definite fact in its least disturbing light. That Mr. Hall had done in a *communiqué* issued to the Press that night.

Whether the suspensions imposed on newspapers were or were not sufficient was a matter of opinion. It was natural that the Jews, who had throughout shown commendable self-restraint, except as regards their criticism, should be exasperated at the long continuance of the disturbance and that their exasperation should lead them to be something less than judicial in criticising the action taken to stop those disturbances.

Apart from the deterrent influence of the suspensions, the Government had to consider what would be the effect of closing down all the newspapers. The result might well be to increase rumour beyond all control.

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#### EIGHTH MEETING.

*Held on Wednesday, August 4th, 1937, at 10.30 a.m.*

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**Palestine : Examination of the Annual Reports for 1935 and 1936 (continuation) : Disturbances of 1936 (continuation).**

Mr. Ormsby-Gore, Mr. Hall and Mr. Martin came to the table of the Commission.

**PUBLIC FINANCE : PUBLIC SECURITY (continuation) : MARTIAL LAW.**

M. RAPPARD said that so far he had not taken part in the discussion of the immediate causes of the outbreak, first, because his colleagues had dealt with that matter, and, secondly, because he did not think it was very important to carry that discussion too far. It was very easy for the Commission, sitting in Geneva, after the event, to criticise the people on the spot ; but he took it that the latter had done the best they could in the circumstances. The third reason he had not intervened was that he looked upon the immediate causes of the outbreak

merely as symptoms of a disease, the roots of which were very much deeper. Those symptoms would have to be considered when the solutions for curing the disease were envisaged.

He wished to make one remark concerning the financial administration. He did not think it could be maintained that the mandatory Power had been in a dilemma as between expenditure on social welfare and expenditure on defence, inasmuch as the financial situation of the territory had been extremely prosperous, and had in fact given rise to a surplus.

Mr. HALL said that, in framing the estimates, the Administration had to take into account the fact that the revenue collected since 1932 was exceptional. It had tried to work out a figure representing broadly the *normal* or basic revenue, and it tried to limit recurrent expenditure within that figure. The result was to create a balance amounting to approximately £6,000,000. The whole of that sum was, however, earmarked either for capital expenditure or for the creation of a reserve fund. The policy was to keep recurrent expenditure, which could not be reduced quickly or without causing considerable hardship, within the limits of the amount of revenue likely to be received in any given year. He referred in this connection to page 207 of the Royal Commission's report.

Mr. Hall added that, as Chairman of the Estimates Committee, he had to keep expenditure within the estimated figure of basic revenue and it had again and again been his melancholy task to reject recommendations for additional expenditure on social services, which was apt to grow like a snowball, in order to meet the needs of public security, expenditure on which had mounted very rapidly during the last few years (see page 192 of the Royal Commission's report).

Lord HAILEY asked for information as to the proportion of the annual expenditure devoted to defence. Which of the items on page 223 of the annual report for 1936 were properly to be regarded as defence expenditure ?

Mr. HALL said that the figure for 1935/36 was at the foot of page 192 of the Royal Commission's report. It was £862,420. He was not sure whether that figure included Public Works (Extraordinary).

Lord HAILEY remarked that, if one added up the figures for 1934 and those for 1935, they came to more than the figure given by the Royal Commission. He had therefore been doubtful about the figure. He presumed it could be taken as between £750,000 and £900,000.

Mr. HALL said it would lie between £860,000 and £900,000 or more.

Lord HAILEY observed that that would represent about 20% of the total expenditure.

M. RAPPARD pointed out that prison expenditure was included.

The CHAIRMAN, before opening the discussion on the police measures taken for the maintenance of order, the manner in which they were carried out and the result obtained from them, called upon Mr. Ormsby-Gore, who desired to make an additional statement.

Mr. ORMSBY-GORE was anxious, in view of certain criticisms—particularly criticism by Jews, but also criticism by others, including, indeed, certain passages of the Royal Commission's report—to inform the Mandates Commission as to the exact scope and limits of the responsibility of the Administration in Palestine on the one hand and of His Majesty's Government in the United Kingdom on the other, and further as to the competence and rights of the courts in Palestine, and their relation to the Government in the United Kingdom and to the Administration in Palestine, and, finally, as to the responsibility of the High Commissioner. All those were points which were bound to come up for consideration in the further examination of the months from the outbreak of the riots to their termination in October. He would also have something to say about martial law.

Obviously, the day-to-day responsibility for dealing with disturbances in Palestine was the responsibility of the Palestine Administration—that was to say, primarily of the police and ultimately of the Administration as a whole, save in so far as such responsibility was surrendered by the Administration and handed over to the military.

As to the responsibility of the Government in the United Kingdom, questions involving military reinforcements to Palestine and questions involving the supersession of the ordinary

law and the establishment of what was called martial law—he would return to that in a minute—were obviously not matters within the competence of the Palestine Administration. Such questions came within the competence of the Government in London, involving as they did discussions between himself and the War Office, and possibly the Admiralty and the Air Ministry as well, and questions of high legal policy.

His next point was the position of the courts. He wanted to make it clear to all the members of the Commission, especially any who might not ordinarily be familiar with the British judicial system, that it was a fundamental principle in all British colonies, as in Great Britain itself, that the executive had no control whatsoever over the courts. Any prosecution brought by the executive before a court must satisfy that court. The court could say what it considered adequate or inadequate evidence. The court decided as to the sentence. Furthermore, in practically all cases there were channels of appeal from subordinate courts to higher courts. The independence of the judiciary, its independence of the executive—that was to say, in the present case both of the Palestine Administration and of the United Kingdom Government—was a principle which could not be, and in fact never was, challenged. Consequently, to blame the Palestine Administration, as some Jewish critics had done, for what was represented as undue leniency on the part of the courts, or to attack the courts for insisting that evidence should conform to certain peace-time conditions, was altogether unreasonable, because such matters were not within the competence of the Administration. For the last two centuries, at any rate, of British history, since the passing of the Bill of Rights, it had been held to be not merely improper but impossible for the executive to question decisions of the courts.

Moreover, the senior members of the judiciary in every British dependency, as in Great Britain, was to all intents and purposes unchallengeable and irremovable. There was a procedure, which, however, had not been exercised for over 150 years, whereby a formal address could be presented to His Majesty by the two Houses of Parliament asking His Majesty to withdraw His Royal warrant of appointment of a judge. That was the only constitutional remedy, and it was clearly not a form of procedure which it would be easy to put into motion! In a word, it was at no time practicable or possible, either for the Palestine Administration or for himself, to do other than accept as final and unchallengeable the action of the courts.

One other point in regard to the remission of sentences pronounced by a court. Throughout the British Empire there was the old royal prerogative of mercy, which could take the form of quashing a sentence or commuting it or reducing it. In England and Wales, the prerogative was exercised on the advice of the Home Secretary; in Scotland, on the advice of the Secretary of State for Scotland. In a British dependency overseas, it rested with the King's representative alone—that was to say, in Palestine with the High Commissioner.

As to martial law, the expression as used in England had implications which were inherent in British history. There was nothing in British Law corresponding to the "state of siege" recognised in, for example, French law. Martial law, technically speaking, was merely the negation of law, the surrender by the civil power *en bloc* of its responsibility to the military. But the mere proclamation of martial law in any given area did not exempt the executive proclaiming it from challenge in the courts. Under the British Constitution, anyone had a right to take the executive to the courts and challenge it to justify its action in proclaiming martial law; and it was for the court to decide—and from the court's decision there was no appeal—whether the conditions were such as to justify the supersession of the ordinary law and the handing over of authority to the military. That point must be borne in mind in connection with the situation in Palestine last year.

There was an alternative form of martial law, called "statutory martial law", of which the Defence of the Realm Act enacted in Great Britain during the war was an example. In Palestine last year similar powers were embodied in an Order-in-Council dating back to 1931, which provided for the issue of emergency regulations to deal with disturbances. But it was quite clear from the judgments of the courts in Palestine that the actions of the Palestine Government under those emergency regulations could be challenged by the courts; and they were in fact so challenged. Accordingly, a new Order-in-Council was framed. The new Order-in-Council, amending the original Order and giving further powers of statutory martial law, was dated September 26th, 1936. It contained two articles new to the British Constitution.

On page 3, sub-head 3, it was provided that :

"Regulations under this article may make provision for appeals from judgments or orders of military courts established as aforesaid or"—note the words that follow—"or may provide that there shall be no such appeal."



Article 4 provided that :

“ Regulations under this article may make provision that judgments, orders and proceedings of such military courts shall not be called in question, whether by writ or otherwise, or challenged in any manner whatever by or before any court.”

That would have been the end of the power of the courts, if the new Order-in-Council had been put into operation. But anything done under the old Order-in-Council could be challenged in the courts, and was so challenged.

Mr. Ormsby-Gore wished next to supplement what he had said on the subject of appeals. Under certain circumstances, he explained, there was provision for appeal from the Court of Appeal in Palestine to the Judicial Committee of the Privy Council in England. Such appeal was not allowed as a right ; application had first to be made to the Judicial Committee of the Privy Council for leave to appeal. Then, if leave were granted, the appeal was heard. But the reference of a case—especially a case occurring in the middle of disturbances—from the Court of Appeal in Palestine to the Judicial Committee of the Privy Council would take months ; so that the existence of that ultimate right of appeal to London, valuable as it was in many cases, did not provide machinery practically applicable to such a situation as existed in Palestine last year, or machinery on which the executive could rely.

The CHAIRMAN said that Mr. Ormsby-Gore had recalled certain constitutional principles which were, moreover, familiar to the members of the Mandates Commission, who saw them in operation in their respective countries—namely, the separation of powers, the irremovability of judges, etc. Mr. Ormsby-Gore had also referred to certain peculiarities of British legislation of which it was clearly very useful to be reminded on the eve of the present discussion. The Chairman wished, however, to point out that Palestine was a mandated territory, and that the Mandates Commission had always taken the view that the first duty of a Mandatory was to keep order. Palestine was, of course, under an A mandate, but the same principle applied. No one would deny that the Mandatory had the power to introduce in a country under its mandate constitutional provisions of its own and certain provisions of its own legislation. Article 1 of the mandate expressly conferred such a faculty on the Mandatory for Palestine.

Nevertheless, it still remained that the Mandates Commission was entirely at liberty to form its own opinion as to whether legislation, even when it confirmed certain principles which, in the mandatory country were not open to discussion, when introduced into a territory like Palestine, where conditions might be entirely different, had conduced to the maintenance of order or, on the contrary, had made the restoration of order more difficult. The Chairman hoped that, in the examination of the course of events in Palestine at the time of the suppression of the disturbances, account would be taken of the above observation and, in particular, of the principle that the first duty of a mandatory Power was to maintain order.

M. VAN ASBECK asked whether he had been right in understanding the accredited representative to say that there were two kinds of exceptional measures under the British Constitution—namely : (1) statutory measures and (2) measures which were the sovereign prerogative of the executive. With regard to the latter measures, was he right in understanding that, when they were challenged in the courts, the judiciary was called upon to give a non-legal—one might even say a political—judgment on the soundness and wisdom of such measures ? For in that case, it was no longer for the judge to weigh facts and measures in the legal balance with the assistance of juridical weights, but to form an opinion concerning the establishment of a new state of affairs by employing the criteria of public order, general interest and good policy. If so, the position would seem to be that when the executive decided in times of trouble or revolution to establish martial law—that was to say, in the exercise of its political judgment to resort to a particular political measure—it subsequently devolved, or might devolve, on the judiciary in a particular case to exercise its own non-legal judgment on the same political issue—that was to say, the issue whether the prevailing trouble or revolution justified the exceptional measure of the establishment of martial law. In that case, there would be two political judgments, the first by the executive, and the second by the judiciary ; and it might even be that the judiciary would reverse the judgment of the executive. In other words, a judicial body would be charged with the responsibility of deciding as to the measures necessary to restore order and to enforce respect for the authority of the executive.

Mr. ORMSBY-GORE was not sure he would agree with M. van Asbeck's use of the word “ political ” ; but otherwise, M. van Asbeck had put the point very clearly. It was possible throughout the British Empire for the judiciary, if approached, to call in question and to reverse a decision of the executive under martial law. In so doing, the judiciary would not be acting as an organ of the executive ; it was an independent sovereign authority, with powers deriving from the Sovereign direct. It could challenge the executive (a) on the question whether the necessity had arisen, and (b) on the question whether the powers exercised were excessive or not.



Lord HAILEY suggested the following explanation. If a Government merely issued a declaration of martial law in the sense that it directed the military to take certain action in suppressing riots or restraining individual liberty and the like, the acts of the military would at that stage come under the ordinary law, since the mere issue of executive instructions would confer on the military no special powers or jurisdiction. They would have no more powers than any private person acting in defence of law and order. Therefore, in modern British practice, the Government, when it wished to introduce martial law, did so by means of statutory provisions, issued by an Order-in-Council or ordinance or by some similar measure having the effect of law, which conferred the necessary powers and jurisdiction on the military. Such powers might be for the limitation of individual liberty, the taking-over of property, or the trying of cases by special military courts. It was usual, at the same time, to specify what orders made by courts so constituted were subject to appeal in the ordinary civil courts and what orders were not. In other words, the jurisdiction of the ordinary courts could under these special provisions be withdrawn or curtailed. He remembered one case where a martial law ordinance made the orders of the special courts final. In another case within his experience, it was decided that sentences of a certain class, such as death sentences, should be subject to appeal to a civil court.

The point was that there were two stages. The first was the issue of executive orders to the military, which conveyed no powers or jurisdiction; and the second stage, which might be introduced practically at the same time as the first stage, whereby provisions having the force of law conferred on the military special jurisdiction and powers, including the trying of cases and the definition of the extent to which those cases would be subject to appeal to the civil courts. He did not consider it correct to say that there was any such thing as prerogative martial law.

Lord Hailey added that the use of martial law, in British practice, had almost invariably been followed by an act of indemnity when the proceedings were terminated. Such an act had been passed in regard to Ireland, and in regard to India, in 1919. It was the almost universal practice, in order to protect from civil proceedings any officer who might, though acting in good faith, have acted beyond the technical scope of any powers conferred on him.

Mr. ORMSBY-GORE said that the point he wished to make clear was that he did not want the Administration in Palestine to be blamed for what was not within its competence. If anybody were to blame for the delay in getting further powers at an earlier stage, it was His Majesty's Government in the United Kingdom. The Palestine Administration was not to be blamed, because it had been compelled to keep within the powers given under the Order-in-Council of 1931.

M. VAN ASBECK asked whether, if martial law had been declared, it would have been under the Palestine Defence Order in Council of 1931.

Mr. ORMSBY-GORE replied that it would have been on the basis of the new Order-in-Council, dated September 26th, 1936.

M. VAN ASBECK said that the accredited representative had previously explained to the Commission that the difficulty in establishing martial law consisted in the fact that, when established, it could be challenged in the courts. But that was only the case for martial law under the prerogative. He noted, however, that it would have been declared under the Order-in-Council of September 26th.

Mr. ORMSBY-GORE interposed to say that that could not have been challenged in the courts.

M. VAN ASBECK took note of that and said that as in this case the measures taken under martial law could not have been challenged in the courts, the point arose as to why the two legal amendments were only introduced on September 26th. If it were possible to declare without any legal risk martial law under the Order-in-Council as amended on September 26th, then the question arose—a question which might perhaps be explored during the later discussions—as to why it was not until September 26th that the two articles were applied to discard all decisions of the courts.

He added that he noticed in the book on Palestine edited in 1936 by the Royal Institute of International Affairs, page 40, the statement that in 1921 "the trouble did not spread, and martial law was declared". Was that in accordance with the facts? If so, was martial law declared after a week, or after a month, or after a longer interval, and what were the conditions which permitted of martial law being declared at once in 1921, and prevented its being declared at once in 1936.

Mr. ORMSBY-GORE did not know exactly what happened in 1921 ; but he pointed out that, in 1921, there was no mandate, nor was there an Order-in-Council. No doubt the action taken was taken under powers which remained over from the period of the great war. Those powers were done away with and replaced by the Order-in-Council of 1931, if not at an earlier date.

M. RAPPARD expressed his gratitude to the accredited representative for his statement, both because the members of the Mandates Commission could now read the annual report for 1936 more intelligently, and also because he always welcomed enlightenment on questions of constitutional law. He did not wish to question the wisdom of the separation of powers ; he thought the whole world would be better off if that rule were of universal application. But in all connections he thought that what most interested the Commission was the question of responsibility. It was obvious that the Commission had before it, not only the Administration of Palestine nor only the Executive of the United Kingdom Government, but the mandatory Power. Mr. Ormsby-Gore, and also Mr. Hall, were there in a dual capacity. They were representing, not only their respective Departments and their Administrations, but the mandatory Power as such ; and the mandatory Power as such was just as responsible for the administration of justice as for its legislative and executive action. Any internal principles notwithstanding, the mandatory Power was responsible first for the choice of the judges. If it could not dismiss unsatisfactory judges under its Constitution, it was responsible for its Constitution. If it could not modify its Constitution, it was at least responsible for applying its Constitution to a mandated area. He imagined that, in that respect, it had certain powers ; and he gathered from the apparent disparity between the views set forth by Mr. Ormsby-Gore and Lord Hailey respectively that in India powers were delegated to the Viceroy which had not been delegated to the High Commissioner in Palestine. It was therefore within legal possibility for the mandatory Power to set up in a mandated area some scheme which would allow it to face its responsibilities in connection with the administration of the territory under the mandate.

Mr. ORMSBY-GORE assented.

Mlle. DANNEVIG said that, not being a lawyer, she was unable to judge of all the complex legal questions which had been discussed : but she wished to ask a plain question. Did she understand the situation in Palestine aright when she concluded that two important sections of the local government in Palestine—the executive and the High Courts of Justice—had been at variance, and that therefore the Administration had found it difficult to keep order and protect the lives and property of the inhabitants ?

Mr. ORMSBY-GORE replied that it was not a question of the authorities having been at variance ; it was a question of their being independent. The judiciary in Palestine was not under the control or order of the Government of Palestine ; it was an independent power and could therefore challenge the actions of the executive.

Lord HAILEY added, unless and until its jurisdiction was withdrawn or curtailed.

Mr. ORMSBY-GORE agreed.

The CHAIRMAN suggested that the Commission should return to the examination of the actual disturbances. In that connection he would ask the accredited representatives for an explanation which he thought was necessary at the present stage of the Commission's work : at the second meeting, Mr. Ormsby-Gore had expressed the view that violent repression would have widened the gulf between the two elements of the population, as the Arabs would have considered that those severe measures were due to the presence of the Jews. Mr. Ormsby-Gore was referring mainly to the future when he said that his reply to those who asserted that order could always be maintained by force was that when resort was had to force, the gulf which separated the two elements of the population was widened.<sup>1</sup> The Chairman, however, would like to know whether that consideration had not been borne in mind during the period of the disturbances.

Mr. Hall had appeared to take a different view and had said that repression would have been very difficult, because the insurrection was sporadic and unorganised and that it was easier to put down an organised rebellion than one that was unorganised. He had added that had repressive measures been adopted, the mandatory Power might have caused suffering to innocent persons.

The Chairman appreciated those two arguments taken separately : according to Mr. Ormsby-Gore, there had been a deliberate determination on the part of the mandatory Power not to resort to repressive measures accompanied by bloodshed, owing to the possible moral consequences that might ensue ; Mr. Hall, on the other hand, had appeared to say that while the desire to repress the outbreak existed, it was difficult to do so. This led the Chairman to his first question : Assuming the desire to put down the rebellion ; had it been found impossible to do so ? Or, alternatively, while possessing the means, and therefore being in a position to restore order, had it not been desired to employ those means ? Or again, had there been some hesitation between the desire to act and the desire to avoid taking action ?

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<sup>1</sup> See page 17.

In that connection, the Chairman also wished to know whether at any time during the disturbances the British military authorities had admitted that they were incapable of repressing them with the means at their disposal ?

He appreciated the reluctance which might have been felt about putting down the disturbances because innocent persons might suffer, and no member of the Commission would approve the view that "innocent persons must suffer for the guilty." But if scruples were carried too far, nothing would be done to put down disturbances, because it was nearly always the onlookers and the inquisitive who were the victims when repressive measures were employed. The question that arose therefore was what method caused the greatest harm to a community : dilatory measures, the timid and intermittent use of force, which allowed the disturbances to continue, with the resulting loss of human life, the destruction of property and the disorganisation of social life and labour, or short sharp action at the right moment, even if a few innocent persons had to suffer ?

He thought it advisable to ascertain at the beginning of this discussion what attitude the mandatory authority had adopted in regard to the disturbances.

Mr. HALL replied that the desire, and indeed the determination, to suppress the disturbances was present throughout their duration. But His Majesty's Government and the Palestine Government had two objects in view : one was to suppress the disturbances and to preserve life and property, and the other was, in that process, not to leave behind a permanently embittered Arab race, permanently embittered against the Mandatory and—what was perhaps of even greater importance—permanently embittered against the Jewish race.

That second consideration had received a certain additional emphasis from the decision of His Majesty's Government to appoint a Royal Commission to go into the whole question of alleged grievances and the future of Palestine. Obviously, if the Arab race in Palestine generally had been permanently embittered, nothing the Royal Commission could have suggested and no investigation of grievances could possibly have brought permanent peace to the country.

Though that second object had influenced the actual practice and policy of His Majesty's Government, it was not the only decisive factor. Other considerations had had to be taken into account. One of those was that His Majesty's Government and the Palestine Administration wished to avoid indiscriminate action—that was to say, to avoid wreaking collective punishment on innocent people. As far as possible, throughout the disturbances they had tried to strike the guilty and avoid injuring the innocent. Of course, collective punishment, had had to be applied to village communities and the like, where doubtless innocent people suffered with the guilty : but it was not desired, if it were in any way avoidable, to apply measures so drastic as to be inhumane. The measures taken for the repression of the disturbances were made much more difficult, not only by that consideration, but by the sporadic nature of the outbreaks. It had always been one of the authorities' principal tenets that they should never use more force than was necessary to achieve the immediate object. If, at the beginning, they had, for example, bombed Nablus from the air that might have given such a lesson to Palestine as to have broken up the revolt. But in the view of the advisers on the spot that would not necessarily have been the effect. Apart from the moral objection to such a proceeding, they thought it would probably have led to a great extension of the revolt. Innocent people would have joined in with the guilty, and trouble would have spread to Trans-Jordan. That was the advisers' view ; and it was Mr. Hall's own view. Accordingly, the Administration had refrained from what might be termed a dramatic and inhumane lesson, aimed at achieving immediate results.

The object throughout had been to strike at the guilty wherever they could be found ; and that object had been pursued with the utmost tenacity by the forces of security, the army and the police. They had never hesitated to strike at the guilty, but had pursued them all over the country ; 466 agitators and leaders were interned and 887 were placed under police supervision. Apart from the demolitions at Jaffa, which had a primarily security object, ninety-three other houses throughout Palestine were blown up as a punitive measure. Collective fines were imposed on seventy-five towns and villages and curfew was imposed on forty-seven occasions. Above all, it was estimated that 1,000 rebels were killed, apart from the vast number wounded.

Within the limits of the powers available to the Administration, therefore, he thought the measures of repression were pushed home as far as possible without leaving behind a permanent embitterment which would have meant the end of any possibility of lasting peace in Palestine, and without running the risk of increasing the scope of the revolt.

It had to be remembered in applying collective punishments, particularly fines, to small villages that if the severity of the fine or of measures for blowing up houses removed the livelihood of the people, the latter were liable to join the bands in the hills. For example, the inhabitants of one village which had been severely punished migrated *en masse*.

Referring to the second question raised by the Chairman, Mr. Hall added that at no time were the military authorities denied the reinforcements for which they asked. The requests which were sent to His Majesty's Government in the United Kingdom for reinforcements were the result in each case of prior consultation between the High Commissioner and the

military authorities. There was no request made to the home Government for reinforcements that was not met, and there was no avoidable delay in providing those reinforcements after the request had been made.

Mr. ORMSBY-GORE added that the decision to send the division in September was taken, not on the initiative of the local commander or on that of the High Commissioner, but on the recommendation of the General Staff in London having regard to their appreciation of the whole situation and of the possibility of martial law. Up to that time, the reinforcements that went month by month had been sent on requisition from Palestine. In September, the despatch of the whole division was a decision by the United Kingdom Government.

The CHAIRMAN asked whether it was to be understood that, leaving out of account those political and moral considerations to which reference had been made, the military authorities had throughout considered themselves capable of putting down the disturbances at any moment, given a determination to employ all the means at their disposal.

Mr. ORMSBY-GORE explained that continual reinforcements were sent on the advice of the Palestine authorities, as the disturbances, which had started as town riots, spread all through the country, and became more determined and more difficult to deal with.

M. RAPPARD asked whether reinforcements were not an alternative to violent action by the forces on hand, and whether it was not because the authorities did not want to use aeroplanes indiscriminately that larger forces had to be used.

Mr. ORMSBY-GORE replied that this was rather a military question. The United Kingdom Government, as a matter both of principle and of policy, did not want to indulge in methods of "frightfulness", such as indiscriminate bombing and the killing of women and children.

Mr. HALL added that, apart from moral and what had been described as political scruples, a dramatic act of frightfulness, in the view of the Government's advisers would probably have led to a serious extension of the trouble. It might have ended it: it might have extended it. It was again a question in the realm of retrospective prophecy.

Mlle. DANNEVIG asked if the accredited representative thought that the only alternative to the measures actually taken was the bombing of villages and towns.

Mr. ORMSBY-GORE replied that, having regard to the nature of the country and the nature of the rebellion, the only two possible alternatives were either gradual encirclement and (so to speak) gradual military occupation, endeavouring to deal with the individuals actually revolting, on the one hand, or indiscriminate acts against the population as a whole on the other; and His Majesty's Government had deliberately adopted the former alternative, although it was much more expensive, much more difficult and much slower than the latter.

Mlle. DANNEVIG asked whether the threat of bombing would not have been sufficient to keep the Arabs in check.

Mr. ORMSBY-GORE said he would never believe in issuing a threat which is was not intended to carry out.

M. SAKENOBE observed that, considering the events which had gone on for five or six months, he was inclined to doubt whether the policy of prudence and moderation had been successful. Month after month the situation became worse, although the military reinforcements arrived time after time until eventually the physical and material forces of the bands were exhausted and the order to cease fire was given them by the Arab Higher Committee. If they had been physically able to go on, they would have gone on: but materially they could not. He therefore wondered whether the policy actually pursued could really be said to have been successful.

Mr. HALL did not think that it was true to say that the revolt became worse and worse, except during the initial months. It changed its character. In the beginning, there were riots in the towns, which were dealt with effectively. After that stage, with the exception of isolated cases of individual murders, the towns were relatively safe. The revolt then spread to the villages, and there were attacks on roads and communications. The military authorities took steps to restore, to a very large degree, the safety of transport on the roads by means of

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Mr. HALL did not think that it was true to say that the revolt became worse and worse, except during the initial months. It changed its character. In the beginning, there were riots in the towns, which were dealt with effectively. After that stage, with the exception of isolated cases of individual murders, the towns were relatively safe. The revolt then spread to the villages, and there were attacks on roads and communications. The military authorities took steps to restore, to a very large degree, the safety of transport on the roads by means of

pickets and convoys. The convoys were in wireless communication with aeroplanes in waiting at the aerodrome, with the result that within a few minutes of a convoy being attacked, aeroplanes would arrive to drive off the rebels with light bombs and machine-guns. The roads were made relatively safe. If in his previous remarks he had given the impression that the roads were made entirely safe, that was not true, but they were made relatively safe. The revolt then developed into attacks by bands which had their bases in the mountainous areas; towards the end it was for the most part confined within the triangle, Jenin-Nablus-Tul Karaim.

Mlle. DANNEVIG would be very sorry if she had given the impression that she was in favour of bombing. On the contrary. She had of course the fullest sympathy with the British effort to save lives and prevent undue hardship to innocent people. But she had thought that an effective way of dealing with riotous crowds was either to threaten to bomb them or to fire over their heads.

Mr. ORMSBY-GORE had always understood from the military authorities that the idea of firing over the heads of a crowd, although it might be some use in a European city, was singularly ineffective in a good many places in the East. But these were questions of military tactics on which he for one was not qualified to express a definitive opinion.

Lord HAILEY observed that in India there was an instruction against the use of blank firing.

Mr. HALL said there was a similar instruction in Palestine.

Mr. SAKENOBE was glad Mr. Hall had given his explanation of the development of the revolt, because in reading the annual report for 1936, one rather got the impression that the revolt continued to get worse until the last moment. On page 15 of the report, for instance, it was stated (paragraph 32) :

“ During July and August, there was no change in the general situation. The strike continued to be maintained and disorders continued unabated.”

In a later paragraph, it was stated :

“ Night sniping at Jewish settlements continued in the rural areas of the Jerusalem district, and military and police patrols were fired upon with greater frequency. There were constant cases of sabotage of telegraph and telephone wires as well as of rail and road communications and of crops.”

Further, in paragraph 36, it was stated that during September—a later stage of the disturbances—in the rural district of Jerusalem, intimidation increased, and there were indications of more efficient organisation of the sabotage of telegraph and telephone communications which suffered heavily. Those happenings took place in the district of Jerusalem, the capital. However, Mr. Hall's explanation had, on the whole, clarified the situation.

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## NINTH MEETING.

*Held on Wednesday, August 4th, 1937, at 4 p.m.*

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### **Palestine : Examination of the Annual Reports for 1935 and 1936 (continuation) : Disturbances of 1936 (continuation).**

Mr. Ormsby-Gore, Mr. Hall and Mr. Martin came to the table of the Commission.

### **VARIOUS PHASES OF THE DISTURBANCES : PENALTIES : ATTITUDE OF THE ARAB OFFICIALS.**

M. VAN ASBECK had been impressed by the accredited representative's statement that in the later months of the revolt the seriousness of the attacks and the extent of the revolt were causing less anxiety than at the beginning. Was that the impression which the accredited representative had meant to convey ?

Mr. HALL explained that what he had said was that the revolt had entered upon a different phase. It had become concentrated rather in the villages and in the hills instead of taking the form of disorders in the towns. Also, the roads were safer.



M. VAN ASBECK asked if, in fact, the shifting of the revolt from the towns to the villages did not make it more serious and cause greater anxiety than if it had remained confined to the towns where there was only a limited field of action.

Mr. HALL thought the discussion was turning on a matter of words. In replying that morning to M. Sakenobe, he had been stating a generalisation, but a generalisation with exceptions. His point was that the revolt in its later stages affected the villages and hills rather than the towns and general highways. It was, therefore, less felt by the mass of the citizens and was less of a general challenge to the Government. But it was more difficult to deal with, and that was why additional forces had finally to be brought in. He had been considering the question of relative security. Security was established or partly established over a great part of the country; but as the revolt tended ultimately to be concentrated in the hills and villages, the problem of security was more difficult to deal with and large military reinforcements became necessary.

M. VAN ASBECK quoted the following passage from page 32 of the report for the year 1936 :

“ . . . His Majesty's Government are satisfied that the campaign of violence and threats of violence, by which the Arab leaders are attempting to influence the police of His Majesty's Government, cannot be allowed to continue, and more rapid and effective action must now be taken in order to bring the present state of disorder to an end with the least possible delay. With this end in view, it has been considered essential to send further substantial reinforcements to Palestine.”

The geographical area of the disturbances had perhaps changed and the numerical majority of the population of Palestine may have felt that the revolt was dying down, but the fact that it had shifted from the towns to the rural areas must have constituted a very serious feature, and this fact explained the importance and seriousness of the military measures taken after September 7th, 1936.

Mr. HALL thought that that statement was correct. The mass of the population was less directly affected at that stage, but the political, and more particularly the military, effects were more serious.

M. VAN ASBECK, reverting to the references made at the morning meeting to the seeming leniency shown by the Palestine Government to the Arab population in suppressing the revolt, asked whether that leniency did not place other elements of the population in a very serious situation—the Jews in their agricultural settlements were particularly exposed to raids and attacks by Arab gangsters. Further, had it not had the serious effect of weakening the authority of, and lessening the respect of, the Arab population for the Government? Had it not engendered the feeling that they could be as lawless as they liked without feeling the strong hand of the Government on their necks?

Mr. HALL hoped that it had not been deduced from anything he had said that morning that the Government had been lenient towards the rebels. On the contrary, it had pursued, attacked, shot and killed rebels wherever it could find them; that was part of its policy. There was no leniency there. Certainly the Jews had thought that the Government was lenient; but that was possibly due to a misunderstanding of the position or their deep exasperation with the continuance of the disturbances.

The Government's action had been anything but lenient. The members of the Commission would realise this if they read some of the petitions received from the Arabs regarding the measures taken to punish people who were guilty, measures involving, as they inevitably did on some occasions, the punishment of people who individually were not guilty. All that was said at the morning meeting was that the Government had attempted to limit punishment to the guilty and to spare the innocent as much as possible. Every possible police and military measure had been taken to protect individual Jewish colonies. It was only when protection would have led to an undue dispersal of military and police forces that the steps were taken to arm Jewish supernumeraries. It was on June 3rd that the first body of Jewish supernumeraries was formed to be responsible, with the police, for the internal defence of Jewish settlements. Those bodies were afterwards progressively increased until, as already stated, they numbered over 3,000.

M. RAPPARD said that nothing that had been heard at the morning session could give rise to a suspicion of undue leniency, but, of course, much information, not only from Jewish sources, but even from observers, tended to confirm that suspicion. Thus, it was not very surprising if, in the administration of Palestine, the Arab elements were at least lenient, if nothing more. The sentences of certain judges have generally been held to be unduly lenient, yet the sentences which they imposed had often been commuted by the executive authority. The High Commissioner was reputed to have consistently followed a policy of conciliation, even in the course of repression. All those facts seemed to M. Rappard fully sufficient to justify



the feeling that undue leniency was being shown, that the Administration wished to win over the rebels by a policy of appeasement rather than by threats of repression. M. Rappard felt obliged to confess that he was himself troubled on that point ; he could not help feeling that the reputation of undue leniency constantly complained of in various quarters was not only well-established but it was also not difficult to understand, given the circumstances to some of which he had alluded.

Mr. ORMSBY-GORE said that M. Rappard had read into his remarks made during the morning session concerning the relations between the judiciary and the executive something which he had not actually said, and which it would have been very improper for him to say. Neither Mr. Hall nor he himself had any right to say whether sentences by a judge were or were not lenient. Mr. Hall and he had not been in the court or heard the evidence. Moreover, it was an absolute rule in English administration that the executive must make no criticism of a court sentence. He knew that, particularly in Jewish quarters, and, he admitted, in some others also, the idea prevailed that the United Kingdom Government and the local Administration had adopted a policy of undue leniency. He could only say that he did not agree. It was certainly the intention both of the Administration and of the United Kingdom Government to deal with the rebels. On the other hand, they certainly did not want to treat as rebels a large proportion of the non-Jewish population of Palestine who, while they might have sympathised with the political aims of the rebels, were not, in fact, taking part in outrages or rebellions. That distinction—between a person who was “ agin the Government ” and a person who did something against the Government which was obviously wrong and improper—was a real one, and, doubtless because the Administration, and he thought rightly, had concentrated on the latter, outside observers might have received the impression that there was a policy of leniency. That there was such a policy he must deny.

Mr. HALL said that the only sentences arising out of the disturbances which to his knowledge had been commuted by the High Commissioner under the Royal prerogative were certain death sentences and certain severe sentences for the possession—not the use—of arms and explosives. It would be remembered that, in the Revised Emergency Regulations, a minimum sentence of five years was imposed for the latter offence, and therefore all judges sentencing such offenders had to impose at least that sentence. Those cases had all been reviewed some five months or so after the disturbances. Included in those convicted of the latter offence were a number of Jews found in possession of arms. As a result of that review most of the Jews were released, and a few Arabs, those who could similarly show mitigating circumstances, had their sentences reduced or, in one or two cases, were released. He remembered the case of one old man of seventy on whose roof a few old rounds of ammunition had been found. He had necessarily been sentenced to five years' imprisonment. The great majority of these sentences, however, had been upheld and were in force.

The first death sentence which had come before the High Commissioner was a sentence upon two youths. That sentence had been confirmed at once by the High Commissioner. But an appeal had been immediately lodged with the Judicial Committee of the Privy Council on two grounds : (1) that the age of the youths was not established as being over eighteen, and in Palestine no one under that age could be hanged ; (2) that the Emergency Regulations under which they had been condemned were *ultra vires*. The appeal had been admitted to consideration by the Judicial Committee of the Privy Council. Meanwhile, other death sentences had been referred to the High Commissioner. He could not confirm those sentences because a case was then pending before the Privy Council as to whether the Emergency Regulations were or were not *ultra vires*. The Privy Council had taken about five months to deliver their judgment. They had finally ruled in March 1936 that the Emergency Regulations were *intra vires*, and that there was no evidence that the youths were under eighteen. By that time the condemned men had been in prison for many months, not knowing whether they were going to be hanged or not. The sentences had been commuted to life imprisonment in all cases. These were cases of men who had fired at troops ; they were not cases of murder.

M. RAPPARD pointed out that he had not based his remarks about the leniency of judges on anything that had been said by the Secretary of State or by Mr. Hall. But when a judge publicly denounced the excessive severity of the Government, it could at least be assumed that the Government deemed him to be unusually lenient. M. Rappard could hardly imagine how the Government, even though it said nothing, could be supposed not to deem a judge too lenient, when the judge publicly expressed the view that the Government was not sufficiently lenient. Moreover, to revert to what he had said at the Commission's previous meeting,<sup>1</sup>

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<sup>1</sup> See page 69.

the mandatory Power was as responsible to the Commission for its judges and for the delay of the Privy Council as for anything that the High Commissioner might, or might not do. M. Rappard quite understood that there had been internal differences, but the Commission judged the attitude of the mandatory Power as a whole, and the matter must be left at that.

Mr. ORMSBY-GORE agreed; the accredited representatives could only give their explanations. The Commission must not think that the accredited representatives were maintaining that everything was perfect, that the mandatory Power never made a mistake, that it foresaw everything and dealt with everything. That was not their attitude. As the Royal Commission's report had shown, there had been particular difficulties from a constitutional, military and political point of view, and undoubtedly many people had received the impression that the mandatory Power had been lenient. The accredited representatives had put the difficulties before the Commission and had asked it to judge in the light of all the facts whether the case frequently made against the mandatory Power was as strong as some critics maintained.

M. VAN ASBECK explained that his point was that in seeking, for humanitarian reasons, to spare the Arabs suffering, the authorities were exposing innocent people on the other side to more attacks and suffering than they would otherwise have undergone. Was the Commission to conclude that the accredited representative agreed with the opinion expressed by the Royal Commission on page 140 of its report (paragraph 55), when it said :

“ If one thing stands out clear from the record of the Mandatory administration, it is the leniency with which Arab political agitation, even when carried to the point of violence and murder, has been treated ” ?

Those words “ even when carried . . . ” etc., seemed to contain a rather alarming charge against the Government of the country.

Mr. ORMSBY-GORE said that that was an expression of the Royal Commission's view, and that criticism must be taken as being well founded in that body's opinion. He did not feel that he could usefully say anything about it; it proved, at any rate, that the Royal Commission was an independent body. He was satisfied that successive High Commissioners and successive Secretaries of State for the Colonies for the previous fifteen years might have something to say about such a generalisation. That was how the situation appeared to some people, and he took that criticism as coming from a very responsible body. As had already been said, the mandatory Power had continuously followed a policy of conciliation. The High Commissioner and he himself recognised that the policy had broken down, had failed and, as Mr. Ormsby-Gore had told the Commission in his opening statement, he was now much more concerned about the future than the past.

M. RAPPARD observed that the past might prejudice the future.

The CHAIRMAN recalled that the Statement of Policy of the United Kingdom Government said that “ His Majesty's Government in the United Kingdom . . . —find themselves in general agreement with the arguments and conclusions of the Commission ”. There were therefore some exceptions.

Mr. ORMSBY-GORE said that, broadly speaking, the United Kingdom Government accepted the report, but that did not mean that it accepted every sentence as written.

Lord HAILEY asked whether any action could advisably have been taken against the Arab Higher Committee, which at one time seemed to be organising the revolt; and whether the Administration had found itself able to take any action against those of its own subordinates who had issued a memorandum attacking its policy.<sup>1</sup>

Mr. HALL replied that the Secretary of the Arab Higher Committee, who was head of the Istaqlal Party, had in fact been interned and his successor, who also belonged to that party, usually regarded as the most extreme party in Palestine, had also been interned for the duration of the disturbances. As regards taking action against the Committee as a whole, Mr. Hall referred to his statement in reply to the question put by Count de Penha Garcia at the sixth meeting,<sup>2</sup> in which he had explained that the Committee had laid itself open to prosecution on one occasion only, and on that occasion there was little prospect of a prosecution leading to a deterrent sentence. Mr. Hall then informed the Commission of the various considerations which prompted the decision of the Administration not to take punitive measures against the Committee.

<sup>1</sup> For text of this memorandum, see page 401 of the Palestine Royal Commission's report.

<sup>2</sup> See page 50.

Mr. ORMSBY-GORE said that the authorities in London had taken the same view as that taken by the High Commissioner.

Lord HAILEY read the following passage from a letter of May 4th, 1937, sent by the Jewish Agency to the High Commissioner (document C.P.M.1914) :

“ The existence and activities of that Committee were tolerated, in spite of its openly seditious character, and those of its members who held official positions in the gift of the Government were allowed to remain at their posts. At the beginning of the strike, members of the Committee were even permitted to make a tour of the country, during which they openly preached sedition.”

It was that definite allegation which had led Lord Hailey to address the question to Mr. Hall.

Mr. ORMSBY-GORE could only say that the view of the Jewish Agency was not accepted in this matter, either in fact or in its manner of expression. He would like it to be placed on record that in the Government's view no member of the Arab Higher Committee could be described as an official of the Government and under its control. The only member of the Higher Committee who might approximately be so described was the Mufti himself, because he held a recognised position and he had been originally selected by Sir Herbert Samuel, as High Commissioner, in the way described in the Royal Commission's report (pages 52, 177 to 180).

Mr. HALL, before dealing with Lord Hailey's second question, pointed out that in his view the charge that the Arab Higher Committee openly preached sedition was unfounded. There had been no evidence that its members had preached sedition. They had associated themselves with resolutions in favour of the general strike and did, on occasion, advise the Arabs to continue the strike, but that was not sedition. The general strike in Palestine was never illegal.

Lord Hailey had asked about the letter addressed to the High Commissioner by the higher Arab officials on June 30th, 1936. Before explaining to the Commission the circumstances underlying that letter as he understood them, Mr. Hall desired to point out that it had been the Palestine Government's policy to include in its civil service as many elements of the local population—Arab and Jewish—as possible. That had been advisable for several reasons. In the first place, there was no Legislative Council and it was, therefore, desirable to have the advice of the local population thus made available to the Government. Secondly, in view of the provision in the mandate for the establishment of self-governing institutions, it was desirable that as many responsible and educated members of the public as possible should acquire experience in administration. Thirdly, it had been hoped—to some extent, the hope had been realised—to foster inter-racial co-operation within the civil service.

The circumstances under which the officials wrote that letter, which had been so keenly criticised, and rightly criticised, were the following. From the very outset of the strike, the strikers brought great pressure to bear on the officials to join them. Until they were prohibited, articles to the same effect had appeared in the newspapers. Resolutions were passed by local committees and bodies urging the officials to go on strike with the rest of the Arab nation. At one of the congresses of these local committees, a resolution was put forward in favour of a strike by the officials. To its credit, the Arab Higher Committee refused to endorse that resolution. The pressure on officials became increasingly severe, and several of the senior officers received letters, threatening not only their own lives but their families also if they did not go on strike. The pressure of Arab public opinion was very severe, and intimidation operated also ; and this letter to the Government represented, he believed, the attempt of the officials to find a middle course and to show their sympathy with the sentiments of the vast majority—in fact, one might say the whole—of the Arabs in Palestine without going on strike and being disloyal to the Government.

It was technically improper : Government regulations laid it down that officials must not interfere in politics, although officials were encouraged to offer criticisms of Government administration. It was technically improper also because it was laid down that any petition an official wished to make should be sent through the head of his department. This letter was not submitted through the heads of departments, but sent direct to the High Commissioner. It was the officials' attempt to meet, in some measure, and without showing active disloyalty, the criticisms directed against them unflinching and more and more vehemently from the beginning of the strike. When the letter was received, the High Commissioner considered whether disciplinary action should be taken against them and His Majesty's Government was also consulted on this point. In all the circumstances, and having particular regard to the great strain imposed on the loyalty of those officials during the disturbances and the extremely difficult time they had had from their fellow Arabs, it was decided that it would be inadvisable to take any particular disciplinary action. Disciplinary action would have involved nearly

three-quarters of the civil service. His Majesty's Government, moreover, was informed that the officials were performing their duties faithfully. It was notable that the police did not sign the letter.

Count DE PENHA GARCIA asked what was the Palestine legislation on strikes : did it include provisions, not only against actual striking, but also against certain acts accompanying it, such as sabotage ? Did the Administration possess sufficient legislation or were the means of repression inadequate ?

Mr. HALL replied that the strike—which was a demonstration of passive resistance—had caused the Arabs great financial losses and given them a severe economic set-back. It had, he hoped, also been a salutary lesson.

Power had been taken by the Administration in the early stages of the strike to demand the opening of shops. As a result, the merchants removed their goods to their houses and the measure had proved ineffective. Power to prevent intimidation was already conferred by the Intimidation Ordinance, and when persons were caught intimidating—and cases were fairly numerous—they were punished in accordance with the ordinance.

When the transport strike first began, the various local strike committees had issued what they called "strike permits" for certain cars to remain on the road. The Government thereupon issued an order that only cars holding a Government permit could use the road. All the striking cars were thus effectively driven off the road. The Arab response to that measure had been to scatter nails, stones and broken bottles on the streets, in order to puncture the tyres of cars used by the security forces and the Jews. That had been met by enacting an Emergency Regulation giving the police and military officers power to compel any member of the public in the vicinity to remove the nails, glass and stones. The widespread use made of that power had soon stopped this particular nuisance.

The question of preventing intimidation was more difficult, because the intimidator had to be caught, and he usually waited until the policeman had passed before committing intimidation. In order to secure convictions in such cases, a law had been passed altering the rules of evidence and permitting conviction on the evidence of one person only. The evidence of one police officer had been ruled to be sufficient for a conviction, and by increasing patrols and harriving intimidators to every possible extent, a good deal had been done to put down intimidation.

Count DE PENHA GARCIA asked, in connection with measures against acts of intimidation, whether the instigators of these acts were punished. The report of the Royal Commission stated on page 98 that the representatives of the Arab National Committees had frequently exercised such intimidation. If, therefore, the instigators were to be punished, had members of the National Committees been punished on this account ?

Mr. HALL explained that the National Committees referred to in the report were the local Committees of which he had spoken. There was a National Committee in practically every large village and certainly in every town. The fact was that intimidation had played very little part in the movement in the early stages, and had been introduced after the enthusiasm of the Arab shopkeepers, who had suffered severe losses, had begun to wane. Any evidence that the Administration had had of intimidation by members of National Committees would have led to prosecutions. He could not say offhand whether any of them had been prosecuted, but he could say that many of the members of National Committees had spent most of the period of disturbances in Sarafand Internment Camp. If a District Commissioner had good reason for believing that a member of a National Committee was behaving in such a way as to endanger the peace, that person was promptly sent to the Sarafand Internment Camp.

Count DE PENHA GARCIA asked what penalties the legislation provided against acts of sabotage and violence.

Mr. HALL said that sabotage was in certain circumstances punishable by death, and intimidation was dealt with under the Palestine Intimidation Ordinance.

Mr. ORMSBY-GORE observed that the word "sabotage" was rather vague ; he supposed that, technically, the placing of nails on the roads was sabotage.

Count DE PENHA GARCIA had observed that in the struggle against the mandatory Power the agitators had, in addition to strikes, advised refusal to pay taxes. Was that an act of rebellion under the law ? Or had it been necessary to enact special legislation to make refusal to pay taxes an offence ?

Mr. HALL said that instigation to refuse to pay taxes was an illegal act. He could recollect no demand for the payment of revenue having actually been refused. As stated in the report, the movement to refuse payment of taxes never gained much momentum. The Administration had collected a certain amount of taxes in the towns, but it had not collected taxes to any extent in the villages until the disturbances were over. In any case, it was an illegal act under the ordinary statute law of the country, either to refuse to pay taxes when the demand was made, or to incite others to refuse to pay them.

Count DE PENHA GARCIA pointed out that in many countries, when an individual refused to pay taxes, the penalty was purely financial; the taxes to be paid by that individual were increased by a certain percentage. Was that the case in Palestine, or was the recalcitrant taxpayer immediately brought before the courts without financial penalty?

Mr. HALL replied that that provision did not exist in Palestine. In such cases, the person's goods were seized and sold, and the Administration recovered the proceeds. Incitement to refusal to pay taxes was an illegal act, and two persons, as already mentioned, had been charged and convicted and sentenced to fines of £25.

Count DE PENHA GARCIA said that the first two cases he had mentioned (strikes and refusal to pay taxes) were cases of a general character, in regard to which an indulgent policy was comprehensible. It might indeed be difficult to take steps to deal with all the persons concerned.

He now came to a third point, which to his mind came before the other two—namely, the quite extraordinary and singular case of the letter in which certain officials of the Palestine Administration had protested to the Government against its policy and against its manner of carrying on business. That document had been signed by high Arab officials and by officials of the second class—that was to say, by a large part of the administrative staff. Those officials had thus committed an act which, according to the regulations, should constitute an act of serious indiscipline in the eyes of the mandatory Power. Count de Penha Garcia wondered whether the Administration's indulgent attitude would not have harmful consequences in the future. These officials had not, indeed, gone on strike, but they had placed themselves in a state of rebellion against the Government, and they had criticised its policy. Such an attitude must have had great repercussions in the Arab world. It was, indeed, an act of collective indiscipline. Obviously the Palestine Government could no longer count, in future, on those officials. It would perhaps have been better if they had gone on strike, as they could then have been replaced. Had the Administration taken any disciplinary action and, if so, what?

The CHAIRMAN was glad that Count de Penha Garcia had raised that point, which had also struck him—namely, the indulgence with which Mr. Hall viewed these officials and the numerous attenuating circumstances which he adduced in their favour.

Mr. HALL said that, if he had appeared to be condoning the action of those officials, that had not been his intention. He had merely explained, as he thought the Minutes would show, the circumstances in which the letter had been written, and the circumstances which had supplied the motive for it. Naturally, he did not consider that the letter should have been written. Perhaps the Commission would permit him here to make a personal remark. When criticism was voiced by members of the Commission, he, as accredited representative, replied to that criticism. In this particular case of the Arab officials' letter, members of the Commission had expressed condemnation, with much of which he would agree himself. He had merely stated the other side, so as to place before the Commission the complete picture. During the proceedings he had sometimes explained Arab motives and actions, but he hoped that the Commission would not consider that he agreed with them; that was far from being true.

The effect of the officials' letter had been to stop at once the public and secret pressure on them to go on strike. They had secured their position, and at the same time expressed views which they doubtless genuinely felt, by a device which was very much open to criticism. On the other hand, the Commission must realise the position in which those officials had been at the time the letter had been written. The strike and disturbances had been in existence for several months and excitement ran high; and it was perhaps difficult for these officials to take the same detached and dispassionate view of their position as members of the Mandates Commission properly took to-day. Possibly, if the officials could now think the matter over again in an atmosphere of quiet, they would feel that the letter ought not to have been written. He thought it was going too far to say that their loyalty could never again be depended upon. Many of the second division officers who had signed the letter, particularly those in the Post Office, had proved their loyalty by continuing to work in conditions of almost daily danger when repairing telegraph and telephone lines; engine-drivers and railway officials had stuck to their jobs when under fire.

M. RAPPARD asked whether the protest had been unanimous or had there been exceptions.

Mr. ORMSBY-GORE thought there were, practically speaking, no exceptions. The letter was sent as a "round robin" signed by everybody except the police.

He himself had felt very deeply the difficult position of the Arab officials who continued to serve the Government in Palestine throughout the disturbances. Very many of them had behaved with great gallantry and loyalty, and in all the circumstances some expression of sympathy or solidarity with what he had always admitted was a great national political movement expressing dissatisfaction with the Government was, he thought, almost inevitable. But such an expression of opinion was irregular, it was wrong and ought not to have been offered, but, as he had tried to explain to the Commission, he was fully satisfied that the political movement among the Arabs of Palestine was universal amongst all classes and sections of the population. That was a fact which had to be faced, and the existence of such things as that letter made it all the more important to realise that some solution had to be found to the problem with which the mandatory Power was confronted.

Count DE PENHA GARCIA said that two conclusions might be drawn from the replies given : (1) the excuse of the officials was that they did not have the necessary security ; (2) that, in future, it would perhaps be better for the mandatory Power, if it wished to carry out the mandate efficiently, to increase the number of officials of its own nationality instead of entrusting such duties to Arabs or Jews.

Mr. ORMSBY-GORE said that that recommendation was made in the Royal Commission's report. It might be necessary to resort to that procedure, but it was a step backward in the evolution of Palestine towards self-government.

M. RAPPARD thought that no one could really justify or even condone the action of those officials. Two things had been said to justify the Administration's attitude ; on the one hand, that the officials were under such pressure that, humanly speaking, one could feel for them, and, on the other hand, that there were so many of them that any general measure of discipline would have paralysed the administrative machine.

In regard to the first point, he largely agreed with Count de Penha Garcia. It was a great confession of weakness on the part of the Administration to admit that officials collectively denouncing the policy which their Government was bound to carry out were subjected to such pressure that they could not be protected. In regard to the second point, he would have imagined that an examination of the case would have led to the establishment of very diverse responsibilities. In any administration in which some measure of collective action was proposed, the senior officials, who initiated it, bore a different responsibility from their juniors who had to join in it. He did not think the alternative would have been to turn them all out of the service and paralyse the whole Administration ; all that the Administration did, according to its own report, was to transmit the memorial to London and then carry on. <sup>1</sup>

Such action must have been interpreted as a sign of weakness both by the officials who had challenged the authority of the Government and those others, presumably numerous, who had hesitated very much before appending their signatures but had eventually succumbed to the pressure from their colleagues. They had found that, after all, bold measures met with impunity. Did not Mr. Hall feel that to do a thing of that kind was a serious undermining of the authority of the Administration ? M. Rappard could quite understand the Administration not dismissing all the officials, but to have dismissed those who were the ringleaders would not have paralysed the Administration and would, at the same time, have re-established morale.

Mr. ORMSBY-GORE pointed out to M. Rappard that, in the last phrase of the petition, the signatories asked that it should be transmitted to the Secretary of State. Throughout the dependencies for which he was responsible, every official had the right to petition the Secretary of State through the High Commissioner, though he agreed that he had never before received a petition of that kind.

M. RAPPARD said that the petition had not been transmitted through the regular channels. The officials had not petitioned through their chiefs but direct to the High Commissioner, which was technically wrong.

Mr. ORMSBY-GORE agreed that that was the technical fault in this matter.

M. RAPPARD suggested that the petition of the officials might have been held up on the spot. It need not have been transmitted in the form in which it was received.

Mr. ORMSBY-GORE had already agreed that the procedure was wrong and irregular. It was a very serious incident in the course of the disturbances and tended to show that the whole relations between the mandatory Power and the Arab majority were most unsatisfactory.

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<sup>1</sup> See petition of August 6th, 1936, of Mr. Sirkis, President of the Committee of the Jewish Community of Jaffa and Tel-Aviv (document C.P.M.1888).



M. VAN ASBECK said the accredited representative had tried to make the Commission understand the difficult position which existed at that time and he was grateful that the accredited representative had, at the same time, tried to present the other side. There was, however, one thing which M. van Asbeck did not quite understand. The accredited representative had said that the Commission ought to bear in mind the difficult position of, for instance, engine-drivers and telephone and telegraph personnel, who had to mend lines at night and were exposed to all sorts of attacks. But those men were second division officials and were therefore associated with the memorandum submitted some weeks after that signed by the higher officials. The latter, he thought, were not exposed to immediate personal danger, as were the second division officials. He did not think, therefore, that the argument of immediate personal risk carried much weight in the case of the senior officials. Would it not have had a very salutary effect on the junior officials if, by some measure or another, the Administration had shown that they refused to accept the higher officials' memorandum for transmission to London, even though it understood their difficult position ?

M. van Asbeck thought it alarming also that the first memorandum should have been signed by the judges. Remembering the situation of judges, the independent guardians of law and justice, it seemed most disquieting that they should have signed a memorandum of a revolutionary character and adopted an attitude of hostility to the Government. They were responsible for trying offences against law and public order, and in that memorandum they asserted that the policy of the Government was not just and equitable. Had not the judges placed themselves in a most awkward position, and from the point of view of preserving public order was it not most unfortunate that *they* had signed the memorandum ? He therefore asked whether, in those circumstances, there were not special reasons for taking action at least against the judges. How could law and order be maintained when the judges themselves were associated with the revolutionary party, with the section of the population which opposed public authority ?

Mr. ORMSBY-GORE said that it was wrong to suppose that the higher officials were not, like the Post Office and railway employees, exposed and did not expose themselves to danger in carrying out their duties. The signatories of the petition employed in the district administration and in other departments had had to go about the country by night and day, and did so both before and after signing the petition, and, with one or two exceptions, loyally performed their duties. He agreed with M. van Asbeck that a serious aspect of the document, and the aspect which had struck him most at the time, was that, in the form in which the petition had reached him and the order in which the signatures were set out, the Judiciary and the Department of Justice came first and the others followed. He understood from Mr. Hall that the document had been prepared in secrecy. There were rumours that a letter was being prepared, but by whom the Government had been unable to discover.

He must cavil at the word "revolutionary". The document was an improper one, but it was a political document. It was not a threat to go on strike or a threat to use violence against the Government or a refusal to carry on ; it was a definite expression of political opinion contrary to the policy of the United Kingdom Government, and a request to the High Commissioner to transmit that opinion to the United Kingdom Government. It bore out, as he had said before, that the essential feature of the mandatory Power's position in Palestine to-day was that it was in acute political opposition to all sections of the Arab people. That was the fact from which there was no escape, and the course of the discussion tended to emphasise that fact.

Nothing further could usefully be added to what Mr. Hall and he had said. He had no intention of defending or extenuating the action of the signatories of the letter. He had thought it his duty to try to explain the circumstances leading up to it. It was for the Mandates Commission to say whether the action of the Palestine Government or his own action was improper having regard to all the circumstances of the case.

M. RAPPARD said that the point ought to be cleared up, because it was important, not only in itself, but as a symptom. The memorial might be looked upon as revolutionary or not, but it was not the kind of document that His Majesty's Government in London would tolerate as coming from its own officials and signed by its own judges. The signatories put forward their case, and said :

" We would strongly have supported that argument had it not been for our belief that the Government is itself in part to blame for the state of mind which has brought about the violence."

That was a denunciation of the Government's policy. The concluding paragraph read :

" We are forwarding this memorial in quadruplicate, so that it may be duly transmitted to the Secretary of State for the Colonies. In view, however, of the seriousness of the situation and the difficult position in which we find ourselves, we would request Your Excellency to cable the substance of this memorandum to the Secretary of State and favour us with a reply at your earliest possible convenience."

That was a curious note to strike when dealing with one's hierarchical superiors. First, the signatories had no right to submit it at all, except through their hierarchical chiefs. Not only did they submit it and ask for it to be sent on to the Secretary of State, but they urged the local Government to cable the substance of it and ask for a reply at once. The answer given was hardly less surprising, since it contained neither blame nor rebuke.

Mr. ORMSBY-GORE said that he had known that many of the signatories thought themselves and their families to be in physical danger, and they were subjected to great pressure through their families. That had in large measure influenced his action. Moreover, with one or two exceptions, they had loyally carried out their duties.

Replying, at the Chairman's request, to the further question raised by M. van Asbeck, Mr. Ormsby-Gore said that, on this particular occasion, it would have been difficult to single out any of the individual signatories; it had been a case of dismissing all of them, or none of them, and any attempt to differentiate would have created very great difficulties.

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## TENTH MEETING.

*Held on Thursday, August 5th, 1937, at 10 a.m.*

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**Palestine : Examination of the Annual Reports for 1935 and 1936 (continuation) : Disturbances of 1936 (continuation) : Plan of Partition of the Territory (continuation).**

Mr. Ormsby-Gore, Mr. Hall and Mr. Martin came to the table of the Commission.

**PUBLIC SECURITY (continuation) : BALFOUR DECLARATION (continuation) : ATTITUDE OF THE ARAB OFFICIALS (continuation) : INTERVENTION OF THE ARAB RULERS : COMMUNICATION FROM THE IRAQI GOVERNMENT, JULY 30TH, 1937.**

Count DE PENHA GARCIA said that the Commission was now examining the attitude adopted by the mandatory Power—in pursuance of the first of its obligations under the mandate, that of ensuring security—in putting down the regrettable acts which had been committed in Palestine. An indulgent policy might appear comprehensible in that connection up to a certain point : but the aspect of the position changed when it was learnt—both from the mandatory Power's report for 1936 and from the Royal Commission's report—that ever since May bands of criminals had been formed in Palestine and that, more serious still, those bands were composed, not only of Palestinian Arabs, but also of Arabs of other parts coming in as reinforcements. Those bands were responsible for serious loss of life and destruction of property of the Jewish element. From that time forward, a policy of indulgence was no longer comprehensible, and repression became imperative. The bands operated from May to October—no inconsiderable period. Why was the mandatory Power unable to stop their activities sooner ? Was it for lack of troops, or owing to special difficulties—legal difficulties, for example ?

Mr. HALL thought he had answered that question in what he had said as to the difficulty of dealing with sporadic and widely dispersed outbreaks of guerilla warfare. The bands were elusive, and it was extremely difficult for trained soldiers with their heavy equipment, unacquainted with the ways and byways and the caves in the mountains, to catch them. Actually, the military forces did engage and disperse bands on several occasions. One of the principal band leaders, a man called Sa'id al A'as, was killed near Hebron, and his band dispersed. Several actions took place between the troops and the bands. Every military device was tried, and heavy casualties were inflicted. One of the most successful devices was the system whereby convoys communicated by wireless with waiting aircraft when attacked.

Mr. ORMSBY-GORE said it was difficult to know exactly what punishment had been inflicted by the use of military forces against the armed bands. But, as the members of the Commission would have seen from the estimate of casualties, the number of dead was large ; and apart from that, there must have been many more wounded. The rebels had been clever in removing their wounded, and he had been told that in many villages there still remained young men suffering from the wounds they had received.

In any case, only a small proportion of the men of the villages had been involved ; the culprits were mainly young men who were inflamed with nationalist patriotism or, to put it another way, the desire to rebel against the mandatory Power for political ends. The number of these who entered the country from outside had been exaggerated. There had been no serious influx from Trans-Jordan : that had been prevented. A certain number leaked in from Syria in various ways : but, on the whole, the control of the frontier was tolerably effective.



Mr. HALL added that the majority of the bands were fellaheen. In every village in Palestine, as in many villages in his own country, there were one or two bad men. In England, their unruliness took the form of drinking and generally being a nuisance to the community. Religion forbade that—relatively—innocuous form of dissipation to the Arabs; these bad men fell back on participation in village disputes and general unruliness. It was mostly they who formed the permanent nucleus of the gangs. There were very few educated men at all among the gangs. Educated men were, however, fired with nationalism, and many were in full sympathy with the bands: it was also probable that some of the individual outrages in the towns were perpetrated by young effendis.

Count DE PENHA GARCIA recognised that the mandatory Power might have encountered great difficulties, at any rate in that part of the territory where the Arab majority had always been hostile to it. It should nevertheless be borne in mind that the Jewish third of the population was on the side of the mandatory Power. The objective of the bands was twofold: they sought on the one hand to embarrass the mandatory Power—it was not to be supposed that they hoped actually to get the better of the United Kingdom—and on the other hand to attack the Jews. He wondered why it should not have been possible to protect the Jewish settlements more effectively. That raised a problem for the future. If the Arabs could hold the mountains with impunity, it followed that the inhabitants of the plains were at their mercy.

Mr. HALL answered that the duty of the Palestine Administration, as he saw it, was to act as a buffer between the Jews and the Arabs, and to prevent the disturbance from developing into a civil war between the two races. It must be remembered that that one-third of the population to which Count de Penha Garcia had referred were, throughout the disturbances, exercising self-restraint and were therefore inactive. It should also be realised that attacks on the Jewish settlements—"attacks", that was to say, in the full meaning of that word—were non-existent. There were many cases of Jewish settlements being sniped—generally by night: but no serious attempt was ever made to penetrate into the settlements. The Arabs burnt crops outside, and fired shots into the settlement from a distance; but they never came to close quarters, for the reason that they believed that the Jews were well armed and were prepared in the last resort to use those arms.

Count DE PENHA GARCIA, continuing, said there was one other series of criminal acts in regard to which an indulgent policy was unthinkable—namely, criminal acts committed by the native population. The Mandates Commission had been told that it was almost impossible to prevent a Jew from killing an Arab or an Arab from killing a Jew, however considerable the body of police available. But that was a common problem. There were criminals in all countries, and measures of repression were taken in all countries against them, and such measures yielded results. In all civilised countries the number of crimes had decreased, though there was room for regret that the decrease was not greater still. Could not the frequency of these criminal acts committed by natives during the disturbances in Palestine have been decreased by judicial measures of intimidation? If the death penalty, which was usually pronounced in case of murder, had been carried out immediately, and if very severe terms of imprisonment had been inflicted, would it not have been possible by those indirect means to check the audacity of the criminals? Was there anything in the law of Palestine which prevented the intimidation of potential criminals in that way?

Mr. HALL replied that no judicial system and no law was of much avail, if the police could not catch the criminals. That was the great difficulty in Palestine, particularly in the case of political crimes, when the police got practically no help from the civil population and evidence was unreliable. They had used with great success the special police-dogs known as Dobermann Pinschers, which had done remarkable work and had created a wholesome fear among the criminal classes in Palestine. He attributed the reduction of ordinary crime, including murder, during peace-time very largely to the introduction of that singular cross-breed dog. The number of those dogs in Palestine had been increased, but could not be increased indefinitely, as the period of training was lengthy.

Legislation passed during the disturbances provided the death penalty for a great number of crimes, in addition to murder and firing on the troops. Sabotage likely to lead to loss of life, bomb-throwing or dynamiting, were all made punishable by death. But the fact remained that it was extraordinarily difficult to catch criminals in Palestine and that, when they were caught, it was difficult to establish evidence. One case which came to his memory was that of a bomb thrown in Jerusalem, where there had been an identification of a Jew by six Arabs, all of whom swore that the Jew had thrown the bomb, and an identification of an Arab by a similar number of Jews, all of whom swore equally that they had seen the Arab throw the bomb. The Administration could not go to court with conflicting evidence of that nature. At times of political strife and tension in Palestine, the evidence of the public was almost worthless; and it was only where the police could catch a man and find on him some corroborative evidence that it was possible to get a conviction.

Moreover, death sentences did not have much deterrent effect on the Arabs. An Arab who would shoot another man because he thought that he had been cheated out of a few piastres could not think very seriously of the death penalty. Life was held cheaply by Arabs. Nevertheless, the penalties were provided, and throughout the years death sentences had been imposed and executed. During the disturbances, moreover, a great number of sentences of imprisonment, ranging up to imprisonment for life, were imposed on Arabs, and the gaols were overflowing.

Count DE PENHA GARCIA noted what the representative of the mandatory Power had said ; but he could not help thinking that the latter's statements conflicted to some extent with the annual report for 1936 of the Jewish Agency on the occurrences and, in particular, on the attacks against Jewish settlements. His own impartial conclusion was that for six months there were fairly serious disturbances, and that after that period order was re-established and the mandatory Power was in a position to ensure public security. It was a question whether the time taken to arrive at those results was not too long. Certain conclusions were suggested by the record of the facts. It was now known that measures of repression were delayed because the mandatory Power preferred to follow an indulgent policy and to aim at conciliation rather than resort to coercion. In conclusion, he put the following question : did the mandatory Power think it would be in a stronger position in the future than in the past to ensure peace and security in the country and prevent a recrudescence of trouble ?

Mr. HALL said that the answer depended on what was meant by "peace", "security", and "recrudescence of trouble". Count de Penha Garcia was doubtless aware that, since what he had described as a restoration of security, there had been a number of outrages. Mr. Hall doubted whether, with the political tension as it existed at the present time, there could be complete immunity from outrages, whatever force was brought to Palestine. No police force, however large, and no army, however immense, could prevent isolated outbreaks. But, if general disorder broke out again, the Government would be forced to do what it had tried to avoid during the recent disturbances : that was to say, it would be forced to punish wholesale the guilty and the innocent, to take drastic measures under martial law against a number of people in order to discourage the others. That, in effect, was the recommendation of the Royal Commission, and it had been accepted by His Majesty's Government.<sup>1</sup>

Mr. ORMSBY-GORE thought it was a mistake to imagine that there was not now any insecurity in Palestine. There was more security than there had been during the disturbances : but the tension was still very great.

Count DE PENHA GARCIA said his question might have been put in the more definite form : was the mandatory Power now in a position to carry out its obligations—namely, to govern ?

Mr. ORMSBY-GORE said that the mandatory Power had made it perfectly clear to the Mandates Commission, and would make it clear to the Council of the League, that in the absence of a radical change in the political relations it would not be possible to carry on, except by methods of continuous military repression. The fact was that in Palestine the vast majority of the population was hostile to the mandatory Power and to the mandate. The loyalty of the Arabs was not directed towards Great Britain, the mandatory Power, but to the Arab race and the Arab ideal. The Jews were critical and complaining ; and their loyalty, naturally enough, was directed towards the Jewish people and their hope of a Jewish State. Palestine was unlike any other country with which the British Empire had to deal. Throughout the Empire, there was a very remarkable loyalty to the King which extended to many races. That factor was not operative in Palestine. The task of the mandatory Power in Palestine was unique. The country was unique : the difficulties were unique : and the political situation, as it resulted from the past fifteen years, was such as to make political treatment essential if ordinary security for life and property and a civilised progressive Government were to be assured.

Count DE PENHA GARCIA thanked Mr. Ormsby-Gore for his reply.

Mlle. DANNEVIG said that, in view of the very strong words just used by the accredited representative, it was difficult to ask further questions. Some might say it was the responsibility of the mandatory Power that things had come to such a difficult situation. It did not appear that things were so bad at the very beginning. She had the greatest respect for the excellent work done by the present High Commissioner and understood the immense difficulties he had to fight against.

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had influence that the police would not hesitate to quell the disturbances". Later, he said that "he *warned* them against being associated with illegal acts subversive of Government and *urged* them to use their influence to restrain people from violence and sabotage, and advised them to send their deputation to London".

Were not those rather feeble words on the part of an administrator addressing people who, after all, were his subjects, if contrasted with what was said by Lord Plumer when he was approached by a number of Arabs who spoke about the security of the country. Lord Plumer told the Arabs they need not concern themselves with the security of the country: that was his business.

Mr. Hall had said that there existed reasonable security in the country. Did not that statement conflict with what was said later that the lives of the Arab officials of the Government were in daily danger, and that their action was due to their wives' fears of the terrorists? She had the greatest respect for the patriotic feelings of the Arab women and sympathy for their anxiety about the lives of their husbands; but she found it somewhat striking that so much responsibility should be laid on them as regards their husbands' actions and that so much importance should be attached to their opinions in this case, in view of their otherwise retired lives, their lack of educational facilities and their inability to vote.

Referring to page 160 and following of the report of the Royal Commission, Mlle. Dannevig wondered whether one of the greatest difficulties of the Palestine Administration was not that it was unable to rely on the work of its Arab officials, in particular, it would appear from what had already been said, on those in the Intelligence Service?

All these factors, she understood, were, nevertheless, only surface matters. What was at the bottom of the whole trouble was the political situation and the fact that the conception of the Balfour Declaration was evidently not the same to-day as it had been—Mlle. Dannevig thought she might say throughout the world—in 1917 when the Declaration was made.

The Arabs had been embittered by the unexpected success of the Jewish national home. She wished to ask whether it was a growing understanding of the Arab view of the Balfour Declaration which inclined the British Administration to use as lenient and sympathetic methods as possible in dealing with the agitation and crimes during the riots.

The accredited representative had mentioned the actions of "bad boys" and other irresponsible influences. These were not facts tending to convince one that the projected Arab State would soon be fit to become a sovereign State and govern itself.

Mr. HALL explained that the passage at the foot of page 23 and the top of page 24 of the report for 1936 was a compressed account of a relatively lengthy interview. The Arab leaders informed the High Commissioner that they deplored, as he did, the acts of violence and disorder, but they were impotent to bring them to a stop, unless the Government was prepared to give them what all the representative Arab organisations demanded. The High Commissioner replied that, nevertheless, he counted upon them to use their influence to stop the acts of violence.

Lord Plumer's retort was made in a rather different connection. An Arab dignitary had informed Lord Plumer that, if certain action were taken, he could not be responsible for the security of the country. Lord Plumer naturally replied that he himself was responsible for the security of the country. No disturbances were in progress on that occasion.

"Security" was a relative term; and the problem of protecting individual lives or individual families scattered throughout Palestine against political murders obviously presented almost insuperable difficulties.

It was true that Arab women had no right to vote. Nor had Arab men for that matter. But Arab women were politically minded—very much so. He had himself been interviewed on several occasions by deputations of Arab women who had put forward political views with more emphasis and vigour than their menfolk. Unquestionably, Arab women—that was to say, Arab educated women—felt very strongly about politics; by "politics", he meant, of course, inter-racial politics.

As to the suggestion that the mandatory Government was not able to rely on its Intelligence Service, that was not a fair reproduction of what he had said on the previous day with regard to the Criminal Investigation Department. It was not that the Criminal Investigation Department—British, Arab and Jew—failed to do good work, but that their sources of information dried up.

As to Mlle. Dannevig's fear that the presence of "bad boys" in the villages meant that the Arab part of Palestine was unfit to govern itself, he could only say that similar "bad boys" existed in England; but it would hardly be suggested that England was, for that reason, unfit to govern itself. Once the inter-racial stimulus was removed, these young men would

revert to their peace-time habits of engaging in village disputes. These village "fasads", as they were called in Arabic, were endemic in Palestine: they were not a problem seriously affecting the security of the country.

Mr. ORMSBY-GORE wished to explain what was the situation. The mandatory Power, administering (as it did) on behalf of the League a territory of which it was not the sovereign, came to the League, in consequence of recent happenings, and stated the facts of the case. What did the Mandatory say? It told the Mandates Commission—as it would tell the Council later—that they were convinced of the necessity of political changes. That action placed a certain responsibility on the Mandates Commission, as the technical advisers of the Council, to pronounce as to whether the mandatory Power had, or had not, made out a case.

He was not quite clear as to Mlle. Dannevig's point in regard to the Balfour Declaration and its interpretation by the mandatory Power up to the present time. It was not easy to define in political terms what precisely the Declaration meant. All kinds of glosses and interpretations had been put on it from time to time by different persons. For the last seven years, His Majesty's Government had based its interpretation on (1) its obligation to the Jews in respect of the establishment of the Jewish national home and (2) its obligation to safeguard the civil and religious rights of the non-Jewish population. The Council of the League, acting on the advice of the Mandates Commission, had accepted the principle that those two considerations should have equal weight.

The view of His Majesty's Government as to the intentions of the Balfour Declaration was as follows:

"His Majesty's Government and their predecessors, since the obligations of the mandate were accepted, had taken the view, which the tenor of the mandate itself implies, that their obligations to Arabs and Jews respectively were not incompatible, on the assumption that in the process of time the two races would so adjust their national aspirations as to render possible the establishment of a single commonwealth under a unitary Government."

That had hitherto been the policy as his Government understood it. His Government now came and told the Mandates Commission for the first time that it did not believe the evolution of Palestine into a self-governing State on a unitary basis was possible, owing to the intense rivalry between the two races.

Mlle. Dannevig had suggested that, because the Arabs had risen in arms against the mandatory Power last year, and because in the villages there were Arabs who took life lightly and were not deterred by the prospects of prison and ordinary civilised punishment, and because even among officials there was not that absolute loyalty which one had a right to expect, therefore Arab Palestine was incapable of self-government. He had heard those arguments used by die-hards in Parliament in England about India: they were the recurrent theme of all the debates on the recent Government of India Act. Rightly or wrongly, His Majesty's Government, faced with incident after incident in India and continual pressure upon the police, had come to the conclusion that the first essential in dealing with the Indian problem was to throw responsibility for maintaining law and order on to the self-governing provinces. It was his definite opinion that, once the Arabs of Palestine (fired, as they were, with political hostility both to the mandatory Power and to the Jews) were given self-government, it would be to their interest to maintain security. At the same time, he thought that, by segregating the Jewish population as a separate State and confining the mandatory Power to certain small areas, the major cause of the association of crime and politics, which had been increasingly apparent for a number of years past in the life of Palestine, would be eliminated.

His Majesty's Government conceived it as of the essence of such a mandate as the Palestine mandate, an A mandate, and of Article 22 of the Covenant, that Palestine should be developed, not as a British colony permanently under British rule, but as a self-governing State or States with the right of autonomous evolution. His Majesty's Government might be wrong: if so, let the League say so. Mlle. Dannevig had raised fundamental questions. He, too, had a fundamental question to raise, and he hoped that before long his Government would get an answer. What, he asked, in the view of the League, was the ultimate aim of the mandate for Palestine? What, in the light of events, did the League expect the mandatory Power to do? What view did the League take of the future responsibility of the mandatory Power and of the future of the mandate?

Those were difficult questions, which could not be solved at one sitting of the Mandates Commission or at one meeting of the Council. He had only tentatively outlined the solution which appeared to His Majesty's Government at this moment the most hopeful line to explore.



Mlle. DANNEVIG thanked Mr. Ormsby-Gore for his reply : but there still remained in her mind a doubt as to whether, after fifteen years, it was indispensable to give independence to the Arabs, and whether there was not some other means of dealing with the situation.

As to the " bad boys ", it was not the existence of such boys which had struck her, but the alleged political influence of their misdoings on responsible people.

Lord HAILEY said that a definite allegation had been made that, at various times, when the military had had it in their power practically to destroy some of the insurgent bands, they had been restrained by civil orders from doing so. Was there any truth in that allegation ? Had any orders been issued which had led to any curtailment of the action of the military in dealing with the bands ?

Mr. HALL replied that no such orders had been issued.

The CHAIRMAN reminded the Commission that Mr. Ormsby-Gore had to leave Geneva ; contact between the Commission and the first accredited representative would thus be temporarily interrupted. Before his departure, the Chairman would like to give him an opportunity of dispelling the perplexity aroused by certain facts brought to the Commission's knowledge during these early meetings.

Two of these facts appeared to him to deserve particular attention. The first was the revelation, made at the ninth meeting, of the power of Arab opinion in Palestine. The second was not exactly a revelation, as it was already known to the members of the Commission ; he referred to the intervention of the Arab Princes—that was to say, of foreign heads of State—in the internal affairs of the mandated territory.

The Chairman, speaking in his personal capacity, would first of all deal with the intervention of the Arab Princes. In what circumstances had that come about ? He did not know and he did not ask to know. He would not say that that intervention was solicited, as he had no reason to believe that it was ; but he observed that it had been tolerated, and he would even go so far as to say that it seemed to have been welcomed, since it had occurred at a time when, despite the signs of fatigue shown by the Arabs, there seemed no prospect of an end to the strike or to the boycott of the Royal Commission by the Arab Higher Committee, so that this external intervention was necessary to put an end to both. As soon as intervention on the part of the Arab Princes in the internal affairs of Palestine had been permitted, and recognised more or less as legitimate, the situation was completely transformed. From that time forward, what could rightly be considered as a local problem had become the centre of a vast international problem. The Arab intervention had been a first step in a direction in which fresh difficulties and obstacles to the solution of the problem were almost bound to be encountered. Those difficulties were already beginning to take shape.

The Mandates Commission had received a telegram from the Iraqi Government—that was to say, from the Government of one of the States which had intervened to put an end to the strike and the boycott. In that communication, the Iraqi Government referred to the special concern which it felt in regard to the problems of Palestine, a concern already emphasised " when His Majesty the King of Iraq, in consultation with their Majesties the Kings of Sa'udi Arabia and the Yemen and the Emir of Trans-Jordan intervened with the Arabs of Palestine last October to secure peace in Palestine ".<sup>1</sup> He would not read the whole letter, but only the following passage : " The Iraqi Government thereby (by intervening and by justifying its intervention on the ground of its confidence in the intention of its ally, *the United Kingdom*, to do justice) accepted the gravest moral responsibility towards the Arabs of Palestine and pledged itself to continue its efforts to assist them. . . . The Iraqi Government now seeks further to implement its pledge to the people of Palestine and to assist in reaching a solution of the problem which will be permanent, sending to the Permanent Mandates Commission its emphatic protest. . . . "

In other words, a third party had intervened in the present debate which it would seem should be confined to the Mandates Commission, organ of the League of Nations, on whose behalf the mandate was exercised, and the mandatory Power.

For the Mandates Commission, Palestine had never ceased to constitute a separate entity. It was one of those territories which, under the terms of the Covenant, might be regarded as " provisionally independent ". The country was administered under an A mandate by *the United Kingdom*, subject to certain conditions and particularly to the condition appearing in Article 5 : " The Mandatory shall be responsible for seeing that no Palestine territory shall be . . . in any way placed under the control of the Government of any foreign Power ".

The Chairman would not go so far as to say that the Iraqi Government was making a deliberate attempt to control Palestine ; but a foreign Power was intervening in Palestine's internal affairs, and it was difficult to distinguish between intervention and control.

Palestine, as the mandate clearly showed, was a subject under international law. While she could not conclude international conventions, the mandatory Power, until further notice, concluded them *on her behalf*, in virtue of Article 19 of the mandate. The mandate, in Article 7, obliged the Mandatory to enact a nationality law, which again showed that the Palestinians

<sup>1</sup> See document C.321.M.216.1937.VI.

formed a nation, and that Palestine was a State, though provisionally under guardianship. It was, moreover, unnecessary to labour the point ; there was no doubt whatever that Palestine was a separate political entity.

That being so, how was it conceivable that foreign Powers could be allowed to intervene in the internal administration of that separate political entity, in that administration for which the mandatory Power was solely responsible ? It might be replied that they were Arab Powers ; they were nevertheless foreign Powers in the same way as any other State outside Palestine, whether it was a Member of the League of Nations or not. The Chairman had the impression that by a singular anticipation of an event which might occur but might just as well never occur, this Palestine, a separate political entity, had in a way been regarded already as an Arab province, as one of the members of a vast Arab confederation.

The Chairman now wished to emphasise the importance of the revelation made at the ninth meeting<sup>1</sup> regarding the extent of the influence which Arab opinion exercised on the decisions of the mandatory administration. He referred to that collective manifestation of indiscipline or censure of the mandatory Power's policy which had been made by Arab officials and magistrates, whom the Mandatory had not called to order.

He had gathered the impression that the unanimity and violence of the Arab opposition within the territory no longer left the mandatory administration complete liberty to take the steps necessitated by circumstances. That fact constituted another signpost of paramount importance in regard to the future.

The Chairman compared the attitude of the mandatory Power, as indicated to the Commission, with the attitude maintained throughout both by the Arabs in Palestine and by the chiefs of the other Arab States. The accredited representative had repeatedly stressed the attitude taken up by the mandatory Power and had done so with the greatest precision in the course of the first hearing, when he had stated the object to have been the giving to Palestine of the best form of government, in conformity with the spirit of the Covenant and the Balfour Declaration. The conflict with the attitude taken up by the Arabs was abundantly clear. The Arabs would have nothing to do with the mandate : they would no longer have the Balfour Declaration. They also rejected the solution now contemplated by the mandatory Power—that of partition. In those circumstances, it was justifiable to ask whether the mandatory Power really intended to subordinate any solution to the approval of the Arabs. It had been said that there would be two treaties—one with the Jews and the other with the Arabs. Did that mean that it was seriously hoped to induce the Arab community in Palestine to agree to any solution “ in conformity with the spirit of the Covenant and the Balfour Declaration ”.

The Chairman wanted a clean break with the realm of illusions in which it had hitherto been thought fit to dwell. The story of Palestine was a succession of broken illusions : the illusion that it would prove possible to set up a State composed of two elements, the Arab already occupying the country, and the Jew who had introduced himself there, and that they would live together in harmony ; the illusion that, in such a country, the majority would see, in the liberal form of government proffered, anything but a weapon with which to crush the minority and to destroy the mandate—that was to say, the very constitution of the territory.

Was it not yet again an illusion to believe that the Arabs, whose resolve seemed to be final, could be led to acquiesce in any solution whatever, whether that of maintaining the mandate, or a modified mandate still based on the Balfour Declaration which they had rejected, or that of partition, to which they had already declared their hostility ?

Mr. Ormsby-Gore had declared that the solution of the Palestine problem would be decided upon in concert between the League of Nations and the United Kingdom Government in agreement with Parliament. He had added that both the League of Nations and Parliament would be able to make their voice heard at every stage in the discussion. But it was futile to speak about a decision, if the one with whom the decision lay did not recognise his right to apply the decision.

Reverting to the part played by the Arab States, the Chairman asked whether, in the study of this question now taking place between the Mandator, represented by the Mandates Commission, and the Mandatory, it was considered that a third intervening party had the right to be heard.

The Mandates Commission's duty was to assist the Council to appreciate the merits of the different solutions which might be found for the problem of Palestine. But such a solution, excellent in every way, would cease to be so if it appeared that the mandatory Power subordinated its final adoption or execution to a consent which at the moment appeared unlikely to be given.

Accordingly, the Chairman thought that it would be well to clear up the two points which he had raised.

Mr. ORMSBY-GORE said the Chairman's question had raised matters of very fundamental and far-reaching importance to which, quite obviously, a considered reply was needed. Mr. Hall was in a position to give a full account of the intervention from time to time of the neighbouring Arab States. Mr. Ormsby-Gore had already alluded (as had the Royal Commission) to the significance of this continual interest of the surrounding States in the position in Palestine and its inevitable consequences. It would be better for the Commission to hear the facts from Mr. Hall.

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<sup>1</sup> See page 76.



If necessary, the complete text in English of the Chairman's questions could be sent to him in London. He would then cause an answer to be sent as soon as possible. In the meanwhile, if the Chairman's last two questions could be translated immediately, it might be possible for him to give some reply at once.

The CHAIRMAN repeated that he would be glad to know whether, in the event of agreement being reached between the League of Nations and the mandatory Power as regards a solution, the fulfilment of that solution might be prevented by hostile Arab opinion in Palestine, or whether the mandatory Power was prepared to impose the solution at any cost ?

Mr. ORMSBY-GORE said that the Chairman's last question was very important. If the Council, representing the League as a whole, having examined the whole of this question and having given an opportunity to the Arab States Members of the League to have their say in the matter, pronounced finally upon it and was quite clear as to the solution it thought should be adopted, then he thought that it would be possible to go forward with the full authority of the League and carry it out.

That situation has not yet been reached ; and it was very difficult at the present stage to answer the question. Until it had been ascertained whether there was any chance of either the Jews or the Arabs of Trans-Jordan and Palestine accepting some solution, until the matter had been explored in the conciliatory spirit of the League, he did not think it would be proper to contemplate imposition. But if, finally, in the light of actual events, the League and the mandatory Power were satisfied that a given solution was just and ought to be applied, he hoped that the latter, with the League behind it, would be in a position to apply that solution. The territory was administered on behalf of the League. Its fate was a matter for the League. That was his general view of the question.

The CHAIRMAN observed that Mr. Ormsby-Gore had not replied to the other question concerning the intervention of the Arab States.

Mr. ORMSBY-GORE said at this stage he could not add to what he had just said, and that Mr. Hall would endeavour to deal with the question of the intervention of the Arab rulers at the Commission's next meeting. Once independent Arab States in the neighbourhood of Palestine had been set up and had (some of them) become Members of the League, it was inevitable, in view of what was sometimes called Pan-Arab feeling, that they should interest themselves in the position of the Arab population of Palestine. That was part of the problem of Palestine. Of the countries surrounding Palestine, Egypt and Iraq were Members of the League, and Syria would shortly be a Member. His Majesty King Ibn Saud, whose country was not a member of the League, had been the first to express concern regarding the disturbances in Palestine. His country had a common frontier with Trans-Jordan.

The problem of Palestine could not be isolated as though it were in Europe or somewhere else. That was part of the problem as a whole. It was necessary to face facts and produce a solution, in the spirit of the Covenant, which would make for the peace of the world. Mr. Ormsby-Gore had not underestimated the consequences of a running sore in Palestine, to the Jewish people, to Great Britain, and to the Moslem world. If that running sore could be healed by some solution, he was sure that the object for which the League existed would be realised—namely, the preservation of the peace of the world and the creation of good relations between different races and States.

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#### ELEVENTH MEETING.

*Held on Friday, August 6th, 1937, at 10.30 a.m.*

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**Palestine : Examination of the Annual Reports for 1935 and 1936 (continuation) : Disturbances of 1936 (continuation) : Plan of Partition of the Territory (continuation).**

Mr. Hall came to the table of the Commission.

**INTERVENTION OF THE ARAB RULERS (continuation) : COMMUNICATION FROM THE IRAQI GOVERNMENT, JULY 30TH, 1937 (continuation).**

Mr. HALL said he would make certain immediate comments on the Chairman's statement at the close of the last meeting. After he had studied the English text, he would be prepared if the Commission desired, to return to the subject again.

M. Orts' statement was all the more serious as coming from the lips of the Chairman. He would have preferred that Mr. Ormsby-Gore could have studied it and replied to it fully himself if a reply were now required from Mr. Ormsby-Gore, considerable delay would be involved. It would be necessary to consult the Government in London, as certain of the questions went further than had yet been explored, and perhaps even further than His Majesty's Government was at this stage prepared to go.

Mr. Ormsby-Gore had already replied to one of the Chairman's questions: so Mr. Hall need not refer to it again.

There was one passage in M. Orts' statement which might give rise to the doubt whether the Arab Kings had been asked by the mandatory Power to intervene. That doubt, if it existed, need not remain. There had been no question of the mandatory Power, or the Palestine Administration, inviting the intervention of any foreign Ruler. That intervention had been solely and entirely on the initiative of the Rulers themselves. Perhaps it would interest the Commission to know how it came about. In the first place, the very fact of the deadlock in itself made some intervention by the Arab States probable. The obstinate adherence of the Arabs to their initial condition for the calling-off of the strike—namely, a stoppage of immigration—and the determination on the part of the mandatory Power that there should be no concession to, or as a consequence of, violence and disorder, had created the deadlock. The deadlock led to loss of life and suffering amongst Arabs in Palestine, which in turn aroused sympathy and excitement in the neighbouring Arab States.

Such was the position when King Ibn Saud asked whether His Majesty's Government would permit him to try and use his influence with the Arabs of Palestine to induce them to stop the strike and disorders. In that communication he said that he had full confidence in the fairness of the British Government and believed that it would treat the Arabs equitably and impartially. His Majesty's Government said that it had no objection to his using his influence to try to put an end to the state of affairs existing in Palestine, but it made it quite clear that in no circumstances would it agree to any concession whatever to violence. There would have to be an unconditional calling-off of the strike and the disorders arising out of it. King Ibn Saud then took steps to ascertain what the feeling in Palestine was, and whether any intervention by himself was likely to bring about the result which he sought. He also consulted the Government of Iraq. His enquiries led him to the conviction that at that stage no intervention by himself or by his fellow Arab rulers would be effective, unless His Majesty's Government was prepared to make a concession.

Later, at the beginning of August, the Amir Abdullah also attempted to intervene on the side of law and order. He called a meeting in Amman of a number of Arab leaders of all shades of opinion in Palestine. But on exploring the position, he too found that there was no possibility of effective intervention without some concession on the part of His Majesty's Government. It was perhaps some index to the feeling in the country that one of the moderates who had attended that conference and who was believed to be prepared to work for peace, the Mayor of Hebron, was murdered.

In the second part of August, Nuri Pasha, the then Foreign Minister of Iraq, who was on his way to Europe, asked whether, as a private individual, he could use his personal influence with the Arab leaders in Palestine in the direction of peace. No objection was offered. Nuri Pasha went to Jerusalem and conducted a number of conversations, not only with the Arab Higher Committee, but with other representative Arabs. From these conversations, there emerged a proposal that the Iraqi Government should mediate formally between His Majesty's Government and the Arabs. His Majesty's Government was not prepared to accept such a situation and Nuri Pasha left the country. On the day he left, the Arab Higher Committee issued a manifesto in which it called upon the Arabs to continue their strike until the negotiations with Nuri Pasha, to which it referred, bore fruit.

On September 7th, His Majesty's Government issued its statement announcing that large reinforcements were being sent to Palestine, that, in effect, British patience had been exhausted, and that the rebellion would be put down by all drastic means possible. Immediately that statement was made, the High Commissioner interviewed members of the Arab Higher Committee—it was then September, and this was the first time he had met them since May—and impressed upon them the folly of continuing the strike and the disorders, and urged them to submit at once. Similar communications were made by District Commissioners to representative Arabs in the districts.

The Arab Higher Committee apparently then got into touch with the Arab Rulers, with the result that, on October 8th, the latter issued their appeal to cease disorders. At no time was any promise given that a concession would be made by His Majesty's Government, nor was anything ever said which might lead the Arab Rulers to think that they had been placed in any formal position to intervene in the affairs of Palestine. As the Commission knew, the strike came to an end and there was no stoppage of immigration.

Those were the facts.

M. Orts had said at the previous meeting that what was a local problem had become a vast international problem. Mr. Hall did not think that Palestine had ever been a local problem. Palestine had always reacted immediately to what happened abroad. A speech in the House of Commons, a resolution at Zurich, often had greater repercussions than anything that might happen in the country itself. Mr. Ormsby-Gore had emphasised what was apparent to anyone who read the Royal Commission's report—that there was a growing solidarity and unity of Arab feeling in Arabia. That force existed. It was no good adopting an ostrich-like attitude towards it. It existed, and must be taken into consideration. It was a potent influence on events in Palestine. But to say that the intervention of the Arab Rulers had entirely altered the problem in Palestine was to misrepresent the position. Whether it had increased Arab solidarity was a matter of surmise. Actually, a few months after the disturbances the feeling of the Arabs of Palestine towards the Iraqi Government was colder than it was before the disturbances as a result of the Iraqi Government's treatment of Fauzi Kauwakji.

M. Orts had referred to the communication received from the Iraqi Government which, he suggested, implied a wish on the part of that Government to control, or at least to intervene in the affairs of, Palestine. Mr. Hall was not there to defend that communication; but he suggested that this was not the first case in which a foreign State and a Member of the League of Nations had made representations to the League in regard to the treatment of persons of their own race or religion the subjects of another foreign country, and had made such representations in language perhaps even more forceful than that of the Iraqi Government. The fact that the Iraqi Government had made representations to the Arab leaders which had led to the stoppage of the strike and disorders had given it no formal right of intervention.

Mr. Hall himself did not see in Iraq's intervention to stop the strike any evidence of a desire on the part of Iraq to control the affairs of Palestine. He felt sure himself that the true reason of the Arab rulers' intervention was humanitarian, a desire to stop unnecessary suffering and loss of life.

Mr. Orts' final question, to which Mr. Ormsby-Gore did not reply, was whether there was to be a third party in the negotiations that would have to take place before any scheme of partition could be applied—in other words, did the Arab States constitute a third party coming between the League of Nations and His Majesty's Government? The answer was: No. There were two parties only—the League of Nations and its organs on the one hand, and His Majesty's Government as the mandatory Power on the other. Whether His Majesty's Government would or would not engage in conversations with the Government of any individual Arab State, or with any other Government, he was not prepared to say at that stage: he clearly could not accept any circumscription of the diplomatic liberty of His Majesty's Government. The intervention of the Arab Kings had not, he repeated, resulted in the interposition of a third party between the League of Nations and His Majesty's Government. If his reply did not satisfy the Chairman, if the Commission wished him to go further, he was ready to consult His Majesty's Government in London.

M. Orts had also referred to a passage in Mr. Ormsby-Gore's speech, in which the latter said that he wished to establish the best possible government in Palestine in the spirit of the Covenant and the Balfour Declaration. The reference to the spirit of the Covenant was, he imagined, a reference to paragraph 4 of Article 22 ("national independence"). The reference to the Balfour Declaration was a reference to the dual obligation (the National Home on the one hand and the preservation of the rights of the Arabs on the other).

M. Orts had asked whether His Majesty's Government could guarantee Arab support for the scheme of partition. Obviously, it could not at this preliminary stage. Mr. Ormsby-Gore had not asked the Mandates Commission as yet to go so far along the road leading to partition. It was a road that would have to be explored; and, when His Majesty's Government had explored it, it would have to come back to the Mandates Commission and the League Council with a definite scheme. In the meanwhile, all that the Mandates Commission was asked to do was not to erect a barrier across the road, so as to prevent further exploration.

The CHAIRMAN said he would reply very briefly to the various points raised by Mr. Hall.

Mr. Hall had asked whether he was to understand from what the Chairman had said that there was some doubt as to whether the intervention of the Arab Princes was solicited by the United Kingdom Government. He answered that he had expressly stated at the previous meeting, and he now repeated, that he had no reason to believe that was the case. What he had said was that their intervention had been tolerated, and it was on that point that he had insisted; he had added that he felt justified in concluding that the intervention was welcome. He based that last statement on Mr. Hall's remark at the sixth meeting<sup>1</sup>: "It was a fact that, at an earlier stage, King Ibn Saud made enquiries as to whether he could use his influence in helping to put an end to the conflict, and prevent further loss of life . . ." The reply in effect was that the United Kingdom Government "would be glad if he could use his influence to bring the people (*i.e.*, the Arabs of Palestine) to their senses . . ." Those words made it clear that the intervention of that Arab Prince was welcomed. Neither the Chairman, nor any one else, had of course imagined for a moment that the United Kingdom

<sup>1</sup> See page 51.

Government had gone from the capital of one Arab States to that of another asking for intervention. The members of the Mandates Commission were not in the habit of entertaining such unlikely suppositions.

He admitted that the problem of Palestine had never been a purely local problem, in the sense that any Jewish manifestation anywhere in the world had its effect in Palestine, and also, as Mr. Hall had said, that the Arabs of Palestine were very sensitive to Arab thought outside Palestine. The Chairman quite agreed : but his idea had been that the fact of the intervention of the Arab Princes having been tolerated had modified the whole aspect of the problem. It had provided the grounds for the present protest that one of those Princes had addressed to the Mandates Commission. The fact that that intervention by an Arab Prince has been tolerated must, in the Chairman's view, have far-reaching consequences, inasmuch as it constituted a first step in justification of the intervention which was now taking place. Moreover, the Iraqi Government's letter stated that its *raison d'être* was expressly the part that the Government had already intervened once.

M. RAPPARD thought it was not exactly a question of a precedent having been created : but the Iraqi Government founded its present intervention on the fact that it had previously intervened, which it contended gave it certain moral rights in the matter. Having assisted the mandatory Power in appeasing Arab opposition in Palestine, the Iraqi Government now presented a note which might be read as a bill for services rendered.

The CHAIRMAN admitted that if that argument had not been available, the Iraqi Government might perhaps, have used another. But the fact remained.

Mr. HALL pointed out that the Iraqi Government had said that it regarded itself as having assumed a moral obligation. But that did not give the Iraqi Government any new or special status *vis-à-vis* the League ; it did not affect the position of the League *vis-à-vis* the Iraqi Government. The League was surely the only judge as to whether the fact that the Iraqi Government considered that it had assumed a moral obligation gave any greater validity to its representations.

The CHAIRMAN explained that the moral obligation to which the Government of Iraq referred was that which resulted from its first intervention.

Mr. HALL agreed ; but it was not unlikely that in any event the Iraqi Government would have made representations to the League. It would have found a moral obligation in the existence of ties of religion, race, etc.

It was perfectly true that the Iraqi Government had taken this incident as supplying a moral obligation which, in its opinion, justified the letter to the League of Nations. But how did that tie the hands of the League of Nations in any way ? The League was just as free as it was before. That was, in Mr. Hall's opinion, the really important point.

The CHAIRMAN said that Mr. Hall had observed that it was not the first time that a State Member of the League had intervened on behalf of persons residing in foreign territory, who were subjects of a foreign country, belonging to the same race or the same religion as the population of the intervening State. That the Chairman willingly admitted : but, if Mr. Ormsby-Gore had been present, he would have reminded him that, when a similar theory was advanced in his presence on a former occasion, it invoked a reply from Mr. Ormsby-Gore himself which showed that that theory could never be put into practise in the British Empire. The reply in question was made at the Sixth Committee of the fourteenth Assembly of the League of Nations.<sup>1</sup>

Mr. Hall had stated that the Government of Iraq had no desire to control what was happening in Palestine. The Chairman recalled having read that it was a question of a desire to intervene, and he remembered that he then pointed out that the difference between such a desire and the desire to control was very slight. He admitted that the step taken by the Government of Iraq did not prove a wish to control ; but it furnished sure proof of a desire to intervene in the internal affairs of Palestine.

Mr. HALL pointed out that he had said there was no evidence of such a desire. He could not speak for what was in the mind of the Iraqi Government ; but he thought that the primary, if not the sole, object of the intervention of the Arab Kings was humanitarian. As far as one could tell, there were no political motives behind it. It was undertaken with a view to putting an end to a situation which was causing loss of life, injury and misery to fellow Arabs in Palestine.

The CHAIRMAN did not propose to discuss the question of the motives which had animated the Iraqi Government. He preferred to believe, however, that, at any rate at the outset, that Government had been prompted by humanitarian motives. But he noted that those motives had led to interference in the internal affairs of Palestine and, finally, to the initiative in question.

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<sup>1</sup> See *Official Journal*, Special Supplement No. 120, page 35.

Mr. HALL repeated that he did not think that the Iraqi Government would have had much difficulty in finding another excuse, if that particular one had not been forthcoming.

The CHAIRMAN, in speaking of an "anticipation", had meant to allude to a certain tendency to treat Palestine as a province or component part of the vast Arab confederation which might one day be set up.

He had only wondered whether the readiness with which the intervention of the Arab Kings had been accepted was not an indication of the fact that the principle of the territorial independence of Palestine had to some degree been obscured in the mind of the mandatory Administration. That foreign intervention had been welcomed; yet, if some other country, under British sovereignty or protectorate, and not Palestine, had been in question, it would clearly have been rejected. He felt justified, therefore, in wondering whether the intervention of the Arab Princes had not been so warmly welcomed because the mandatory administration was imbued with the idea that Palestine, part of a vast Arab world, was destined one day to form part of a great Arab confederation. The Royal Commission's report, which the United Kingdom Government had accepted, did, in fact, look to the creation of such a confederation.

Mr. HALL recalled that M. Orts had referred to the spread of the belief, for which he held the Administration responsible, that Palestine was not a distinct political entity in itself but a part of a great Arab Confederation. But the conception of Palestine as a part of Arabia had been present in the minds of the Arabs since the beginning of the mandate. The Arab, as M. Orts was no doubt aware, was in the habit of referring to Palestine on political occasions as "Southern Syria". The union of sentiment between Palestine and the rest of Arabia was strongly developed before last year's incident: and, but for the existence of that sentiment, the intervention of the Kings would have been ineffective.

As was clear from the report of the Royal Commission, the Arabs in Palestine were anxious to attain national independence and, in the words of the statement issued by the Cabinet, wished "to co-operate on an equal footing with the Arabs of neighbouring countries in the cause of Arab unity and progress".

The CHAIRMAN, continuing his reply to Mr. Hall, passed next to the accredited representatives' observation to the effect that the United Kingdom Government was free to enter into negotiations concerning Palestine with any other Government, should such Government be, for one reason or another, concerned in the affairs of Palestine, in particular, as regards the possibilities of continuing immigration under the solution finally reached. Needless to say, nobody dreamt of limiting any such activities of the United Kingdom Government.

As regards the right claimed by Iraq to intervene in the debate at this moment, Mr. Hall had replied in the negative. That reply, made unreservedly, gave the Chairman complete satisfaction. Had the United Kingdom Government declared that Iraq was entitled to be heard in connection with the request for an opinion addressed by the Council to the Mandates Commission, the latter might have found itself under the necessity of noting that this or that particular solution, possessing obvious advantages, also possessed the disadvantage that it would suffice for Iraq, and possibly the other Arab States, not to be in favour of it in order for it to be excluded.

The Chairman did not contest Iraq's right to be heard on the subject of Palestine, within the framework of the League and through the proper channels. But the Mandates Commission had received a letter in which Iraq, in offering her help in the search for a permanent solution, proceeded to take up from the outset an attitude of protest against any solution involving partition. It was in the light of those considerations that he had made his observations. There were a number of other countries which would in due course have to interest themselves in this matter, but that would come at a later stage, with which the Commission was not at present concerned.

Mr. HALL said that the formal position was no doubt as the Chairman had stated. As to the extent to which any statement by the Iraqi Government, or any action by the Iraqi Government, might influence Arab opinion in Palestine for or against the scheme of partition or any other scheme, he referred to what Mr. Ormsby-Gore had said at the close of the last meeting.

The CHAIRMAN said he would now come to his last point—namely, the necessity or otherwise of obtaining the consent of the Arab population in Palestine to the solution to be adopted.

The same question might equally well have arisen in connection with the Jews, if it had appeared from the study of the report that Jewish influence was strong enough to involve such a possibility of interference with the freedom of action of the Mandatory as the discussion at the meeting the day before yesterday<sup>1</sup> had shown to exist in the case of the Arab population.

For seventeen years now, efforts had been made to reconcile Jews and Arabs, and, speaking personally, the Chairman felt that those efforts had failed throughout. The illusion had prevailed that Jews and Arabs could somehow be brought to live and work together harmoniously; but to-day the mandatory Power was the first to admit failure and to declare that a state of deadlock had arisen.

Was it still to-day intended to yield—in effect, if not officially—to the temptation of making the solution, upon which the mandatory Power and the League might agree, subject to acceptance by the Jews and the Arabs?

<sup>1</sup> See page 76 ff.

The following question thus arose : when a given solution was decided upon, would the Jews and the Arabs be asked if they agreed with it, or would they be presented with a *fait accompli* ? That would not, of course, preclude the United Kingdom Government, supposing a Jewish State to be set up, from negotiating with the Government of that State, or with a qualified representative organisation, concerning the execution of that decision. The same applied as regards a treaty with the qualified representatives of the Arabs.

To prevent misunderstanding, he would add that he did not in any way exclude the possibility of Arabs and Jews bowing before the *fait accompli*. Indeed, his belief was that they would do so, provided the solution put before them was defensible in the light of historical facts and of certain existing undertakings, and if it were shown to be just.

It must not be forgotten that one had now reached the end of a period continuously marked by conflict between Jews and Arabs. The existing situation had arisen, because it had never proved possible to bring both parties to a like view of the same subject, because there was a gulf fixed between them, in regard to which Mr. Ormsby-Gore and Mr. Hall had argued, if not convincingly—for the Commission still had to determine whether the mandate could no longer continue—at least impressively.

In what he had just said, he was only expressing his personal view.

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## TWELFTH MEETING.

*Held on Friday, August 6th, 1937, at 4 p.m.*

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**Palestine : Examination of the Annual Reports for 1935 and 1936 (continuation) : Disturbances of 1936 (continuation) : Plan of Partition of the Territory (continuation).**

Mr. Hall came to the table of the Commission.

**RÔLE OF THE ARAB HIGHER COMMITTEE : PUBLIC SECURITY (continuation) :  
ARMS AND AMMUNITION.**

Mr. HALL, replying to the question asked by the Chairman at the end of the previous meeting whether the United Kingdom Government thought that the Arabs and the Jews would accept any solution whatever, said that he preferred not to assume the rôle of a minor prophet. Indeed, at that stage he could not add anything to what had been said by Mr. Ormsby-Gore the previous day. The United Kingdom Government hoped, on the lines of the Royal Commission's report and recommendation, to be able to frame a definite scheme which would commend itself to the majority of both Arabs and Jews in Palestine.

As regards the manner in which His Majesty's Government would act in the event of either Jews or Arabs rejecting a definite scheme which commended itself to the Government and to the League of Nations, he could not go beyond Mr. Ormsby-Gore's statement on that subject, which was as clear as could be expected at this stage, when the whole position remained to be explored by the Government.

He wished again to remind the Commission that His Majesty's Government's request at present was that the Commission should agree that that road should be explored. There was, obviously, no use in the United Kingdom Government going to all the trouble of negotiating with various people, and employing the services of various experts to make economic, political and financial enquiries if the League of Nations was finally going to object to the plan on principle, and decide that, though acceptable possibly to both races, and also to His Majesty's Government, it could not be pursued because, on grounds of principle, the League did not like it. At the present stage, Mr. Hall did not think anybody could be more precise as to the particular procedure that would be adopted by His Majesty's Government in the course of that exploration.

M. RAPPARD noted Mr. Hall's remark that, in his view, it was of no use His Majesty's Government continuing its exploration of the scheme if that scheme failed to commend itself to the League of Nations as being in conformity with its principles, or if, assuming a scheme were devised which would be acceptable both to the Arabs and Jews, it failed because it struck a reef at Geneva. M. Rappard was afraid that the former hypothesis was less likely than the latter ; he could not imagine that the League would say " No " to anything to which the Arabs and Jews both said " Yes ". Mr. Hall's statement in that respect did not seem to him realistic. As the Chairman had suggested, the Commission would rather reverse the proposition, and say that it was useless for the League to consider all kinds of plans in conformity with, or in contradiction to, the mandate, if the League had reason to believe that no such plan would commend itself to His Majesty's Government unless the latter were assured of the support of both Jews and Arabs, or at least of the majority of the



two communities. The only scheme which was in strict conformity with the principles which the Commission was called upon to safeguard was the mandate as it stood.

The position was that the mandatory Power came to the Commission and said that it must consider the possibility of discarding that scheme because the assumption on which it was based—confident co-operation between the two races—had failed to materialise, and that therefore, some other solution must be brought forward. That being the case, the mandatory Government's enquiry was naturally directed on the lines which had been indicated. The reason why the scheme which was in conformity with the Covenant was now being questioned by His Majesty's Government was that it had failed to produce the minimum amount of co-operation and acceptance from the two nations concerned.

If such were the objection to the present scheme, which was obviously in conformity with the principles of which the Commission was the guardian, *a fortiori*, the Commission would object to a scheme which would evoke the same disillusionment and which was not in conformity with those principles. That did not mean that the Commission would not be prepared to consider the advisability of otherwise implementing paragraph 4 of Article 22 of the Covenant and the Balfour Declaration, but, *prima facie*, it would not like to engage in an undertaking which was more remote from the scheme in favour of which it was naturally prejudiced, unless it knew that similar objections to those which had led to the possibility of discarding the present system would not be raised against the future system. It would be a different matter if the accredited representative could tell the Commission, for instance, that although the present regime had failed because the Jews and Arabs had refused to accept it, the mandatory Power had now decided to go ahead with some other scheme, even if the Jews and the Arabs refused to accept it. If the United Kingdom Government maintained its position, and would only proceed with a scheme acceptable to both sides, there was little use in the Commission trying to give any advice.

Mr. HALL welcomed the statement by M. Rappard that, if a plan could be produced which was acceptable to both Arabs and Jews—he took this to mean the majority or a substantial number of Arabs and Jews—it would be acceptable to the League of Nations.

M. RAPPARD could not imagine that any scheme could be acceptable without enforcement.

Mr. HALL reverted to M. Rappard's pertinent remark that it could be argued that the Mandates Commission should not be asked to consider details until it knew that the scheme was likely to be acceptable. All His Majesty's Government was asking the Mandates Commission to consider, however, was the principle of partition, not its details. It was not as though the Mandates Commission were now throwing up the mandate, leaving a well-defined position to venture into uncharted seas; the mandate would continue until the Council of the League, acting on the advice of the Mandates Commission, had accepted something to replace it. The mandate would continue to operate until the United Kingdom Government had, after consultation with the local races and the League Council, devised some better arrangement than the mandate, better either because it was acceptable to both races, or conceivably because it was acceptable to one race but not so acceptable to the other, but anyhow a more workable scheme than the original mandate. Mr. Hall did not see that the Mandates Commission was committing itself now to any dangerous course. There was always the mandate to fall back upon, and if, as the result of its exploration of the partition scheme, His Majesty's Government were satisfied that it was impracticable and that it could not confidently recommend that scheme to the League, then it must fall back upon some other.

He suggested that it was as yet too early, and indeed undesirable, to talk of enforcement. As Mr. Ormsby-Gore had said, all the possibilities of conciliation should be explored before it could be said that this or that scheme had to be enforced.

M. RAPPARD remarked that to declare at the present juncture that the possibilities of conciliation would first be exhausted before any policy was finally adopted might make conciliation much more difficult, by putting a premium on excessive demands.

Mr. HALL said that, in suggesting that a policy of conciliation should at least be tried first, he was repeating what Mr. Ormsby-Gore had said. To follow up M. Rappard's own argument, supposing both sides, Jews and Arabs, said that they did not want partition, could they be forced to set up an independent Government? Could they be forced to apply for admission to the League of Nations? Obviously not. The situation might, however, be different if one side accepted a solution and the other side rejected it.

Count DE PENHA GARCIA pointed out that the present mandate was an imposed mandate. The population of Palestine had never recognised it. The Jews had only accepted it subject to reservations and requests for interpretations; the Arabs had always been opposed to it. If it were desired to seek a solution by other means than conciliation, the result would be the

maintenance of something similar to the present regime, with certain modifications. It would, in fact, be necessary to impose on part of the population a system which it did not desire. What would be the advantage of that ?

It would be dangerous to exclude in advance all possibilities of reaching a solution by means of conciliation. If one began by saying that conciliation was impossible, it would be necessary to resort to an imposed solution. Now that was precisely what the present system represented : if a solution were imposed on the Jews, the position would be reversed ; if it were imposed on the Arabs, the position would not have changed.

Mr. HALL thought that M. Rappard had been discouraging the opening of doors towards conciliation.

M. RAPPARD accepted the image of the door but not its application. He did not think that any door should be closed to any fair solution. But if the negotiations began with a declaration that no scheme would ever be enforced which was not willingly accepted by the two peoples, that would, in fact, be closing the door to any successful conciliation. If that attitude were taken, the two parties might be expected to hold out in the hopes of obtaining further concessions, whereas if it were made clear at the outset that everything possible would be done to reach the largest measure of agreement, but that, if no agreement were achieved, the solution would be imposed, the chances of agreement would, in his opinion, be increased rather than lessened.

He pointed out that the Minutes of the present meeting would in due course be published. M. Rappard feared that, if the mandatory Power, having had an opportunity to make a clear statement, failed to take that opportunity, both sides would conclude that it was ready to continue negotiations indefinitely until agreement was reached.

Mr. HALL explained that he had never stated that His Majesty's Government was prepared to negotiate *ad infinitum*. There was a limit to the patience even of His Majesty's Government. What he had said was that he could not go beyond the following statement made by Mr. Ormsby-Gore the previous day :<sup>1</sup>

“ Until it had been ascertained whether there was any chance of either the Jews or the Arabs of Trans-Jordan and Palestine accepting some solution, until the matter had been explored in the conciliatory spirit of the League, Mr. Ormsby-Gore did not think it proper to talk of imposition, but if, finally, in the light of actual events, the League and the mandatory Power were satisfied that a given solution was just and ought to be applied, he hoped that His Majesty's Government, with the League behind it, would apply that solution. ”

COUNT DE PENHA GARCIA noted that there was already talk of negotiation ; that was very delicate ground. Before negotiating, it was necessary to know what one had to offer. He wondered whether that method, which consisted of making offers or of not making them, could be adopted in connection with a matter relating to the mandate. The mandate had been established by the League of Nations, according to certain rules on which the League had agreed with the mandatory Power. Was it proposed now to change the procedure and negotiate with unorganised elements, since there existed no organised political body on either the Jewish or the Arab side ? The intention of the mandatory Power must rather be to have the question examined whether the mandate in its present form could be carried out or not ; that was the normal task of the Mandates Commission. If it were found that the mandate could not be carried out, it would be necessary to consider whether another solution—and Count de Penha Garcia wondered, and very much doubted, whether the mandatory Power intended to put forward a final solution in that connection—would be more acceptable than the present mandate—that was to say, whether it would provide a remedy for the defects which might be found in the mandatory system at present in force. He thought that that was the intention of the mandatory Power.

Mr. HALL admitted that, instead of “ negotiations ”, it might have been more correct to say “ exploratory conversations ”.

The CHAIRMAN asked the Commission to resume the examination of the reports.

LORD HAILEY said that that was precisely the point on which he wished to ask for the Chairman's ruling. The Commission had had a double task allotted to it—the examination of the reports for 1935 and 1936 and, subsequently, to report on the larger implications of the Royal Commission's recommendations. He did not know whether the Commission could yet be held to have finished its examination of the reports for 1935 and 1936 and whether the Chairman intended that, if that examination were completed, the members of the Commission should then formulate their opinions on the reports before proceeding to consider the second part of their task. He would be obliged if the Chairman would give some indication on that point, as it would perhaps be of assistance in the further examination of Mr. Hall.

<sup>1</sup> See page 88.



The CHAIRMAN naturally regretted that the Commission should have suspended its examination of the reports for 1935 and 1936, and of the Royal Commission's report. That suspension was due to unforeseen circumstances; the Chairman would not himself have introduced a new notion into the discussion had he not felt it necessary to do so in view of Mr. Ormsby-Gore's imminent departure. If no member of the Commission desired to speak on the question he had himself raised, the Commission might resume its regular programme. Only after concluding the examination of the reports would the members be in a position to discuss among themselves and to finish the ordinary task of the Commission. In so doing, of course, they would, at the same time, be able to form an opinion concerning the decision which they would subsequently be called upon to take.

M. VAN ASBECK asked whether the Emir Abdullah of Trans-Jordan had the consent of the mandatory Government when he addressed an invitation to certain members of the Arab Higher Committee (report for 1936, page 30, paragraph 64). The Emir Abdullah was the ruler of a territory under A mandate—that was to say, a territory which was not entrusted with the conduct of its external relations, which were reserved to the mandatory Power. That invitation was therefore an act of external policy guided by concern for the welfare of a neighbouring country, itself under A mandate. It was therefore evident that the Emir Abdullah's gesture ought only to have been made with the previous approval of the mandatory Government.

Mr. HALL said that the Emir's action had been taken with the knowledge of the mandatory Government.

M. VAN ASBECK said that this could only mean previous approval.

He would like to put some further questions concerning the Palestine Government's attitude towards the Arab Higher Committee. It had been set up on April 25th, apparently with the support of the organisation of local national committees. As its name implied, it took charge of the whole organisation at the centre. Its activities began by the adoption of a resolution (reproduced on page 23, paragraph 49 of the report for 1936) which urged the continuance of the general strike declared spontaneously by certain national committees. It would therefore appear that, as from April 25th, the sole responsibility for the strike rested with the Arab Higher Committee. There was no longer a spontaneous, unorganised movement, but an organised strike having as its primary object a "fundamental change in policy". That was tantamount to calling upon the mandatory Government to violate the Palestine constitution—namely, the mandate—and the international status of the territory. The Arab Higher Committee's resolution, not content with asking for a change in policy, went on to demand from the Government a kind of *peccavi*, a form of immediate admission of guilt, through the cessation of immigration.

On May 2nd, a violent manifesto was published by the taxicab drivers, inciting Arabs to civil disobedience.

On May 5th, there was an interview between the High Commissioner and the Arab Higher Committee, in the course of which the former warned the Committee against associating with those responsible for disturbance.

This fact showed clearly that, in the High Commissioner's mind, the Arab Higher Committee possessed sufficient authority to bring the strike to an end. The reply to his request was not long delayed. It was given in two different ways: first, on May 8th, a National Congress was held, in which the Higher Committee not only took part but might be supposed to have taken the lead. Who was responsible for having called this Congress of National Committees? Had the Arab Higher Committee complied with the High Commissioner's request by warning the national committees against a prolongation of the strike? It seemed clear that it had not, since the Congress ended with the adoption of a resolution urging civil disobedience.

Was it not a fact of the utmost gravity that such a widespread organisation should have urged civil disobedience—one of the extremest forms of passive resistance.

The second reply of the Arab Higher Committee to the High Commissioner's request of May 5th was a letter in which that Committee denied any responsibility for the movement, and stated that it was not in a position to bring the strike to an end.

Nevertheless, it was made clear throughout the annual report that the members of the Arab Higher Committee were conscious of their power to arrest the strike movement. The very words of their last-mentioned reply proved the fact clearly, since they declared themselves unable to stop the strike *unless* their demands were granted by the High Commissioner—that was to say, unless immigration were suspended. The decision, therefore, lay in their hands.

That reply was subsequent to a statement made in the House of Commons, on May 6th, by the Secretary of State, who made it clear that the United Kingdom Government would not give way, and that immigration would continue.

In the light of that statement, the letter of May 8th amounted to a clear challenge to the Government. It was not a request, but a challenge to be enforced by revolutionary means—namely, civil disobedience. The Secretary of State, in his Statement of September 7th (annual report for 1936, page 31) also spoke of "a strike of a definitely political character", of "methods which directly challenged the constituted authority".

In those circumstances, M. van Asbeck could not understand why the High Commissioner had negotiated, and could still negotiate in September 1936, with the Arab Higher Committee. Was not his attitude calculated to give the members of that Committee the impression that

they were a power in the land and that, as the Royal Commission stated,<sup>1</sup> they virtually constituted a second Government ?

The Mandates Commission had been told that, had the members of the Arab Higher Committee been arrested, expelled or detained, another team would have taken their place. That might well be ; but when the general staff had disappeared and the lower graded officers took its place, the army was already on the way to disorganisation.

Mr. HALL felt that he had already taken up a great deal of the Commission's time in dealing with the Arab Higher Committee. On the subject of the considerations which had prompted His Majesty's Government in its treatment of that Committee, the facts which had led to its creation, and the extent to which it was in a position to control events in Palestine, he thought that he could say nothing further without repeating himself.

Dealing with the specific questions which had been put to him, Mr. Hall said that the first implied that the Arab Higher Committee had been responsible for the strike.

M. VAN ASBECK intervened to say that, although the strike had perhaps been spontaneous at first, there had later been a resolution of the Arab Higher Committee to continue it. He was not asking for a reopening of the whole discussion, but was anxious to have the accredited representative's comments on his question whether the strike had become an organised strike later, and that it had then been in the power of the Arab Higher Committee to call it off.

Mr. HALL repeated the view already expressed—that the Arab Higher Committee was at that stage unable to stop the strike. Even after six months of disturbances, and even in spite of the greatly increased military pressure and the fear of martial law, the Arab Higher Committee could not, he thought, have effectively stopped the strike and disturbances had it not been for the intervention of the Kings. The Arab Higher Committee had admittedly issued a manifesto declaring that the strike should go on until the demand for the cessation of immigration was satisfied, but in doing so the Arab Higher Committee was echoing what local committees had demanded and responding to the unanimous decision of the congress of local committees.

M. van Asbeck had then commented on the fact that the Government had maintained relations with the Arab Higher Committee throughout the period of strike and disorders. Actually, the High Commissioner had seen members of the Higher Committee on four occasions only. The meetings which the High Commissioner had held were formal meetings. The first was held on April 21st, shortly after the strike began, and was attended not by the Arab Higher Committee as such but by the party leaders with whom the High Commissioner had previously been conducting conversations about the Legislative Council and about despatching the deputation to London. At that meeting, the High Commissioner stressed the deplorable consequences of the disturbances—which, it should be remembered, had only just begun—and urged the Arab leaders to use their influence to check all forms of disorder. On the same day, the High Commissioner had seen the Mufti. That was the first occasion.

He saw the Arab leaders next on May 5th, following on the issue of a manifesto calling for civil disobedience and non-payment of taxes. The High Commissioner had then warned them of the gravity of their being associated with any such movement, and had urged them to restrain the people from acts of violence. In a written reply, the Committee had expressed its regret at the loss of life and illegal acts, but said that it was unable to call off the strike unless immigration were suspended during the time the delegation, which it had contemplated sending, was actually in London. The High Commissioner had, of course, left them in no doubt that that was not possible.

Then, on May 14th, the High Commissioner had seen the Committee again, solely in order to communicate to it the decision of His Majesty's Government to appoint a Royal Commission on Palestine.

There was no further meeting until September 12th, after the publication of His Majesty's Government's Statement in regard to Palestine, which forecast the sending of large reinforcements to Palestine under General Dill. The High Commissioner then warned the Committee that, unless the disturbances were called off in Palestine and the strike ended, the most drastic measures would be taken.

The assertion that the Government maintained relations throughout with the Arab leaders was not in accordance with the facts. Relations had been interrupted between May and September. On each of the four occasions when the High Commissioner had seen the Arab Higher Committee, there was a special reason for summoning the Committee.

The CHAIRMAN observed that the information just given by Mr. Hall was to be found in the report for 1936 on pages 23 and 24. The point which the Commission was trying to bring out was whether that the Arab Higher Committee did not deserve the term "revolutionary" which M. van Asbeck had applied to it and which would have disqualified it from negotiating with the constituted authority. That Committee had been closely associated

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<sup>1</sup> See Royal Commission's Report, page 138.

with the strike, but a strike was not necessarily a revolutionary act. In many countries, the right to strike was recognised. A distinction should therefore be made between the strike and the disturbances; to confuse those two ideas made it more difficult to ascertain what responsibilities the Arab Higher Committee might have incurred. What M. van Asbeck was interested to know was whether there was a revolutionary organisation, and if so, whether it was represented by the Arab Higher Committee or some secret Committee?

M. VAN ASBECK said that what interested him was the central body responsible for the disturbances.

As regards the character of the Arab Higher Committee, he said it was a Committee which applied to the Government of the country—that was to say, the public authority—and put forward requests which were absolutely opposed to the mandate. The Committee said that the paralysis of the economic and social life of the country would continue so long as the Government did not fail in its most fundamental duties. He thought that the acts in question were revolutionary in any case, because of the civil disobedience. The sense of the word “revolutionary” was always a matter open to discussion; but an attempt had undeniably been made to paralyse by illegal means the whole economic and social life of the country, in order to bring about a state of affairs contrary to the fundamental principles of the mandate.

He stressed the fact that, on May 8th, 1936, the National Congress, at which the whole of the Arab Higher Committee was present, had adopted a resolution proclaiming civil disobedience. Thus it was not only bringing about a general paralysis of the social and economic life of the country, which might in a sense be considered as not constituting a direct attack on the Government, but it organised passive resistance and proclaimed a refusal to do fundamental civic acts, such as the payment of taxes. That constituted a direct attack on the Government—not an armed attack, indeed, but something which, in its bearing and effects, scarcely differed from it. The resolution stated expressly that the strike and civil disobedience would continue so long as the Government had not suspended Jewish immigration. In M. van Asbeck's opinion, which had not been changed by the accredited representative's explanations, that was a revolutionary act. He himself had made no statement in that respect; he had merely wished to check the impression that the report and the statements by the accredited representative had left on his mind.

Mr. HALL added that at the Congress over which the Committee presided, not one but two demands were made; one for civil disobedience and the other for a general strike of all officials. The Arab Higher Committee dissuaded the Congress from adopting a resolution for a strike of Arab officials, but endorsed the demand for civil disobedience. The movement, however, never gained any serious momentum.

M. VAN ASBECK referred to a written reply from the Arab Higher Committee mentioned in paragraph 52, page 24 of the 1936 report.

Mr. HALL said that all the Arab Higher Committee's statements to the High Commissioner referred to their inability to call off the strike. They contained no threat. It must be remembered that, at the time the Congress took place, passions were running high and the Committee consisted of ten persons out of some hundred and forty. The Arab Higher Committee had made no public pronouncement which could be described as revolutionary. It had, however, issued a manifesto which was illegal—the demand for the non-payment of taxes.

The Chairman had asked whether there was at any time in Palestine a revolutionary organisation as such. It was difficult to reply to that question. As Mr. Hall had already explained, the Administration's secret information tended to dry up during the disturbances, and it was difficult to get definite information on many points. All Arab movements seemed to adopt a loose form of development. He felt fairly sure that some at all events of the murders were not the result of any revolutionary organisation. Reports had, however, been received that a murder society had been formed. No reliable information was obtained about its headquarters or membership. It might well be that an extremist organisation had been formed for the purpose of committing political murders. Such organisations came into existence in many countries, he believed, during times of strain and disturbance.

With regard to the bands, again, it was difficult to trace responsibility to any particular organisation or person. Originally, the bands had been formed spontaneously. In towns, the disturbances had taken the form of strikes, but, in the villages, no strike had been possible, for the closing of a small village shop would have meant nothing. Consequently, the villagers had sought other means of showing their sympathy with the Arab demands. In the first place, they had made sporadic attacks on communications, telegraph lines, roads, etc. Then they had formed bands which had committed sabotage on a wider and more thorough scale and had also sniped at Jewish settlements, troops and travellers. The bands had depended for their food and supplies on the villages; in fact, the Administration had been informed—he thought

truly informed—that at one time certain villagers had been given the choice by the bands of supplying so much money or one able-bodied man with a rifle. That was partly how the bands had got their supplies and personnel.

Mr. Hall did not intend to suggest that the Arab Higher Committee had known nothing about those bands. He thought it likely that every Arab knew something of what the bands were doing. But the Arab Higher Committee's formal position had been that it was in charge of the central fund formed for the relief of suffering. Undoubtedly, most of the funds received by the Committee had been disbursed for the relief of suffering consequent upon the strike. At one stage, the Committee had, indeed, offered to publish its full accounts. Though the Administration had no proof, it was quite possible that some of the money collected either by the Arab Higher Committee or by the local committees, or both, was used to buy ammunition for the bands. There was, however, no proof of that.

M. RAPPARD said that the point under discussion was a very important one, and the Commission ought to be sure of the exact position adopted by the mandatory Power. There was in Palestine a movement, whether it was called revolutionary or not, which had led to bloodshed and obliged the Mandatory to call in reinforcements from the United Kingdom. That movement had been characterised by general lawlessness. The question was how far that movement was to be considered as sporadic and spontaneous, or subject to its own discipline. Had it obeyed the general directions of an organisation that could be identified?

The movement had had a beginning and an end well characterised by decisions taken by representative groups. There had been meetings of notables, first a National Committee, and then the Arab Higher Committee. The first meeting, at which the Arab Higher Committee was formed five days after the general strike began, had, as the accredited representative had said, passed a resolution to continue it, and ten days later the Committee had declared that it was not in a position to call the strike off, not because it could not, but because it would not do so. It had stated that it would not call off the strike or send a deputation to London unless Jewish immigration was suspended.

The demands made on every side had been, if not quite identical, at least practically the same; the movement had had leaders and a programme. It had been said by the accredited representative, and stated very clearly by the Royal Commission, that the Arabs had shown strict loyalty to what was called their own Government. Page 138 of the Royal Commission's report contained the following statement:

“ And last, and most prejudicial to the cause of peace, there are three political bodies in Palestine which lay claim to the allegiance of Palestinians—the Mandatory Administration, the Arab Higher Committee allied with the Supreme Moslem Council, and the Jewish Agency allied with the *Va'ad Leumi*. They might almost be called three Governments . . . ”

There had been sheltering of criminals, which had made the task of the police and the military exceptionally difficult. The criminals had been not only snipers but also bomb-throwers, and therefore individuals who must have engaged in some collective preparation, because bombs could not be picked up like apples. The bombs must have been manufactured, and there must have been some collective organisation—he did not imply the national committees, but some collective organisation—to organise such lawlessness.

Most non-Christian Arabs were extremely devout Moslems, and attended the mosques freely. The mosques were under the supreme control of the Mufti.

All those facts taken together rendered it extraordinarily difficult to believe that the movement had been amorphous, that it had not been directed, organised and led.

M. Rappard saw in the whole situation the very natural results of the policy of conciliation, which, as Mr. Ormsby-Gore had told the Mandates Commission, the High Commissioner now realised had completely failed. The High Commissioner could not, of course, strike a crushing blow at the head of the movement, since he had always hoped to conciliate the Arabs by finding some common ground for agreement. He could not have it both ways. He could not fight to suppress the movement and, at the same time, hope to win over its heads by conciliation. Whether that movement had been organised or not was a question which the Mandates Commission would have to answer. M. Rappard was inclined to answer it in a sense that was in contradiction, not with any specific statement made by the accredited representative, but with the general impression which he had given to the Commission—namely, that, although committees had been thrown up by the movement, no committees had ever been responsible for it or led it. That general impression struck M. Rappard as inconsistent with the specific facts contained in the annual report for 1936 and in the report of the Royal Commission.

Mr. HALL said there was no doubt in his mind that the movement was spontaneous to begin with and had the sympathy of all Arabs, practically, up to the end. That the movement as it developed became more organised was also undeniable. For example, a trained guerilla leader had managed to get into Palestine, and had to some extent organised and even disciplined the bands in the hills. When the shopkeepers were beginning to lose heart, and might

conceivably have reopened their shops, there was intimidation, and serious intimidation. When villagers, in the later stages of the strike, wished to send their goods to market, they were on occasions attacked on their way into town. He doubted, however, whether that intimidation had been directed by any single person or any single body. Strike committees existed in each town, nominally for the collection of funds and the general conduct of the strike. Whenever the Administration had evidence that any Committee was identifying itself with the policy of intimidation, its members were interned at Sarafand. There must, however, have been some organisation, however loose; and as the Royal Commission said,<sup>1</sup> a measure of responsibility must rest with the Mufti, particularly in view of his responsible position.

When Mr. Hall had said previously that the Arab Higher Committee could not have called off the strike, he believed that to be true, but on the other hand there was a responsibility on the Mufti, as the religious head of the country, to adopt a much stronger attitude against disorder than he did, for his position entailed moral obligations as well as advantages. That criticism, he thought, was perfectly justified, but no concrete evidence could be found at any stage of the disturbances against the Arab Higher Committee. It was a loose and amorphous movement. The bands could not have continued to carry on, although there was and always had been a good deal of ammunition in Palestine, unless somebody had paid for it. Much of the ammunition was doubtless drawn from the villages and such sources, but ammunition came in also. The authorities made seizures of it, but could never find out who had paid for those supplies.

The suggestion that, because there were bombs, there must have been some central factory, or some definite organisation, was, he thought, wrong. As a result of the war, a certain number of ammunition dumps had been left in Palestine. One buried dump discovered during the disturbances had been found by the Arabs some time before. It was situated in Southern Palestine near the borders of Sinai, and as soon as it was found, the Administration had it blown up. There were also Mills bombs which had remained buried since the war, but most of the bombs used had been manufactured from the explosives ordinarily used in Palestine for building purposes, road construction and quarrying. Packed into metal tubing, they formed a primitive type of bomb. He agreed, therefore, with M. Rappard that there must have been some kind of organisation, however tenuous and widespread, but, actually, the bombs did not support that theory.

The local committees must share responsibility with the Arab Higher Committee, because the latter's decisions had been taken as a result of a congress of the local committees and there was reason to think that on more than one occasion the Arab Higher Committee had been pushed further than it wanted to go.

M. RAPPARD asked whether the meetings of the congresses in question were authorised.

Mr. HALL replied that to the best of his recollection two congresses had been permitted. Certain others had been prohibited.

M. RAPPARD thought it strange that though many questions had been asked about the Arab Higher Committee, little interest had been shown in the Mufti. The High Commissioner, in meeting the members of the Arab Higher Committee, did not seem to have met the Mufti at the same time; at least, his name was not mentioned among those present.

Mr. HALL replied that the Mufti was always present with the Arab Higher Committee.

M. RAPPARD asked if the Mufti was always the chief spokesman. In meeting such delegations, one very soon realised who had most authority to speak on behalf of all the others. Was the impression obtained that the Mufti's word carried greater weight than his colleagues, and was he more or less extreme?

Mr. HALL replied that the three meetings which took place during the disturbances were quite short and there was little discussion. The Mufti was the principal Arab spokesman. He never voiced extreme views on those occasions.

M. VAN ASBECK drew attention to pages 178 and 179 of the Royal Commission's report and asked the accredited representative if he wished to make any comments on paragraph 94 especially, which did not seem quite consistent with what the Commission had just heard, and paragraph 97, in which the Royal Commission made a rather striking comment on the rôle played by the Mufti and the Arab Higher Committee.

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<sup>1</sup> See Royal Commission's Report, page 179.

Mr. HALL had already pointed out in a reply to M. Rappard that he did not wish to differ from the statement that the Mufti, as President of the Supreme Moslem Council, must bear his due share of responsibility.

M. RAPPARD drew attention to a passage at the top of page 179 of the Royal Commission's report which he thought was hardly reconcilable with Mr. Hall's statement. The passage read : " From the date of the tour, the strike had spread and stiffened. It is unquestionable that the Committee was to a large extent responsible for maintaining and protracting the strike."

Mr. HALL replied that, as he had said before, he did not think that the Committee could unaided have brought the strike to an end. He did not wish, however, to appear to differ from the Royal Commission's report, which was written by six men much wiser and more experienced than himself.

Lord HAILEY, to complete the information which he required personally on this matter, asked if Mr. Hall could specify the number of troops which had arrived from Malta and Egypt by mid-June. Did they amount to about 10,000 ?

Mr. HALL replied that the first reinforcements arrived between May 10th and 30th and there were certainly at least 10,000 troops in Palestine by the end of June.

Mlle. DANNEVIG had noted Mr. Hall's statement that a certain amount of arms and ammunition remained in Palestine after the last war. Replying to a similar question asked the previous year in regard to Trans-Jordan,<sup>1</sup> Mr. Kirkbride had confirmed that arms and ammunition had been in the country since the war but that that was over twenty years before, and, in his opinion, such arms deteriorated and the stock was low. Would not the same remarks apply to the arms which had remained in Palestine ?

Mr. HALL replied that his own reference was to Mills' bombs, whereas Mr. Kirkbride had referred to rifles and ammunition. Undoubtedly, rifles and ammunition deteriorated in twenty years, as was borne out by the inaccurate shooting of the Arabs during the disturbances and the fact that their ammunition frequently misfired.

The CHAIRMAN said that an apparently accessory detail often cleared up a more general situation. He would say nothing more about the bombs and the rifles ; but extensive use had been made of explosives ; roads had been blown up, and permanent structures on railways had been destroyed. It would be extraordinary if explosives which had been buried immediately after the war had been unearthed eighteen years later and used for that purpose. It was true, as Mr. Hall had just stated, that in Palestine explosives were commonly used—for instance, in public works ; but the Chairman thought that such explosives were not obtainable by everybody, and that they were kept in special stores. In those circumstances, it would be interesting to ascertain whether, immediately before or during the disturbances, there had been any thefts from such stores of explosives, to which everybody could not have access and which had to be kept under supervision.

Mr. HALL repeated that explosives were necessarily used in every excavation operation in Palestine. Rock drills were not used in Palestine, and blasting was the only method of making foundations for houses or roads. The explosives were used very generally under licence, and every building contractor could obtain a licence to have explosives on his property. Immediately the disturbances began, the licences were withdrawn and a provision was introduced that explosives should be kept in safe custody approved by the police. Arabs formed the majority of builders' workmen, and as they used explosives daily, nothing was easier for them than to secrete a certain quantity. That, he imagined, was what had been done. He could remember only one big theft of explosives during the disturbances—from a police store.

**Palestine : Communication to the Mandates Commission of the Evidence given before the Royal Commission (continuation).**

Mr. HALL recalled that certain members of the Mandates Commission had, at a previous meeting, asked when copies of the evidence placed before the Royal Commission would be available. Mr. Hall had that day received a letter from the Colonial Office stating that the copies would not be available for publication until August 25th. It was hoped, however, that fifteen advance copies would be obtainable on August 16th, twelve of which would be sent to the Secretary-General, with copies of the memoranda, as soon as they were available. He regretted it had not been possible to obtain them earlier.

(The accredited representative withdrew.)

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 90. .

**Communication from the Iraqi Government, dated July 30th, 1937 : Procedure adopted by the Secretariat.**

M. DE HALLER made the following statement :

As a result of the discussions which have taken place during the last two meetings, I regard it as my duty, as the representative of the Secretary-General at this table—and in order to avoid any possible misunderstanding as to the actual administrative position—to draw the Commission's attention to the fact that the telegram of July 30th, 1937, from the Iraqi Government has not been formally laid before the Commission, but was merely communicated to it at the same time as it was distributed to the Members of the Council and of the League and published.

Moreover, as the Chairman has pointed out, Iraq will obviously be able, like any other Member of the League of Nations, to put its point of view in due course, but it will not have any knowledge, either direct or indirect, of the Minutes of the present session of the Mandates Commission until they have been distributed to all the Members of the League and published.

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THIRTEENTH MEETING.

*Held on Saturday, August 7th, 1937, at 10.30 a.m.*

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**Palestine : Examination of the Annual Reports for 1935 and 1936 (continuation) : Disturbances of 1936 (continuation).**

M. Hall came to the table of the Commission.

ARMS AND AMMUNITION (*continuation*) : PUBLIC SECURITY (*continuation*) : JUDICIAL ORGANISATION : PENALTIES (*continuation*) : EXPENSES IN CONNECTION WITH THE DISTURBANCES.

M. SAKENOBE said that, at the previous meeting, arms and ammunition in Palestine had been mentioned ;<sup>1</sup> but the question of the arms and munitions smuggled into Palestine during the disturbances was not touched upon. He asked the accredited representative whether there had been any smuggling on a large scale across the land frontier into Palestine during the disturbances ?

Mr. HALL replied that there was no evidence of smuggling on a large scale. The frontier was long, some 750 kilometres of broken ground ; and this had been patrolled to the extent possible, having regard to the forces available. There were not many seizures of arms. Since the disturbances, certain measures had been taken which should reduce the likelihood of effective smuggling in future.

M. SAKENOBE said that the Commission had always been anxious not to see the military forces lowered to a point at which peace and security were endangered. He gathered that, at the outbreak of the disturbances, there were about 2,700 police and about 900 troops.

Mr. HALL interposed to say that there were two battalions, each of 900, as well as the ancillary forces.

M. SAKENOBE remarked that there was also the Royal Air Force, so that the number of troops might be considered sufficient for so small a country as Palestine. But he would like to know the opinion of the accredited representative as to whether, if more troops had been stationed in the territory at the time of the outbreak of the disturbances, the general strike might not have extended to acts of violence and outrage.

Mr. HALL said that the forces in Palestine at the beginning of the disturbances consisted, not only of the British forces (which amounted to more than two battalions, as there were a number of ancillary units such as armoured cars), but also of the Trans-Jordan Frontier Force of more than 1,000 men with their reserves, and of the Police Force, the numbers of which had been given. In the opinion of the expert advisers, those forces were sufficient to meet any situation likely to present itself ; but the defence scheme provided for immediate

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<sup>1</sup> See pages 100, 101.



reinforcements from Egypt, if they should be required. Actually, the reinforcements were not required until the disturbances had been in existence for some three weeks. The presence of larger forces in Palestine would not have prevented the general strike, nor, in his opinion, would larger forces have prevented the isolated acts of lawlessness which occurred in the early stages of the disturbances. So soon as those acts became more widespread and more serious in form, reinforcements were asked for and sent at once.

M. SAKENOBE asked when the demand for reinforcements from Egypt and Malta was despatched.

Mr. HALL replied, speaking from memory, that it was despatched at the beginning of May and the troops arrived within forty-eight hours, some of them even within twenty-four hours.

M. GIRAUD asked the accredited representative for information concerning the punitive fines imposed during the disturbances. In paragraph 30, page 194, of the Royal Commission's report, there were total figures relating to the fines imposed during the eight years from 1929 to 1936. Those fines amounted to a total of over £60,000. Of that figure, £33,000 represented fines imposed in 1929 and £21,000 those imposed in 1936. The information contained in the paragraph in question showed that only a small part of the fines had been collected. There had thus been considerable remissions; but it was impossible to tell which of those remissions had been made in connection with the fines imposed in 1936.

Could the accredited representative give the proportion, or at any rate an approximate idea if he had not the exact figure with him, of the remissions made with regard to the £21,000 of fines imposed in 1936?

The Royal Commission's report concluded that it would be better to fix the amount of the collective fines at a figure which would enable them to be collected, rather than to fix them at a very high figure. The report also advocated, with a view to obtaining payment of the fines, that a detachment of police should be stationed in the villages on which the fines were imposed, and should remain there until they were collected. M. Giraud asked what was the accredited representative's opinion with regard to the effectiveness of this method of collective fines? Did he really believe that it produced useful results? What did he think of the suggestion made in the Royal Commission's report?

Mr. HALL said that fines totalling £21,270 were imposed in 1936 and a sum of £4,670 was collected. There were two views about fines. The first view, which was that taken in the Royal Commission's report, was that only such fines as could be collected immediately should be imposed. The other view was that on which the Administration had acted—namely, the view that it was better to impose a comparatively large fine which one did not expect to collect in one operation, and to collect part of it at once—that was done in most cases—and to leave the other part hanging over the head of the town or village as a sword of Damocles, so that, if the people in the town or village misbehaved themselves again, a further portion of the fine could be collected. Generally speaking, the effect of the imposition of fines was salutary.

In collecting fines, particularly from the villagers, it was desirable to avoid causing such serious economic distress as to drive the villagers into a life of crime.

The policy of stationing punitive police in the villages was followed during the disturbances, as it had been followed for many years. Generally speaking, it worked well.

M. GIRAUD asked for information regarding the living conditions in the camp at Sarafand, in which 401 persons had been interned during the period of the disturbances (annual report for 1936, page 122, paragraph 16), and regarding the method of internment employed. Was a certain liberty of movement allowed to those interned, and could they communicate with the outside world, or were they kept in close confinement?

Mr. HALL said that those interned in the camp were allowed by regulation to see one visitor a week in the presence of a police-officer. They were allowed to receive newspapers and write and receive letters; but all their correspondence was censored. The disciplinary control of the camp was laid down in an order by the Inspector-General of Police, which had been published with the Emergency Regulations, a copy of which would be found in the Secretariat. It gave details of the punishments for misdemeanour or general misbehaviour. The internees were given more latitude of movement than was given in an ordinary prison. The Commission must remember that the Administration had no definite charges against any of those men. Otherwise they would not have been in the internment camp, but would have been prosecuted. They were persons whom the Administration had good reason to think were engaged in subversive activities.

He added, in reply to a question by the Chairman, that all the internees in the camp at Sarafand were Arabs.

M. GIRAUD observed that the 1936 report (page 103, paragraph 20) stated that eleven death sentences had been passed by the Court of Criminal Assize, eight of which had been confirmed by the Court of Criminal Appeal, but with a recommendation to mercy. In one case, a death sentence had been quashed and the accused person acquitted. Two appeals remained in suspense. Since the printing of the report, had any decision been taken with regard to those two appeals?



Mr. HALL said that the figures in the Royal Commission's report were the figures up to the end of the year. Sixteen persons had actually been condemned to death for shooting at the forces during the disturbances. The circumstances in which those sixteen persons were reprieved had been mentioned by him at a previous meeting of the Commission.<sup>1</sup>

M. VAN ASBECK asked whether any appeal was lodged by the Government in the case where a fine of £25 was imposed.

Mr. HALL replied that no appeal was lodged. He was not sure whether, in the circumstances, an appeal could have been lodged; but he did not think the possibility was discussed.

M. VAN ASBECK thought the Mandates Commission would be interested to know whether an appeal was possible.

Mr. HALL, having consulted the Palestine Penal Code, informed the Commission that it would have been possible for the Government to appeal.

M. VAN ASBECK took note of the fact that the Government had not lodged an appeal against a sentence which it considered derisory. That sentence might have been quashed; and in that case a precedent would have been created for the courts in dealing with cases of civil disobedience.

Mr. HALL said that in any case an appeal against the sentence on the grounds of its inadequacy would not have been completed before the Congress at which the Arab Higher Committee committed itself to disobedience. Further, if it had been unsuccessful, the results would have been deplorable.

Lord HAILEY asked if the accredited representative knew what was the maximum punishment possible in that case.

Mr. HALL did not know.

M. VAN ASBECK said that some of the petitions which had been submitted complained of protracted delays in the pursuit and bringing to trial of criminals, and argued that the prosecution and detection of crime were neither efficient nor impartial. Before the petitions were considered, he would like to know whether there was any foundation for those charges.

Mr. HALL thought that such criticisms were inevitable in the case of events such as those that took place during the disturbances. It was natural that the Jews, being the race which was suffering from Arab aggression, should complain that the investigation of crime was inefficient or prejudiced by racial considerations. He did not, however, think the charge was generally true. Every attempt had been made to bring the criminals to justice: but it was very difficult to catch criminals when no help was given by the population.

M. VAN ASBECK said that one specific charge in a petition was to the effect that the Government, or its Legal Department, had been too late in promising rewards for the denunciation of criminals who attacked Jews.

Mr. HALL replied that rewards had been offered, promptly and in large amounts. In no case did they lead to any information of any value.

M. VAN ASBECK said that another complaint from the Jewish side was to the effect that, when after investigation cases were brought before the courts, there had been so much delay that the principal witnesses—for example, officers in His Majesty's forces—had already left the country, or had returned to other posts, or had gone on leave, and that, as a result, cases had to be dismissed for lack of evidence.

Mr. HALL said he had given Mlle. Dannevig, at her request, a long statement showing the time taken in bringing cases to trial, the dates of sentences and their extent. He did not think undue delays had occurred, having regard to the fact that civil courts were involved, and that it was often impossible to get military evidence when the cases were called for the preliminary hearings before the magistrates, because the military witnesses were engaged on operations or similar duty. There were one or two cases in which the prosecution broke down because, in the opinion of the judges, the written statements of military witnesses who had left the country were held to be inadmissible. Only a few cases, however, had been quashed on those grounds.

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<sup>1</sup> See page 74.

M. VAN ASBECK quoted the following extract from paragraph 54, page 167 of the Royal Commission's report : " We recommend that the prosecuting section of that department should be strengthened by the appointment of a British Senior Government Advocate ". He asked how many Government advocates there were in the Legal Department and what was their race.

Mr. HALL replied that the principal Government Advocate was an Arab. There were four assistant Government Advocates, of whom two were Arabs and two Jews ; and, in serious cases, the Attorney-General or the Solicitor-General, both of whom were English, prosecuted. A great deal of criticism had been directed against the Government Advocate because he was an Arab ; but Mr. Hall did not think there had been any evidence that he had not conducted his prosecutions with vigour and skill. But it was obvious that the position of an Arab as Government Advocate was bound to be difficult and his actions liable to be questioned.

The CHAIRMAN asked whether this Government Advocate was one of the signatories of the memorandum of the officials.

Mr. HALL replied in the affirmative.

M. VAN ASBECK had been struck by the fact that in the annual report for 1936 (paragraph 16, page 101) the number of criminal cases entered in the Magistrates' courts was 38,029 compared with 50,310 in 1935. In the district courts (paragraph 17, page 102 of the same report), criminal cases in 1936 were 1,683 and in the previous year 1,769. There was an all-round decrease of criminal cases, even in a year when a certain amount of lawlessness had prevailed in the country. What comment had the accredited representative to make on this rather striking decrease of criminal cases in such a turbulent period ?

Mr. HALL thought that the main reason was probably that the police were mostly engaged in security duties, and, accordingly, activity in the detection of ordinary crimes such as robberies and burglaries was not as effective as it would have been in normal circumstances.

Mlle. DANNEVIG said that she had asked on a previous occasion if the money obtained by Arabs who sold their land had been used to help the strikers, and the answer had been " No ". The Commission had also been informed that Money and food were regularly collected, either voluntarily or under pressure, in the villages<sup>1</sup>. It did not seem, however, as if that could have been enough. More money must have been available for the purchase of arms and ammunition over such a long period as six months. She asked the accredited representative from what sources, in his opinion, the money had come.

Mr. HALL thought that the main sources of money for the relief of those suffering from the strike, and also probably for arms, were local. In each town and substantial village there was a Strike Committee, composed mostly of young people and extremists, who were replaced, as they were interned, by others who were equally or more extreme. The local collections were voluntary to begin with ; but afterwards they were accompanied by pressure and intimidation. Undoubtedly, however, large contributions were received from abroad, the extent of which had never been established. Subscriptions were also received from Egypt, Iraq, India and various other places where Moslem sentiment was strong.

The possibility was naturally considered of attaching these funds, which were well concealed ; but for various reasons, including the fact that the Administration would have been faced with the problem of maintaining the indigent, on whom the bulk of the money contributed was undoubtedly spent, it was decided not to attempt to do so.

Mlle. DANNEVIG was struck by the number of points on which the Administration had not succeeded in obtaining the necessary information. According to *The Times*, one of the principal sources of strike contributions had been the Arab officials in Government service. Most of them were said to have regularly surrendered a fraction of their salaries, so that it was the money of the Palestine Government which had served to support the strike !

Mr. HALL replied that the large majority of the Arab officials contributed to the relief funds. It had been argued that this should have been prohibited ; but it was not easy to prevent a personal contribution from a man's private account. A regulation existed, which was later enforced when it was found to be infringed, that persons must not enter Government offices to collect for charitable purposes without the approval of the Head of the Department.

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<sup>1</sup>See pages 98, 99.

M. RAPPARD said the financing of the movement must have been on a very considerable scale. The general strike lasted for six months, and the number of sufferers ran into hundreds of thousands. One would therefore suppose that the total sum of money contributed and administered, either for the relief of suffering or for the arming of the rebels, must have been large. It was disappointing that the Administration should be unable to trace the source and flow of those funds.

Mr. HALL replied that such information as was available led the Administration to think that the sum which went to the arming of the rebels was inconsiderable. The money for the relief of distress was chiefly needed in the towns. The villages and the countryside were self-supporting. They ate their own crops. In the towns, the form which relief took was mainly the distribution of bread. The suggestion that the finance of the movement was on "a very considerable scale" probably exaggerated the extent of the fund. Arabs could live on very little; and Arabs of the poorer classes during the last six months of the strike did live on very little indeed.

If the funds had been effectively seized, the Government would have had to distribute relief, since it could not have left thousands of people to starve. It would, in that case, have been indirectly supporting the strike.

M. RAPPARD added that was so, unless it succeeded in breaking the strike!

Mr. HALL replied that the population would then have been left to starve.

Mlle. DANNEVIG asked whether, in that case, the strike would not have come to an end.

Lord HAILEY said it might interest the Commission to know that the attempts which were made to seize funds of the same kind in India, amounting possibly to millions of rupees, had always failed. It was always possible to put the funds away in private hands.

M. VAN ASBECK asked how far it was to be supposed that, as was sometimes alleged from the Jewish side, some of the money came from the Awqaf, the religious funds under the Mufti and under the supervision of the Supreme Moslem Council, mentioned on pages 52 and 53 of the Royal Commission's report. It was there stated that the funds in 1936 amounted to no less than £P.67,000. He would like to know whether the accredited representative was satisfied that no money went from those religious funds to the Strike Committee, not to relieve distress, but to continue the revolt against the Government.

Mr. HALL said that the Government was satisfied that the Awqaf funds were not used. Those funds were submitted to audit. Although before he left Palestine the audited accounts of 1936 had not been received, he was confident that, apart from any moral consideration, the Supreme Moslem Council would not have used Awqaf funds, which had to be audited, for any of the purposes suggested in the question.

M. VAN ASBECK asked in what way the Awqaf funds were audited.

Mr. HALL replied that they were audited by a licensed auditor and submitted to the Government afterwards.

M. SAKENOBE called the attention of the accredited representative to paragraph 30, page 106 of the Royal Commission's report:

"The direct cost of the 'disturbances' to the Palestine Treasury in the financial year 1936/37 is estimated at more than £P.1,500,000 (including £P.1,186,000 for additional troops, £P.144,000 for extra expenditure on police and prisons, and about £P.35,000 for repairing damage to roads and railway bridges, rolling stock and the like)."

What was meant by the "direct cost"? Was there any indirect cost to be borne by the Palestine Treasury on account of the disturbances?

Mr. HALL replied that the amount of £P.1,186,000 for additional troops did not represent the direct cost of the troops, but the indirect cost—that was to say, the cost of transport and the cost which the Palestine Government always had to meet for what was known as the colonial allowance. (Troops serving in Palestine received an additional allowance over and above anything received at the home stations.) It also covered the cost of any military works that were required. Consequently, the amount of £P.1,186,000 really represented what would have been the additional cost to the British taxpayer of the troops being in Palestine rather than in the United Kingdom. Did M. Sakenobe want to go beyond that? Did he want to know whether there was any indirect cost to the Treasury?

M. SAKENOBÉ explained that he had been thinking of costs involved in the sending of warships to Palestinian ports, and expenditure on pensions to wounded soldiers and also to the relatives of the killed.

Mr. HALL said that, to the best of his recollection, pensions did not come within the figure given by the Royal Commission. There were, of course, a number of indirect charges which did not arise out of purely military activities, such as the loss of revenue.

M. SAKENOBÉ pointed out that these figures were given on the same page of the Royal Commission's report.

Mr. HALL added that the figure included the excess cost of the Air Force and there were also some small charges from the Admiralty.

M. SAKENOBÉ asked whether the Admiralty charges were included in the amount of £P.1,186,000.

Mr. HALL replied in the affirmative.

M. VAN ASBECK, wished to mention a telegram sent to the High Commissioner before the outbreak by Mr. Jabotinsky, which was such as to arouse apprehension of an outbreak. He asked the accredited representative whether the telegram in question was received, and what importance was attached to the warning, and whether other warnings from either side had reached the Government before the outbreak.

Mr. HALL understood that the telegram from Mr. Jabotinsky was received just before the Nebi Musa festival, which actually passed off quite quietly. Full weight had been given to the warning, which substantiated the Administration's own reports, of growing tension between Arabs and Jews. That tension had arisen partly from events outside Palestine—in Syria and in Egypt, and also as a result of the debate in Parliament. But as he had explained, there had been a *détente* as a result of the invitation to send a deputation to England, though police and military precautions were not reduced, and the plan of operation for dealing with an outbreak was applied immediately the outbreak occurred.

M. van Asbeck had enquired whether any further warnings had been received. On March 2nd, six weeks before the outbreak at Jaffa, a member of the Jewish Agency saw the High Commissioner and expressed apprehension at the unrest among the Arab population, which he considered was partly due to the general international situation and to the political developments in Egypt and Syria in particular. He anticipated that, if the Egyptians and Syrians were successful in attaining a large measure of self-government, that would give rise to fresh demands and dissatisfaction on the part of the Arabs in Palestine. That was the only other specific warning which Mr. Hall could recall, apart from the reports continually received from the police.

The CHAIRMAN explained that the telegram from Mr. Jabotinsky was referred to in a petition submitted in the proper form,<sup>1</sup> but that its full text was to be found in another document.<sup>2</sup> This telegram, dated April 5th—that was to say, some ten days before the beginning of the disturbances—was interesting because it seemed to indicate that, while the administration had not foreseen the troubles, other persons, in particular, the sender of the telegram, had expected them. The telegram stated: "I feel compelled to inform Your Excellency that I have received alarming reports from Palestine expressing the keenest fears of an anti-Jewish outbreak".

Mr. HALL said that the telegram had been sent in connection with the Nebi Musa festival, when Arabs from all over Palestine were gathered together; and presumably Mr. Jabotinsky had some reason to think that the Nebi Musa festival would lead to serious outbreaks. The Administration had taken all precautions, and there was no outbreak. Mr. Jabotinsky's specific warning proved, in short, to be ill founded.

Lord HAILEY asked whether the Administration often received similar warnings of tension in Palestine.

Mr. HALL said that warnings were not infrequently received from Jews in Palestine that tension was great. He, himself, often received representations while he was in Palestine from

<sup>1</sup> Document C.P.M.1819.

<sup>2</sup> Evidence submitted to the Palestine Royal Commission by Mr. V. Jabotinsky (New Zionist Publications, No. 3).

Jewish organisations saying that such-and-such an event was likely to lead to trouble. In most cases, the trouble apprehended had not materialised. The Administration took the necessary police precautions and the anticipated trouble did not arise.

M. VAN ASBECK asked what sort of a festival Nebi Musa was and at what date it took place.

Mr. HALL said that the date varied with the Mohammedan year. In 1936, it was early in April.

M. VAN ASBECK enquired what was the meaning of the Arab battle cry "Eddowleh ma'ana", which was greatly feared by the Jews.

Mr. HALL replied that it meant "The Government is with us". It was said that the Arabs had used that cry to encourage others to join their movement.

M. VAN ASBECK said a reference was made in the same telegram from Mr. Jabotinsky to an alleged statement by Inspector-General Spicer to the effect that there was a scarcity of troops and that the police were inefficient. That was surprising in view of the fact that Inspector-General Spicer was Commander of the Police.

Mr. HALL said that, so far as he knew, that statement was entirely without foundation. At no stage before the disturbances had Mr. Spicer said that there were insufficient troops or that his police were inefficient.

(The accredited representative withdrew.)

#### **Programme of Future Activities.**

Following on an exchange of views, the Commission drew up the following programme of work :

*August 9th:* Final day for consideration of the annual report.

*August 10th to 12th inclusive:* Exchange of views between members of the Commission, in order to elicit their opinion regarding the report which the Commission is to submit to the Council. Petitions to be considered as occasion serves.

*August 13th to 18th:* Drafting of the report, first and second readings and adoption of the same.

The first part of the report, dealing with the administration of Palestine in 1936, to be drawn up, as usual, on the basis of the observations contained in the Minutes.

The second part, embodying the Commission's preliminary opinion to the Council's request, to be drawn up by a drafting Committee of three members, to meet at times to be indicated.

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#### FOURTEENTH MEETING.

*Held on Monday, August 9th, 1937, at 10.30 a.m.*

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#### **Palestine : Examination of the Annual Reports for 1935 and 1936 (continuation) : Disturbances of 1936 (continuation).**

Mr. Hall came to the table of the Commission.

The CHAIRMAN informed the accredited representative that the Commission had decided to complete the examination of the reports for 1935 and 1936 that day. He urged all speakers to make their questions and answers as brief as possible.

#### MUNICIPAL AND LOCAL COUNCILS.

M. PALACIOS observed that on page 65 of the report for 1936 (paragraph 2) it was stated that during the strike essential municipal services were maintained in most municipal areas without the direct intervention of the Government. At Haifa and Hebron, the Government had, however, been obliged to appoint municipal commissions in order to ensure the performance of the services.

He further pointed out, in connection with the Legislative Council, that the Royal Commission, in its report, page 364, paragraph 7, had furnished information regarding local autonomy and self-governing institutions. Page 368 of the same report contained suggestions

with reference to the municipalities. Moreover, on page 365, paragraph 9, the Royal Commission stated that self-governing institutions could not be developed in the peculiar circumstances obtaining in Palestine. Could the accredited representative inform the Commission whether the mandatory Power accepted the Royal Commission's statements? Had the proposal for the establishment of a Legislative Council been abandoned altogether? What measures did the Government propose to take to give effect to the Royal Commission's recommendations in that connection?

Mr. HALL said that, generally speaking, the attitude of the Arab municipal councils was in sympathy with the strike. In the mixed municipal councils, the attitude of the Arab councillors was equally in sympathy with the strike. But in both cases, with one or two interruptions, essential municipal services were carried on and the officials continued to fulfil their duties.

His Majesty's Government had not yet reached any decision on Part II of the Royal Commission's report in regard to the development of self-governing institutions. He understood that it was the Government's intention to explore the solution proposed in Part III, and only to consider falling back on the proposals in Part II if that solution failed. Mr. Ormsby-Gore had said that, in that event, further reference would be made to the League of Nations.

Count DE PENHA GARCIA noted that the system of municipal councils was being developed, which showed that the mandatory Power expected it to produce satisfactory results. During the present year, one post of auditor had been created for the purpose of teaching the municipalities how to keep their accounts (page 66, paragraph 11, of the report for 1936). At Jerusalem, the President of the Council, a Moslem, had spoken in a conciliatory tone when opening the session. The report also stated that, in spite of the disturbances, four new municipal councils had been set up in 1936 (page 66, paragraph 7, of the annual report for 1936), and that after the cessation of the disturbances the municipal councils had again functioned normally.

Such being the case, did not the mandatory Power consider that the extension of those councils would have a beneficial effect from the standpoint of the policy of conciliation?

Mr. HALL thought that municipal councils in areas other than mixed areas would continue to develop and work satisfactorily, and that in mixed areas, during periods when racial tension was not great, they would work reasonably well—he did not put it higher than that. Naturally, municipal councils and their officials were gaining in experience with each year of municipal administration.

Count DE PENHA GARCIA wished to know whether the majority of the municipal councils were mixed or whether some were purely Arab.

Mr. HALL said that there were only three mixed councils. With regard to the remainder, two were purely Jewish and the others were purely Arab.

#### SUPREME MOSLEM COUNCIL : ARAB HIGHER COMMITTEE (*continuation*).

M. VAN ASBECK asked for further information as to the way in which the Government controlled the budget and estimates of the Supreme Moslem Council. The Commission had been told that there was an auditor who reviewed the revenue and expenditure of that Council; but neither in the annual report nor in the report of the Royal Commission was there any reference to the exercise of control by the Government. On page 52 of the Royal Commission's report, it was stated that in December 1921 a new Order was issued creating a Supreme Moslem Council in whose constitution the Government was to have no voice and over whose administration of the Awqaf the Government would have no control; it further appeared that the budget of that fund was transmitted to the Government only for information. He asked how far Government control was exercised, and whether there was any publicity.

Mr. HALL replied that originally, under Sir Herbert Samuel's Order, there was no control over the finances of the Supreme Moslem Council; but by an agreement relating to the transfer of Awqaf revenue to the Supreme Moslem Council, in 1931, the Council agreed to an independent audit of its accounts. The accounts were sent to the Government as audited. They were not published. Beyond that, there was very little control over the finances of the Council.

The Supreme Moslem Council, in the course of these and later negotiations, agreed to limit their expenditure to a certain sum—£P.44,500—and to create a reserve fund. They also agreed to adopt a system of accounts similar to the system of Government accounts. But their audited statements of accounts were submitted to the Government for information only, and not for prior approval.

M. VAN ASBECK supposed this meant that, if the auditor had any objections, he might put them to the Government, but that the matter would rest there. There would be no further intervention of the Government in respect to the application of the funds.

Mr. HALL imagined that, if the auditor's report disclosed misappropriation or misuse of funds, an action would lie against the Supreme Moslem Council under the law of the country.

M. VAN ASBECK asked whether such an action would be instituted by the Government ?

Mr. HALL replied in the affirmative.

M. VAN ASBECK called attention to pages 180 and 181 of the Royal Commission's report, where a certain proposal was made as to the reform of the Supreme Moslem Council, and asked whether this reform had already been considered by the Palestine Government, and whether any action was proposed in consequence.

Mr. HALL referred M. van Asbeck to paragraph 104 on page 180 of the Royal Commission's report.

M. VAN ASBECK said that what Lord Plumer promised was that there should be no legislative sanction of any reforms, except for the holding of elections. The first step would be to hold elections. Was there any prospect of elections being held shortly ?

Mr. HALL said that the material passage in the promise was : " but also with the concurrence of an Assembly duly elected by the representatives of the Moslem community ". Any assembly so elected in present circumstances would not voluntarily agree to any circumscription of the powers of the Supreme Moslem Council or its President.

M. PALACIOS noted the accredited representative's explanations regarding the success and the effect which the measures recommended by the Royal Commission might have on the Supreme Moslem Council, and, taking into account what was said on pages 174 to 181 of the Royal Commission's report, concluded that the mandatory Power could not take any effective action to decrease the power of the Mufti. That would at least appear to be difficult according to the reply which had just been given by the accredited representative. M. Palacios would like to know whether the Mufti's establishment had been searched. He had read in *Le Temps* that one member of his entourage had been arrested, and M. Palacios believed that the Mufti himself had been obliged to hide in a mosque in order to avoid the risk of being arrested also. That proved that the most distinguished Arabs were on occasion subject to the law. Could the accredited representative furnish any information on that point ?

Mr. HALL was not in a position to reply to the question with personal knowledge ; but he understood that a police raid was made on the premises of the Arab Higher Committee, and that one person was arrested. It seemed that that action by the Government led the Mufti to assume he was in danger of arrest, and he remained closeted accordingly in his house in the Haram Sharif.

The CHAIRMAN thought it somewhat surprising that searches had been carried out when officially order had been restored, whereas none had been effected during the whole period of the disturbances.

Mr. HALL said he could only surmise that the police had reason to believe from information received that they would find certain documents there. Whether they did find them or not, he did not know.

COUNT DE PENHA GARCIA wondered, in view of the fact that the Supreme Moslem Council had been appointed by the mandatory Power, by what miracle the Arabs were satisfied with it.

Mr. HALL answered that the Mufti was originally elected. The other members of the Supreme Moslem Council were appointed by the High Commissioner. They were probably as representative a body as any Arabs who could be elected to-day.

Lord HAILEY, referring to M. van Asbeck's questions in regard to the Awqaf funds, asked if they were regulated entirely by Moslem law or if the Administration itself had legislated on the subject.

Mr. HALL replied in the negative to the latter question. In the event of any misappropriation of funds, it would be possible to bring action under the laws of disposition.

Lord HAILEY concluded that, if there were complaints of the funds having been used for political purposes, it would be a matter to be brought before the civil courts by some interested person who would sue the trustees. Or had the Administration itself any power of making a plaint on the subject?

Mr. HALL understood that the Government in such case would be able to take criminal proceedings in conjunction with a civil action for damages.

Lord HAILEY presumed that misuse of the funds for political purposes would be a misapplication of the funds under the terms of the trust, but not embezzlement in terms of criminal law.

Mr. HALL hesitated to give a definite opinion on the legal point; but he thought that a criminal action for embezzlement would lie in connection with the use of trust funds for purposes other than those provided in the trust.

Lord HAILEY asked if any information was available as to the location of the Awqaf lands. That was a point which would be of importance in considering the question of partition.

Mr. HALL said the information would certainly be provided in the next annual report, if not earlier.

#### IMMIGRATION : QUESTION OF THE ABSORPTIVE CAPACITY OF THE TERRITORY.

M. RAPPARD would like to know the reasons for the decision to limit immigration to 12,000 a year or 1,000 a month. That was a clear departure from previous policy. Was it a decision taken for the future, in case the partition scheme should not be put into effect? If so, was it deemed to be reconcilable with the mandate to limit the inflow of population to a very low figure bearing no relation to the absorptive capacity?

The accredited representative, in one of his earlier statements, said that the Arabs were very much surprised when no effect was given to their desire for restriction of immigration in response to the Arab strike. Naturally, the mandatory Power had felt that to give way in the face of the strike would be to put a premium on disorder. But once the strike had been settled, immigration was limited, and very drastically. Was that a transitory measure to appease the Arabs and to re-establish a certain amount of tranquillity, or was it the expression of the future policy of the mandatory Power for the event of the partition scheme not coming into operation?

Mr. HALL replied that he believed it to be an interim decision without prejudice to the future, and was based upon the recommendations in the Royal Commission's report, page 393, for dealing with the period of transition. The Royal Commission in that part of its report made two recommendations, the one in regard to land and the other to immigration. The proposal in regard to land had been adopted for the transition period, as would be seen from His Majesty's Government's Statement of Policy. In the case of immigration, His Majesty's Government had possibly felt difficulty in adopting the precise terms of the Royal Commission's recommendation to stop immigration into the Arab area—and that, for possibly two reasons. Firstly, the Arab area had not been finally defined, since His Majesty's Government did not accept as definitive the tentative map put forward by the Royal Commission; and, secondly, it was difficult to prevent immigration into a particular area. The limitation was, he believed, imposed purely as an interim measure to give substantial effect to the Royal Commission's recommendations for the period of transition. He did not think it was right to say it was opposed to the mandate, because the mandate contained no reference to the principle of economic absorptive capacity.

M. RAPPARD pointed out that the accredited representative's statement that the measure was introduced as an interim measure for the transitional period presupposed a transitional period between the present regime and a future regime of partition. What would be the position if for any reason partition was not adopted?

As to the question of the limitation being contrary to the mandate, it was true that the mandate did not speak of the country's economic absorptive capacity: but presumably



the limitation of immigration could be represented as a measure taken to reconcile the mandatory Power's obligation to facilitate immigration with its obligation to maintain order. The Commission had never taken the view that the mandatory Power, being responsible for the maintenance of order, was to be blamed for any policy it saw fit to adopt to avoid unemployment. But if, on the other hand, it were decided for high political reasons to limit immigration which the mandate said should be facilitated, that could hardly be squared with the provisions of the mandate. An interim measure pending a final settlement of the present uncertainty was one thing ; but an announcement of a future policy in the event of the present regime being continued was another.

M. Rappard, turning to the question of illegal immigration, pointed out that it was stated on page 77 of the report for 1936 (paragraph 18) that His Majesty's Government and the Palestine Administration had under consideration further measures to reduce the illegal immigration of Jews and non-Jews. The Royal Commission's report discussed the matter fully on pages 289 and following, and made certain definite proposals. Had those proposals been adopted or discarded, or were they still under consideration ?

Mr. HALL replied that, some months before the Royal Commission reported, the Palestine Government had adopted a proposal, which was in process of being put into execution, for the construction of a road along the northern frontier with special police posts at intervals, and for the creation of a special police force to maintain constant patrolling along that road. The proposal was directed, not so much against illegal immigration, as against the entry of armed bands and the smuggling of arms over the northern frontier. The road would be completed before the coming winter, and the force was, he understood, already in being. He was not aware of any other measures to combat illegal immigration.

The CHAIRMAN apologised for returning to the question raised by M. Rappard. From the Statement of Policy, it appeared that the mandatory Government proposed to reduce immigration to 8,000 persons for the period from August 1937 to March 1938. He wished to know whether that reduction to 1,000 persons per month was already in force.

Mr. HALL said that, to the best of his belief, instructions to give effect to that arrangement had been sent to the High Commissioner.

The CHAIRMAN pointed out that, in that case, this action had been taken before any decision regarding the future of Palestine had as yet been reached. Among the decisions which might be taken by the League, in agreement with the mandatory Power, a decision to continue the mandate was not excluded. In that event, the result of the provisional measure in question would be to suspend the application, in accordance with a provision accepted up to the present, of Article 6 of the mandate, for a period from the present date until the moment when a decision to retain the mandate in force had been taken.

Mr. HALL felt that the Chairman would not wish him to embark on a discussion at that stage. His Majesty's Government's action would no doubt come up for review in connection with the report for 1937, if not earlier. But he must say at once that he could not admit that the decision of His Majesty's Government was contrary to the mandate.

The CHAIRMAN also disclaimed any intention of opening a lengthy discussion on the point ; he recalled, however, that in 1930<sup>1</sup> the Council, on the advice of the Mandates Commission, had accepted the principle put forward by the mandatory Power itself—namely, that Jewish immigration should be authorised to the extent allowed by the country's capacity of economic absorption.

If the accepted criterion were replaced by that of political possibilities, the result would be to modify the interpretation given up to the present to the mandatory Power's obligation to encourage by means of immigration the creation of the Jewish National Home.

It seemed that the only reference made by the Royal Commission to the economic absorptive capacity was to say that the figure of 1,000 persons per month might subsequently be reduced if economic capacity made that necessary.

Mr. HALL affirmed that the figure of 8,000 was subject to economic absorptive capacity.

M. VAN ASBECK observed that the Jews were emphatic on the point that that number was wholly insufficient to maintain the Jewish National Home as it already existed, and that it would be detrimental to the economic life of the Jews and the country in general if the number were strictly adhered to. How far was that true ?

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<sup>1</sup> See *Official Journal*, November 1930, page 1292.

Mr. HALL enquired whether the question referred to the limitation to 8,000 for eight months or to the schedule given by the Palestine Government in the previous spring.

M. VAN ASBECK said that it referred to the former.

Mr. HALL said that he noted the opinion of the Jews on that point ; but he imagined the Mandates Commission would not wish him to go into details as to the present economic absorptive capacity of Palestine. The Commission was now dealing with the 1936 report ; the measure concerned related to the autumn of 1937 and the spring of 1938. The figure stated did not seem to be out of proportion to the schedule granted in the spring, which was based wholly on the economic absorptive capacity of the country.

Lord HAILEY asked whether there had recently been any definite complaints from the Jews that they were suffering from a shortage of labour.

Mr. HALL replied that, before the last schedule was granted in the spring, there were complaints from the Jews to that effect. Similar complaints had previously been made when schedules were under consideration.

Lord HAILEY asked whether there was any way of checking the justification for such complaints.

Mr. HALL said that, before any schedule was granted, an exhaustive examination was carried out by the Department of Immigration into alleged labour vacancies. In the first place, the Jewish Agency submitted its proposals for the schedule in great detail, showing how many people were needed in each walk of life in agriculture and industry ; in certain cases, employers of labour also made requests direct to the Department. Those requests and the claims of the Jewish Agency were examined very closely by the Department of Immigration ; and it was in the light of enquiries made and information obtained by the Department of Migration and of an appreciation of the labour already available in the country that the schedule was ultimately drawn up.

Lord HAILEY, with further reference to the correctness of the information obtainable as to the shortage of labour, referred to page 286 of the Royal Commission's report, where it was suggested that there was a need for closer contact between the District Officers and the Statistical Department in preparing estimates of the amount of labour vacancies that existed. Was the accredited representative aware of any steps having been taken to improve the sources of information ?

Mr. HALL said that he thought that the reference in question was the only criticism in the Royal Commission's report of the methods of enquiring into labour vacancies. In another part of its report, the Commission implied that the alleged grievances of the Jews in that respect were unfounded. He felt sure that that recommendation (of which he had not, of course, been aware when he left Palestine) would be taken into account by the Administration, and that such steps as were possible would be taken to associate the District Administration more closely than had hitherto been the case with the enquiry in question. The monthly reports of the District Commissioners, which dealt in some detail with the state of labour and industry in their areas, were available to the Department of Migration.

Mlle. DANNEVIG asked why it was stated that permission had been given to 8,000 "persons" instead of as usual to the several categories. The use of the word "persons" included the members of the families of the people entering the country.

Mr. HALL said that the intention had obviously been to establish an absolute limit. Discussions would presumably take place between the Jewish Agency and the Palestine Government as to the numbers within that limit to be allotted to the different categories, having regard to the absorptive capacity and other considerations.

The CHAIRMAN, interposing, said that the "other considerations" were no doubt political considerations.

Mr. HALL said that the considerations governing the distribution of the figure of 8,000 among categories would not be political.

The CHAIRMAN replied that he had merely sought to make clear that political considerations were taken into account, amongst other considerations, in fixing the maximum number.

Mr. HALL said that, to the best of his belief, the maximum number was based upon the recommendation in the Royal Commission's report in regard to the transitory regime. Personally, he was unable to give any further information on the subject. The matter did not concern the year 1936.

The CHAIRMAN said that this point was raised in the Royal Commission's report, which, having been submitted to the Mandates Commission, must be examined by it no less than the report for 1936.

Mr. HALL said that, to the best of his knowledge, His Majesty's Government had not yet reached any final decision on Part II of the report. He had already informed M. Rappard that, to the best of his belief, it was a purely *ad interim* measure, without prejudice to any future decision on Part II of the report, or any other of its recommendations.

#### LAND TENURE : AREA OF CULTIVABLE LAND : QUESTION OF LANDLESS ARABS.

Lord HAILEY raised the question of what were known as the registers of landless Arabs. In 1935, 3,271 applications were received, and up to that date 664 heads of families had been admitted ; only thirty-five new claims were received in 1935. In 1936, there were 3,280 applications—that was to say, only nine new claims were submitted. The question of the landless Arab was one which interested several members of the Mandates Commission very greatly, and they had noticed that in the Royal Commission's report, on page 240, there was some suggestion that an unduly rigid system had been followed in classifying the landless Arabs. Could the accredited representative, from his own knowledge, give the Commission any information that would throw light on the number of Arabs actually rendered landless owing to purchases of land by Jews ? Did the figures for 1935 and 1936, to which he had referred, represent the actual extent of the dispossessions of Arab cultivators ?

Mr. HALL agreed that the classification was a rather narrow one. Speaking on surmise and not from exact knowledge, he would say that more Arabs than had submitted applications had been rendered landless as a result of Jewish purchases. He reminded the Commission that the enquiry took place at a time when Palestine was beginning to recover economically. Consequently, tenants who had been expropriated from their agricultural holdings had been able easily to find other, and usually more profitable, occupation in the town. Many of them had probably not troubled to put in applications, because they were comfortably situated. In the building trade and in other urban occupations, they had been able to make more money than they would have made on the land. Possibly that had led to a limitation of the number of applications submitted. Such, at any rate, was the impression he had gained from talking to officers who moved about the country and had seen the position for themselves.

Lord HAILEY said it was stated by friends of the Arab cause that as many as 20,000 families had been dispossessed first and last—possibly 80,000 persons. If that were true, it would, of course, be a most important figure. Was there anything within the accredited representative's own knowledge which would tend to confirm that ?

Mr. HALL replied that there was nothing in his own knowledge which would tend to confirm anything like so large a figure.

Lord HAILEY said his second question related to the amount of cultivable land in Palestine. He found on page 85 of the report for 1936 (paragraph 40) certain figures giving the total estimated cultivable area in Palestine. He further referred to certain remarks in the Royal Commission's report, pages 235 and 238. The question must be of the greatest importance in connection with the possibilities of Jewish land settlement. He asked whether the estimates had been framed on the basis of any accurate survey or not.

Mr. HALL replied that they were based upon a fiscal survey made in Palestine. He would not describe it as an exact survey ; it was based upon a definition of cultivable area which was not, he believed, generally acceptable to the Jews.

Lord HAILEY asked whether the Administration was now undertaking any closer survey. The accredited representative had spoken of a fiscal survey. Had there been any agricultural survey ?

Mr. HALL said that the figure was checked by the Land Settlement Survey, which covered about 10% of the area ; and this work was continuing. Apart from that, he knew of no further survey which was in contemplation when he left Palestine. There was the fiscal survey on the 1 : 10,000 scale, and since then there had been the land settlement survey on the 1 : 2,500 scale : the latter, of course, served to check the results of the former. It was possible that since he left Palestine, and since the publication of the report, other measures were in contemplation.

He had read in the newspapers that a joint survey by the Jews and the Palestine Government was already in process in the Beersheba region, in order to establish the extent of cultivable land and the possibilities in the way of water supply.

Lord HAILEY asked what proportion of the country was covered by the original fiscal survey.

Mr. HALL replied that it covered the whole country, with the exception of Beersheba.

Lord HAILEY asked whether the fiscal survey had been made by agricultural officers. Was it of a character making it possible for the Administration to say with any confidence that there was this or that amount of cultivable land, judged by certain standards, however arbitrary.

Mr. HALL said that he was not in Palestine when the survey was started ; but it was made largely by the District Administration in association with agricultural officers.

Lord HAILEY explained that the reason why he put the question was because the results of the survey had been called a good deal in question, and, naturally, to everybody interested in the question of closer settlement of the Jews, it was of the very first importance to know what area was actually available for cultivation. So far the results, judging by the two reports, and by the statement of the accredited representative, had been a good deal open to question. Therefore, he would like to know whether the Administration had been, or was now, able to see its way to providing more accurate information on the subject.

Mr. HALL replied that the fiscal survey was regarded as reasonably accurate. He agreed that further enquiry into the Beersheba area was certainly called for. The question whether the definition of cultivable land stood in need of alteration was one on which he would not like to speak ; but there was room for criticism.

Lord HAILEY asked where it was possible to find any information as to the area of State waste lands which could be regarded as cultivable.

Mr. HALL answered that particulars would be available to the Mandates Commission in a few days' time in the memoranda supplied by the Government of Palestine to the Royal Commission. He thought the particulars had already appeared in previous annual reports.

The CHAIRMAN recalled that the accredited representative could reserve his right to reply to this point on another occasion.

He asked what stage had been reached with the enquiry undertaken in order to establish the limits of the State domains. What was the position in that respect ?

Mr. HALL said that the area of land belonging to the Government could not be ascertained until settlement was complete. Until then it must be a matter largely of estimation, because practically every dunum of what was regarded as Government domain was claimed by private persons. The process of land settlement had been criticised in the Royal Commission's report as being unduly slow. The reason for that, largely, was that there were so many claimants to every area of land in Palestine, land being so extremely valuable owing to Jewish purchases : but, before the Royal Commission reported, the Palestine Government had itself taken up the question and framed a revised plan of land settlement, which might not be so meticulously accurate and complete as the existing method of settlement, but would certainly greatly reduce the time for the completion of that operation.

Count DE PENHA GARCIA said that it was a matter for regret that the Commission had insufficient information concerning the land question. He was anxious to know, at any rate, whether the disturbances had caused a change in the value of land.

Mr. HALL replied that during the disturbances, when land transactions were greatly restricted, the price of land undoubtedly fell. Since the end of the disturbances, he thought it could be said that the value of land had almost reached its previous level. That was his impression as regards urban areas. He could not speak with confidence about the rural areas.

If Count de Penha Garcia would provide him with a note of the items on which he desired further information next year, he had no doubt that the section of the annual report concerned could be expanded.

Count DE PENHA GARCIA said that the report for 1936, on page 59, contained the information that, during 1936, a certain number of dunums of land were sold at £P.8 14s. per dunum, whereas in 1935 a much larger area had been sold at £P.23 6s. per dunum. That fact

showed that the value of the land which the Arabs could sell had fallen by two-thirds, or, in other words, that the land of which the Arabs could dispose in 1936 stood at only one-third of its earlier value. It could also be concluded that the ability to purchase land was very limited on the Arab side, since that fall in prices was solely due to the fact that Jewish purchasers were not forthcoming.

Mr. HALL pointed out that the validity of this conclusion depended on whether the purchases in any one year were primarily of agricultural land or town land. The figures did not distinguish between the two.

Mlle. DANNEVIG referred to the statement on page 59 of the annual report, paragraph 6, that 18,146 dunums of land were purchased by Jews from non-Jews in 1936. Did the vendors belong to the effendi class or were they fellaheen?

Mr. HALL was unable to give a definite answer but was under the impression that they were mainly of the rural community. If the Commission so desired, an effort would be made next year to give more precise information; but it might entail extensive enquiries.

M. VAN ASBECK said that pages 80 and 81 of the 1936 report gave the number of outstanding claims and land cases. Was he right in taking it that the claims were administrative claims to be decided by the Settlement Officer, and that the land cases were cases which came before the courts?

Mr. HALL replied in the affirmative.

M. VAN ASBECK referred to arrears of cases, and observed that the Royal Commission on page 231 of its report made certain recommendations in that connection. Was there a real excuse for the existence of the arrears, and what was the view of the accredited representative on the proposal to improve the situation?

Mr. HALL thought that the decision taken by the Palestine Government some years ago to dispense with the land courts on grounds of economy and pass on their work to the existing district courts was open to criticism. Before the Royal Commission reported, steps had been taken to obtain a judge with knowledge of Arabic and of the Turkish Land Code, in order to form a land court in Palestine. The appointment had not actually been made when Mr. Hall left Palestine; but the matter was in train. The Royal Commission recommended not one court but two; and that might well be necessary.

The delays referred to were due to two reasons. One of them lay in the settlement procedure, which allowed too long an interval between the preliminary settlement and the final hearing by the Settlement Officer, thereby giving an opportunity for lawyers to put in fictitious claims and waste the time of the court. Mr. Hall hoped that would be remedied under the new system. The other was the absence of an actual land court travelling round and hearing cases. He hoped that, too, would be remedied.

#### NATIONALITY : NATURALISATION.

M. PALACIOS said that, as regards naturalisation, it would be seen from pages 92 and 93 of the report for 1936 that in 1936 there were 4,941 cases of naturalisation, of which 4,847 were naturalisations of Jews. According to the report, these were chiefly Jews from Germany. Last year, the accredited representative had said that the Arabs were not so much interested in naturalisation as in entrances into the country.<sup>1</sup>

The Royal Commission's report dealt, on pages 329 to 332, with the question of nationality. Complaints from Arabs were mentioned on pages 330 and 331 (paragraphs 7 to 11), and, in paragraph 12, the Commission made certain suggestions to meet the case of a number of Arabs originating in the territory and residing abroad who had not been able to acquire Palestine nationality. As regards the Jews, it was stated on page 332, paragraph 14, that they had not spontaneously made use of the opportunity offered them of acquiring Palestine nationality.

Could the accredited representative say whether the mandatory Power accepted the suggestion mentioned on page 331, paragraph 12, of the Royal Commission's report?

Mr. HALL replied that, as he had already said, His Majesty's Government had not yet reached any final decision on Part II of the Royal Commission's report; but, as recorded in the annual report for 1936, special facilities were granted to enable the Arabs in question to

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 149.

return to Palestine without passports and without fulfilling the normal immigration requirements, in order to qualify for Palestinian citizenship by domicile. The Royal Commission had suggested that these Arabs should be admitted to Palestinian citizenship on giving a formal assurance of their intention to return to Palestine. Such an assurance, he feared, would be given quite lightly by persons who wished to obtain British protection but had no real intention to return to Palestine.

M. PALACIOS said that the Royal Commission seemed to agree with the accredited representative's last statements, since on page 331, paragraph 12, of its report, it spoke of uninterrupted settlement, personal contact with the soil of Palestine, a formal assurance of return to the soil, etc.

Mr. HALL suggested that they ought to show their intention to return by returning. It was, however, quite probable that His Majesty's Government might adopt the proposal in the Royal Commission's report.

M. VAN ASBECK said that in several parts of the Royal Commission's report it was stated that there was no sense of Palestinian nationality among the two great sections of the population. The people felt themselves to be either Jews or Arabs. He asked to whom the Arabs felt loyalty, if not to Palestine. Was it to the Amir of Trans-Jordan or to the new State of Syria ?

The CHAIRMAN said that that question had already been raised.

Mr. HALL said that the Arabs of Trans-Jordan certainly had a considerable personal loyalty to the Amir. The Arabs of Palestine had no particular personality towards whom they could direct their loyalty, which was rather directed to their race, and, in the case of Moslems, to their religion.

#### JUDICIAL ORGANISATION.

M. VAN ASBECK referred to the statement in paragraph 9, page 365 of the Royal Commission's report to the effect that "the attitude of Arab officials precludes any extension of their employment in the higher posts of the Administration, including the judiciary". What was the opinion of the accredited representative on that point, and what was the proportion of Arab judicial officers in the whole of the judicial organisation ?

Mr. HALL could not give separate figures in regard to senior and junior staff ; but, taking the service as a whole, there were in the Judicial Department 265 Arabs, 65 Jews, and 22 others.

M. VAN ASBECK asked if the accredited representative agreed with the statement that it would be difficult to extend the employment of Arab officials in the higher posts in the judiciary.

Mr. HALL thought it would be difficult to extend the employment of either Arabs or Jews in the highest posts of the judiciary in present circumstances. It would be remembered that during the disturbances it was thought necessary to eliminate both Arab and Jewish judges from the courts trying cases arising out of the disturbances.

M. VAN ASBECK observed that in that case the only possible extension was to British subjects.

#### ECONOMIC EQUALITY : CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE OF NATIONS.

COUNT DE PENHA GARCIA noted discrepancies between the point of views adopted by the mandatory Power in 1935 and 1936 concerning economic non-discrimination in regard to countries which had left the League of Nations.

In the report for 1935 (page 231), it was stated that it was not found necessary to introduce a different policy for States having ceased to belong to the League of Nations.

In the 1936 report (page 265), two different reasons were given. It was said, in the first place, that non-discrimination was, as a matter of fact, a rule in favour of the mandated territories. If a policy of discrimination were adopted, prices of certain raw materials would rise, owing to the fact that the mandated territory would no longer have freedom of purchase ; thus, except in the very obvious case of a special advantage, there did not seem to be any reason for discrimination.

Stress was even laid on the economic situation of Palestine as a country which had to import many raw materials for her industries ; and it was argued that it was not to her advantage to adopt measures of discrimination against States which were no longer members of the League.

But in another part of the report, reference was made to a treaty between the United Kingdom and Japan (pages 48 and 49) <sup>1</sup> in virtue of which the United Kingdom felt herself obliged to grant non-discrimination to Japan.

Count de Penha Garcia would like to know what the situation really was. Could it be regarded as a good principle that the mandatory Power should be entitled to bind the mandated territory by the terms of its own treaties, which did not deal with the interests of the mandated territory but only with those of the mandatory Power ?

Mr. HALL thought there were no real discrepancies. His Majesty's Government endeavoured to obtain benefits for Palestine in its own commercial treaties with foreign States. In a memorandum <sup>2</sup> which was already before the Commission containing the observations of His Majesty's Government on certain representations made to it by the Jaffa Citrus Exchange, the policy was explained. Owing to the non-discrimination provision in the mandate, the hands of the Palestine Administration were tied in regard to negotiation for alleviation of tariff and quota obstacles ; and in view of the existence of that obstacle, His Majesty's Government had attempted to negotiate commercial treaties, so as to secure the best possible tariff terms to Palestine.

In the case of the Japanese treaty, His Majesty's Government was not of the opinion that it would be to the advantage of Palestine if that country were to be excluded from the provisions of the treaty. His Majesty's Government had to weigh, on the one hand, the advantage of being able to impose tariffs on Japanese goods, which might protect certain of the young industries in Palestine, and, on the other, the result on the level of prices for the poorest classes in Palestine. On balance, the Government was at present inclined to think that the advantage lay with the retention of the treaty.

COUNT DE PENHA GARCIA pointed out that, in the case of countries which were no longer members of the League of Nations, the mandatory Power had said it did not feel bound not to grant those countries a non-discriminatory tariff. It therefore did not need to invoke a treaty between the United Kingdom and Japan in this connection, since the principle was a general one. But he would like to know whether the system of non-discrimination was of use to Palestine or not. He saw a flagrant contradiction between what was said in the 1936 report and what was said in the Royal Commission's report on pages 217 and following, 368, etc., in which the Royal Commission asked for an amendment of Article 18 of the mandate, which compromised Palestine's interests. In the 1936 report, it was said, on the contrary, that non-discrimination was very useful, and that there was no reason to change the present system. What was the reason for that discrepancy ?

Mr. HALL pointed out that the references in the annual report to which attention had been drawn were directed to showing that His Majesty's Government thought that, in the case of the Japanese treaty, it would not, on balance, be an advantage to Palestine to withdraw from that particular treaty, and that therefore discrimination in that case carried with it more disadvantages than advantages. The question of the inconvenience of Article 18 of the mandate was dealt with in the memorandum which His Majesty's Government had submitted to the Mandates Commission, in which it was explained that there were certain great difficulties from which Palestine suffered as a consequence of the restriction imposed by Article 18 on her liberty of action. He would again repeat, however, that His Majesty's Government had not yet reached a decision on Part II of the Royal Commission's report, and that he had no instructions as to its view on that part, beyond the memorandum submitted in answer to a petition.

#### COMMERCIAL RELATIONS WITH EGYPT.

COUNT DE PENHA GARCIA pointed out that, in virtue of an agreement concluded with Egypt, following upon an exchange of notes which had taken place in August 1936, certain duties on products entering Palestine from Egypt had been stabilised (page 47, paragraph 110, of the annual report for 1936). Was that regime applicable to the Members of the League of Nations ?

Mr. HALL replied that the duties applied to any State Member of the League under Article 18 of the mandate.

#### IMPORTS AND EXPORTS : CITRUS MARKETS.

M. GIRAUD observed that the report for 1936 contained relatively detailed information on the economic and commercial situation in 1936. Two leading factors appeared to have dominated the economic situation—first, the fairly considerable decline in agricultural

<sup>1</sup> See also Minutes of the Twenty-ninth Session of the Commission, page 154.

<sup>2</sup> Document C.P.M.1845.



production due to drought, and, secondly, the disturbances. There had been a fall in cereal production, but an increase in the output of melons, while the potato crop had also been a fair one. The volume of exports was influenced by these factors. It declined fairly sharply to a total of £P.3,625,000 (page 251 of the 1936 report)—that was to say, £P.590,000 less than in the previous year. It was nevertheless interesting to note that, among the exports, manufactured products were on the increase, and that citrus fruits showed the most marked decline (page 249, paragraph 24, of the 1936 report). Imports had also fallen considerably, their value reaching £P.13,900,000, or £P.3,953,000 less than in 1935 (page 249, paragraph 25, of the 1936 report). One fact which was perhaps of some significance was that the margin between imports and exports was less wide in 1936; although the Palestinian balance of trade always showed a deficit, and quite a considerable one, the decline in imports in 1936 had been somewhat more marked than the decline in exports, thus reducing the deficit to some extent.

M. Giraud noted that the report for 1936 did not include a general table of exports similar to that given for imports; on pages 250 and 251, there was a general table giving rather detailed information concerning the quantities and values of the chief imports in 1935 and 1936. As regards exports, there was a table for local manufactures (page 252), but these only represented part of the export trade, for which a general table had not been drawn up. For that reason, it was impossible to estimate the value of citrus exports. He asked whether it would be possible, in future years, to include in the report a general table for exports similar to that given for imports.

Mr. HALL said that M. Giraud's suggestion would be noted for the next report, but he did not think that much would have to be added to the present table, except citrus, which was mentioned in the introduction to the table. The section would be modified, as M. Giraud had suggested.

M. GIRAUD said that, according to the report for 1936, the Government of the mandatory Power had tried to find outlets for the citrus production—which, from the standpoint of value, constituted the foundation of Palestinian exports. The report added that, up to the end of 1936, no very conclusive results had yet emerged. Could the accredited representative say whether any further progress had been made since then? That point was most important, since citrus production was expanding rapidly and the question of markets was obviously fundamental.

Mr. HALL thought that the answer was in the negative. The Chairman of the Jaffa Citrus Exchange had, however, been pursuing his enquiries and discussions in Europe; but no concrete results had been achieved when Mr. Hall had left Palestine.

M. GIRAUD said that, with the help of the table on page 243 of the report for 1936, he had compared the value of imported products with the amount of Customs dues levied thereon. The comparison showed that a very high rate was levied on petrol—namely, 138%. The value of the petrol imported was £P.210,000, and the duty levied £P.500,000. Was not such a heavy Customs tariff likely to react unfavourably on commercial activity, on the development of transport in particular, and on production costs?

Mr. HALL replied that the duty had not led to any diminution of road transport. Each year transport increased, as did the importation of cars. The cost of petrol in Palestine was rather less than the cost in England.

M. GIRAUD had been struck in the same table by certain other rates of duty, in particular, those on wheat-flour and rye-flour—22% and 72% respectively. What was the reason for that difference in rates?

Mr. HALL replied that the policy of the Palestine Government was to protect the home-grown product.

#### **Palestine and Trans-Jordan : Statistical Information regarding Territories under Mandate.**

The CHAIRMAN said that, in accordance with a suggestion made by the Commission at the twenty-third session<sup>1</sup> and approved by the Council on September 28th, 1933,<sup>2</sup> the Secretariat had issued a document in 1933 containing statistical tables relating to trade,

<sup>1</sup> See Minutes of the Twenty-third Session of the Commission, page 188.

<sup>2</sup> See *Official Journal*, November 1933 (Part I), page 1323.



public finance and population in the mandated territories (document C.565.M.272.1933.VI—1933.VI.A.2).

It would assist the Secretariat to keep this document up to date if the mandatory Power would include each year in the annual report on Palestine and Trans-Jordan a table similar to that relating to Tanganyika Territory in the document mentioned. This course, the advantages of which were obvious, had already spontaneously been adopted by the authors of the annual report on Ruanda-Urundi and to some extent by the authors of the reports on Western Samoa and Togoland under British mandate.

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## FIFTEENTH MEETING.

*Held on Monday, August 9th, 1937, at 3.30 p.m.*

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### **Palestine : Examination of the Annual Reports for 1935 and 1936 (continuation) : Plan of Partition of the Territory (continuation).**

Mr. Hall came to the table of the Commission.

#### IMPORTS AND EXPORTS (*continuation*).

M. GIRAUD referred to the table on page 246 of the annual report showing the rate of import duties on consumption goods. In 1932, the percentage was 27 ; in 1933 and 1934, it was 26.5 ; and in 1935, 26.6. In 1936, however, this rate rose to 29.5%. M. Giraud wondered whether this high rate of duty was not likely to have a depressing influence on economic activity.

Mr. HALL said that the rise in the rate of Customs duty was due to the introduction last year—mainly at the instance of Jewish manufacturers—of a number of new protective duties. He did not think that trade had been greatly restricted or reduced in consequence.

#### HOLY PLACES.

The CHAIRMAN asked whether it was correct to consider as holy places only those places in regard to which the Royal Commission recommended that a British mandate should still be exercised—namely, Jerusalem, Bethlehem, Nazareth and the Lake of Tiberias. Did the Arabs not regard as holy places certain mosques situated elsewhere in Palestine ?

Mr. HALL thought that Hebron must also be regarded as a holy place from the Arab and from the Jewish point of view.

(M. Rappard vice-chairman took the chair in place of M. Orts.)

M. PALACIOS thought that the mandatory Power proposed to include in the permanent mandate, not only the holy places mentioned by the Chairman but others as well, buildings and monuments, and also various religious foundations scattered throughout Palestine. That was, he thought, clearly foreshadowed by the Royal Commission's report, in particular on page 382, paragraphs 14 and 15. Paragraph 14 referred to the Lake of Tiberias.

Mr. HALL replied that the Arabs would probably regard certain other shrines and mosques as holy places. The principal Moslem holy places were, however, in Jerusalem and Hebron. Very few of the mosques in other parts of the country were the object of any particular veneration.

He would remind the Commission of Mr. Ormsby-Gore's statement<sup>1</sup> that a British enclave was contemplated for Jerusalem and Bethlehem and a British administration for Nazareth. The question of the extent to which, in the event of partition becoming a *fait accompli*, the United Kingdom Government could retain responsibility for holy places scattered all over Palestine would need very careful consideration. There were many mosques, just as there were Jewish synagogues, throughout the country, for which he thought it would be difficult to accept any direct British responsibility. The United Kingdom Government might be able, by means of observers or some such method, to satisfy itself that proper safeguards were being maintained. The present intention of His Majesty's Government was that there should be enclaves at Jerusalem and at Nazareth ; the boundaries of these enclaves had not yet been considered closely, and had certainly not been decided.

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<sup>1</sup> See page 23.

M. PALACIOS said that that reply added nothing to Mr. Ormsby-Gore's statement, and he concluded that the question remained open.

Mr. HALL agreed that the question remained open, as the partition scheme was still indefinite.

M. RAPPARD thought that the question to be considered was whether the phrase "holy places" as used in Palestine was unequivocal. The Mandates Commission knew what had so far always been held to be holy places, but now that possible territorial changes were being considered, apparently opponents of those changes claimed that there were other holy places all over the country. The Arabs made claims for mosques, the Jews would presumably claim that synagogues were holy places, and the Christians might similarly consider their churches as holy places. If holy places were always to be under the exclusive control of one of the three parties—Moslem, Jewish or Christian—administration would become impossible. Therefore, the question was whether, when it was said, as in the mandate and as was always understood in the Mandates Commission, that the holy places should be placed under a special regime, did that include and exclude places which were unanimously so regarded by all three races in Palestine, or was it a phrase "with fringes"?

Mr. HALL replied that Hebron was the only place, apart from Jerusalem, Bethlehem and Nazareth, which all three races agreed was holy.

M. VAN ASBECK asked whether, as he had been told by certain Arab leaders, there were in the proposed Jewish State two sacred graves to which pilgrimages were made every year.

Mr. HALL had no personal recollection of any such places but certainly was in no position to contradict the statement.

M. VAN ASBECK recalled the Arab assertion that, before the war, when the holy places were under either Arab or Turkish administration, there had never been any complaints. Was that statement true? If so, it could have an important bearing on the future status of the holy places.

Mr. HALL was not aware of any serious complaints having been made, but did not claim any particular historical knowledge of that period.

Lord HAILEY asked whether it was a fact that in Palestine, as in some other Moslem countries, although there were certain places to which greater sentiment might attach, yet in Moslem law and religion all mosques and graveyards were equally inviolable and could not be alienated for any secular purpose. Consequently, if any communal tension arose, very strong claims were apt to be attached to any place which was affected. Was that also the case in Palestine?

Mr. HALL confirmed that, formally, the position in Palestine was as stated by Lord Hailey, but certain Arab mosques and graveyards had, however, fallen into disuse and actually passed out of Arab hands without any serious consequences.

M. PALACIOS recalled that the mandatory Power had communicated to the Mandates Commission the report by Mr. Harvey, the Government expert appointed to consider the question of the measures required for the preservation of the Church of the Holy Sepulchre at Jerusalem. It was stated in paragraph 9 of page 91 of the annual report for 1935 that the report by the expert in question had been transmitted to the heads of the local communities concerned, with an intimation that the Palestine Government was giving its careful consideration to the recommendations.

At the twenty-ninth session,<sup>1</sup> the accredited representative had informed the Mandates Commission that he could not say how far the recommendations contained in Mr. Harvey's report had received the approval of the communities concerned. On page 114, paragraph 5, of the annual report for 1936, it was stated that only one reply to those recommendations had so far been received. Had any progress been made with the question?

Mr. HALL said that no further replies had been received before his departure from Palestine; he could not say whether any had been received since.

M. PALACIOS noted from page 113 of the annual report for 1936, paragraph 3, that no serious incident had taken place during the year in respect of Moslem or Jewish holy places. What was the nature of the incidents that had occurred?

The Royal Commission's report did not deal, in Chapters I and II, with the question of the holy places and contained no recommendations on the matter. Had the Royal Commission any special reason for not dealing with the question?

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 157.

Mr. HALL only knew of one incident, connected with the Greek Orthodox community. The Patriarch Elect had been locked out of a church by the community in question, but no serious consequences had ensued.

Mr. Hall did not know why the Royal Commission had made no detailed recommendation on the subject of the holy places in its report ; it had, however, recommended that the United Kingdom Government should assume permanent responsibility towards the League for the preservation of the holy places.

#### RELIGIOUS COMMUNITIES : QUESTION OF THE VIOLATION OF THE FAST OF RAMADAN.

M. PALACIOS observed that, on page 93, paragraph 4, of the annual report for 1935, reference was made to a dispute which had arisen between the communities concerned at the time of the election of the Orthodox Patriarch of Jerusalem, which had taken place in July 1935. The report added that negotiations had been started with a view to settling the dispute. The accredited representative had declared, at the twenty-ninth session of the Commission,<sup>1</sup> that the negotiations for the settlement of that dispute had not been successful.

It was stated, on page 116 of the annual report for 1936, that negotiations with regard to the matter had again taken place in 1936. Had the dispute been settled ?

The 1936 report (page 116) contained, in reply to a question raised during the twenty-ninth session of the Commission,<sup>2</sup> information regarding violations of the Fast of Ramadan. It was stated that the matter was still *sub judice*, and that it was to be examined in February 1937. Had the matter been settled ?

Mr. HALL said that the negotiations referred to in the two annual reports had, when he left Palestine, reached a stage where the Government would, he thought, be able to legislate to amend the Fundamental Law. There was, he feared, no hope of getting complete agreement between the laity and the Patriarchate, but the differences had now been so narrowed down that the Government could legislate with good hope of obtaining, if not the full concurrence, at least the acquiescence of both sides.

As regarded the Ramadan Fast incident, Mr. Hall had with him the final judgment given in the case, and would lay a copy before the Commission.

#### QUESTION OF OFFICIAL LANGUAGES.

M. VAN ASBECK gathered that, in the proposed new mandated territory, English would be the only official language. From page 136 of its report (paragraph 48), however, it would seem that the Royal Commission complained that in former days in Palestine English had not been made the sole official language, as in India. He would appreciate information on the statement that English was the sole official language in India. He understood that in India not only English but certain vernacular languages were official. If that were so, the argument for English as the sole official language under the new mandate might fail.

Mr. HALL suggested that Lord Hailey might give a reply to that question.

Lord HAILEY said that English was the official language in India in the sense that all Government notices and all laws were issued in English, and the authoritative version for legal purposes was the English version. At the same time, translations of notices and laws were also issued in the various vernaculars. The recognised language of the legislative bodies in India was English, and all their records were kept in English, but they could be addressed in any other language at the speaker's option. English again was the official language of the High Courts, but in the other courts pleadings could be made and records were kept in the vernacular. All the land records were in the vernacular and the great bulk of district administrative records were also in the vernacular. Thus only to a limited extent could English be called the official language. The Royal Commission was probably referring to the fact that the very wide recognition given to English for political, legislative and educational purposes had had the effect of giving a national cohesion in India which did not previously exist.

M. RAPPARD did not think that the question need be pursued, as it was not suggested that English should become the official language if the mandate were maintained, and, obviously, under the partition scheme, no objection would presumably be raised to each of the three units having its own official language.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 158.

<sup>2</sup> *Ibid.*, page 152.

M. VAN ASBECK asked whether there was any objection to having English as the only official language in the proposed new mandated territory, seeing that there was such a large population of both Arabs and Jews. He wished to clear up the point made by the Royal Commission that it would be best to have English as the sole official language in the new mandated territory, not for sentimental, but for practical reasons.

Mr. HALL did not think that there would be any serious practical objection to the use of English as the sole official language to the same extent as it was used in India as explained by Lord Hailey—that was to say, that, where necessary, vernacular translations would be supplied.

#### HOLY DAYS.

M. PALACIOS said that under this heading the annual report for 1935, page 115, and that for 1936, page 135, merely referred the reader to an annex giving a list of the holy days of the various communities in Palestine.

The Royal Commission's report contained no special chapter on holy days nor any general recommendation on the subject. On the other hand, on page 327, paragraph 10 (in the chapter entitled "Christians"), it was stated that Christian officials of the Government had to work on Sundays. Further, on page 366 (3) of its report, the Royal Commission, in its recommendations (Jewish Grievances), stated that there had been delays in connection with decisions of the civil courts which were partly due to the three sets of official holidays provided for in the mandate.

What exactly were the complaints of the Jews, Moslems and Christians with regard to holy days ?

Mr. HALL said that he himself, like most other senior Christian officials, worked every Sunday. He could therefore fully associate himself with the sentiments expressed in the Royal Commission's report. The Jews complained that, in certain offices such as the Post Office, they sometimes had to work on their day of rest, and that complaint was true. In a Department like the Post Office, it was sometimes inevitable, in order to deal with Hebrew telegrams or telephone messages, that some Jew should have to work on his day of rest, but so far as possible it was avoided. Mr. Hall did not recollect any complaints by Moslems, except regarding the hours of work of Moslem policemen during Ramadan. The existence of three sets of holidays in a week greatly handicapped the Administration in carrying out its task in Palestine.

Replying to a question by Mlle. Dannevig, Mr. Hall confirmed that the holy days of both Jews and Arabs sometimes coincided.

#### LABOUR.

M. RAPPARD suggested that the only question which the Commission need at present consider as being of particular importance for the future was what would become of Labour Conventions in the event of partition. He imagined that the creation of two new States would mean the lapsing of the Conventions entered into on behalf of Palestine as a whole and that new ratifications would have to be enacted.

Mr. HALL suggested that there was a precedent in the case of Iraq. If he recollected rightly, Iraq, under the treaty, inherited all the Conventions entered into on its behalf by the mandatory Power.

M. RAPPARD did not think the parallel was exact, as Iraq was already a political unit on whose behalf Conventions had been ratified, whereas in the case of Palestine, the two units would be entirely new. Perhaps Mr. Weaver would favour the Commission with his views on the point.

Mr. WEAVER explained that no International Labour Conventions had been or could be expressly *ratified* on behalf of Palestine. Conventions ratified by His Majesty's Government in the United Kingdom might be *applied* in Palestine under the special procedure of Article 421 of the Treaty of Versailles, concerning the application of Conventions to colonies, protectorates and possessions which were not fully self-governing. Palestine, like other mandated territories, had been assimilated to that category for the purpose of the application of Labour Conventions. Juridically, therefore, the question of maintaining ratified Conventions in force did not arise. In the case of Burma, which was formerly a part of India, the Government of India had ratified Conventions and entered into a definite obligation to apply them to India, and those obligations had now been taken over by His Majesty's Government in the United Kingdom on behalf of Burma. The situation was entirely different in the case of Palestine.

The question which would arise in future would be the ratification of conventions by the independent States—if they came into being—and the problem which interested Mr. Weaver would be the continuation or otherwise of the application of the legislation at present existing

in Palestine by the new States. He assumed that the existing laws would be taken over by the new States, which could, of course, amend them in any way they thought fit when they were in complete control of their own legislative machinery.

Mr. HALL agreed with the forecast made by Mr. Weaver, though the question was, of course, hypothetical. Existing labour legislation would probably be taken over voluntarily by both States, certainly by the Jewish State. In any case, that was surely one of the points on which the League of Nations would wish to satisfy itself before admitting the proposed States to membership of the League.

M. RAPPARD pointed out that the Commission had been expressly asked to consider hypothetical cases. He imagined that, should the States become sovereign States, they would naturally be sovereign over their labour as over all other legislation. The question arose whether they would be free in international law to legislate contrary to the Conventions that had been adopted for the whole territory by the mandatory Power. Apparently, the representative of the International Labour Organisation held that they would recover their freedom as from the date of their emancipation, if no special conditions were made by the League.

Lord HAILEY could find no list of any such labour Conventions.

Mr. HALL referred Lord Hailey to paragraph 2, section 17, of the 1933 report.

Mr. WEAVER said that, in reporting on the application to colonies and possessions which were not fully self-governing of certain Conventions, His Majesty's Government had stated that those Conventions were being applied under certain conditions in Palestine. That, however, did not create the same kind of obligation as the ratification of a Convention on behalf of Palestine. Palestine was not a contracting party. Subject to reference of the question to the Legal Adviser of the International Labour Office, his opinion was that the new States would have perfect liberty to legislate as they pleased in labour matters until they themselves assumed contractual obligations by the ratification of Conventions.

M. RAPPARD concluded that there was a difference between international labour Conventions and other international Conventions, concluded by His Majesty's Government on behalf of Palestine, which were distinctly contractual. The question whether the partition States would still be bound by such Conventions, or would recover their freedom at birth, would have to be considered in the case of international Conventions not concerned with labour.

Count DE PENHA GARCIA observed that, when a mandate was terminated, the new State was normally admitted as a Member of the League of Nations, and it was at that moment that it was required to accept certain conditions. That, therefore, would be the time to settle the question of the application of international Conventions to Palestine.

Mr. HALL observed that he had made a similar suggestion to M. Rappard.

Mr. WEAVER, referring to the labour legislation which might hypothetically be handed over to the two new States, asked whether any further progress had been made with the various measures mentioned on pages 140 to 143 of the report for 1936, consideration of which had been held up by the disturbances. These included the Employment of Women and Children Ordinance, published as a Bill in February 1936, which, so far as he knew, had not yet been enacted; the Workmen's Compensation Amendment Ordinance and the measure for providing machinery for fixing minimum wages referred to in paragraph 28 on page 143.

Mr. HALL said that very little progress had been made with labour legislation in 1936. The Employment of Women and Children Ordinance came up for consideration just before he left Palestine, and the various criticisms made were duly examined and some of them were met. He could not say whether the measure had now been enacted.

He could not recollect precisely what stage had been reached in regard to the Workmen's Compensation Amendment Ordinance or the other draft ordinance mentioned.

Mr. WEAVER had noticed a considerable fall, estimated by the Jewish Agency at some thousands, in the number of Arab workers employed in the Jewish orange groves since the disturbances. Had the Arab workers voluntarily abstained from seeking employment or was pressure put upon them not to seek employment with Jews, or were the Jewish employers themselves responsible for refusing to employ Arab labour?

Mr. HALL replied that the Jewish employers, either voluntarily or under pressure from their own organisations, were in most cases responsible.

### DRUGS.

Count DE PENHA GARCIA observed from the 1936 report (pages 147 to 149) that much more opium had been seized in Palestine than in the previous year but that fewer persons had been prosecuted. He also noted a very appreciable increase in imports of medicinal opium and opium preparations, which had risen from 3 and 8 kilogrammes respectively to 12 and 18 kilogrammes. How could that increase be reconciled with the measures taken in application of the Conventions on Narcotic Drugs ?

Mr. HALL said that the legal provisions were the same as the previous year. The fact that there had been larger seizures must mean that this year attempts had been made to send larger consignments of drugs through to Trans-Jordan. The increase in medicinal opium was purely for public health purposes.

Count DE PENHA GARCIA asked whether any particular fact, such as the appearance of a disease, could have justified the increase. In any case, it was a point to which he drew the mandatory Power's attention.

Mr. HALL did not think so. The question could be taken up in the next report.

### ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA wished to revert to a question he had raised at an earlier session<sup>1</sup> concerning trade-marks and marks of origin for wines and spirits.

Products had been placed on the market which infringed the legislation relating to the protection of trade-marks in other countries. He had asked for an enquiry, and been told that no cases of falsification had been found. That, however, was not the point : he had asked the mandatory Power to prevent the unauthorised use of trade-marks protected by Conventions concluded between the mandatory Power and other countries desirous of safeguarding their own products.

For example, it would be illegal to sell under the name of " champagne " a sparkling wine manufactured in the mandated territory. It was on that point, and not on the issue of purity or genuineness of the beverages, that he had questioned the accredited representative. He repeated his request for an enquiry, and asked the mandatory Power to take the necessary steps to prevent abuses.

Mr. HALL said that at a previous hearing before the Mandates Commission he had had with him a long and detailed brief on the subject. Count de Penha Garcia had not raised the matter on that occasion, and he had therefore abstained this time from bringing the brief with him. He hoped that next year the accredited representative would be able to give the Commission a satisfactory reply.

### EDUCATION.

Mlle. DANNEVIG said it was evident from the report for 1936 that great efforts had been made during the year to increase the number of Arab Government schools, and it was all the more regrettable to find from page 150, paragraph 3, that " the disturbances which broke out in April deeply affected Government schools. Practically all the town schools were compelled to close owing to the non-attendance of pupils." The report added that nearly half the rural schools were closed. It was further stated on page 156 (paragraph 13), with reference to admissions to Arab elementary schools, that " owing to the disturbances, no significant figures are available for the year 1936 ". In the case of secondary schools, it was stated on page 165, paragraph 31, that only 39 out of 117 candidates who had applied sat for the matriculation examination, and (page 159) that hardly any of these took the examination. That showed that Arab education had been completely hampered. Again, from page 159, paragraph 21, it appeared that " the disturbances did not greatly affect work in the (Hebrew public) schools ; only four schools were closed for any length of time owing to lack of security ". The same, she believed, was true of the Women's Higher College.

Mlle. Dannevig wished to have additional information on the following points. What was the attitude of the pupils and teachers during the disturbances ? The references on pages 169 and 170 of the 1936 report to juvenile offenders seemed to indicate that a great many of them were political offenders. Had any measures been taken against pupils or teachers when the schools re-opened ? Were the relations between pupils and teachers better than before ?

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 70.

Mr. HALL said that Arab pupils, led by those at the Government Arab College, had gone on strike very early in the disturbances. The movement had spread to practically all the town schools except the Women's Training College and to about half the village schools. He did not think that the teachers were responsible, certainly not those on the staff of the Arab Training College, because, shortly before the strike began, the head master, an Arab himself, had thrashed one of the boys for disorderly conduct—a very unusual thing in Moslem custom. As in Egypt and Syria, school-children in Palestine were very politically-minded, and had little sense of discipline. It must also be remembered that Moslem parents did not enforce discipline at home. In spite of the strike, many of the boys might have attended school if (1) they had not been frightened and intimidated by the other pupils and (2) their parents had not been frightened for the same reason. When the boys returned at the end of the strike, he doubted whether their feelings towards the Government were any better. There had never been bad feeling between the children and the school-teachers.

Replying to the question whether action had been taken against school-teachers, Mr. Hall said he only knew of three or four cases where school-masters were thought to have been engaged in subversive activities and were accordingly interned; their appointments were subsequently terminated.

A strike by school-children might be dealt with either by dismissing the pupils or by punishing the parents—holding them responsible for their children's attendance. The first, he thought, would be a very harsh procedure and might lead to a general boycott of schools. To punish the parents would be equally unjust, in view of their anxiety to get their children into the few school vacancies. Non-attendance was due partly to lack of parental control or to fear that the children might suffer physically through attending school against the wishes of the majority. Regulations to compel attendance were useless unless they could be enforced.

Mlle. DANNEVIG called attention to Chapter XVI of the Royal Commission's report, dealing with Education, particularly to the recommendations on pages 342 to 344, paragraphs 24 to 29, and also to the statement, on page 365, that the Commission "would welcome increased expenditure on Arab education, especially in the direction of village agricultural schools. These financial claims should be regarded as secondary only to those of public security." Could the accredited representative say whether the mandatory Power accepted those recommendations and whether any steps had been taken to carry them out?

Mr. HALL said His Majesty's Government had not yet reached a final decision, but there was an indication of its attitude. The local administration had, acting on instructions, reduced the estimates submitted this year by £P.750,000, in view of the disastrous fall in revenue at the close of the year. Just before leaving London, he had heard that the Secretary of State had told the High Commissioner that there must be no standstill in education and that the savings must be made elsewhere. It was thus clear that the Secretary of State for the Colonies was in sympathy with the Royal Commission's recommendations in question.

Mlle. DANNEVIG was struck by the list of juvenile offenders on page 170 of the annual report for 1936. Were any special measures being taken to prevent criminality with a view to moral improvement among young people?

Mr. HALL said that the probation service had been expanded and, if funds could be found in the present year, there were approved schemes for building probation homes in small units, where the children would get special and close attention. An excellent probation officer trained in England was now in charge and was making progress. When disturbances lasted for six months, juvenile crime must be expected to increase.

Mlle. DANNEVIG observed that offences committed by Arabs were relatively much more numerous than those committed by Jews and Christians; that was doubtless due to the troubles.

Mr. HALL concurred, but pointed out also that the voluntary probation service was much more highly developed among Jews than among Arabs.

Mlle. DANNEVIG, referring to Article 15 of the mandate (paragraph 2), which read: "The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired", asked whether it would



be possible, by erecting private schools, to get Arabs and Jews to work together, and whether the Government had any plans for erecting the private schools proposed by the Royal Commission.

Mr. HALL replied that there was a British plan for providing a private school and there was also a plan for providing a university, but no definite progress had yet been made, owing to financial difficulties.

Mlle. DANNEVIG noticed that, in the case of agricultural schools, Jews had been asked to attend together with Arabs. Had the Jews refused?

Mr. HALL confirmed that it had proved impracticable to get Jews and Arabs to attend the same school, and two schools had therefore had to be built.

Mlle. DANNEVIG referred to the following passage on pages 115 and 116 of the 1936 report :

“ The Education Ordinance, 1933, ensures the rights of communities to maintain their own schools for the education of their own members . . . There is no restriction on the free exercise of the educational profession in a private school—that is, a school not receiving assistance from public funds.”

Did that mean that every school receiving assistance from public funds must either be an Arab school or a Jewish school, and that nothing could be done to bring the two together?

Mr. HALL replied that there were several private schools in Palestine, including those maintained by the Church of England, which admitted Christians, Moslems and Jews, and received a Government grant.

Mlle. DANNEVIG had inferred from the last phrase of the passage she had quoted that, if a school received assistance from public funds, it was no longer regarded as a private school.

Mr. HALL explained that, in order to obtain a Government grant, certain rules regarding the educational qualifications of teachers, etc., had to be observed. If private schools—Arab or Jew—did not wish to qualify for a grant, they need not comply with those regulations. There were four classes of schools : Government schools, Jewish public schools in receipt of grants, assisted schools and private schools. In addition, there were purely religious schools, which were exempted from compliance with the regulations.

#### PUBLIC FINANCE : RAILWAYS : ROADS.

M. RAPPARD called attention to the fact that the report for 1936 gave figures only for the financial year 1935/36—that was to say, for the period unaffected by the troubles. Dealing first with the financial situation of the railways, he noted that the period had been one of prosperity, increased traffic and therefore increased revenue, but apparently also of increased deficit. Explanations were given, but he was not himself clear whether the increased deficit shown on page 206 of the report, a deficit which had risen from £P.6,000 to £P.114,112, was a book deficit due to a change in methods of accounting, or whether new acquisitions and the increase in rolling-stock had more than exceeded in cost the increased revenue.

Mr. HALL thought that the deficit was the result of the very heavy capital expenditure, recommended by the experts who had reported on the railways.

M. RAPPARD added that when a railway earned not only its running expenses but the interest on its debt, and the deficit was due merely to increased capital expenditure, it could not be said to lack prosperity.

The only other general question which he wished to ask was what were the repercussions of the troubles on the public finances (revenue and expenditure) for the period not covered by the present report—that was to say, the last nine months of 1936, when the troubles had doubtless both reduced the revenue and increased the expenditure.

Mr. HALL said that the loss of revenue in 1936/37 was £P.906,000 and that anticipated by the Government for 1937/38 £P.750,000.

M. RAPPARD asked what sources of revenue had suffered most.

Mr. HALL replied that there had been a big fall in the revenue from Customs. Towards the end of the year, Customs revenue, which had fallen in August to about £P.178,000, had



risen to £P.200,000. When preparing the estimates, he had been advised that the Government could count on a monthly average for the financial year of about £P.200,000. Just before leaving London, however, he found that it had fallen back again to £P.180,000. The cause seemed to be that, directly after the general strike ended, there had been larger imports of those articles which had not been introduced during the strike, and that imports had then dropped back again to a disastrously low level. Before the general strike, revenue had started to fall and had continued to fall throughout the disturbances, reaching its lowest level in August and September. It had then picked up remarkably quickly but had now collapsed again; this was possibly partly due to uncertainty as to the effects of the Royal Commission's report. It need not be assumed to be permanent. In Palestine, if trade declined, the Jews usually reacted by investing a great deal of money, and business revived again. The total cost of the disturbances, including the estimated loss of revenue to the Government, was estimated at £P.3,675,000. Additional expenditure in 1936/37 was £P.1,585,000, and that anticipated for 1937/38 £P.433,000.

M. RAPPARD assumed that the last sum still included additional expenditure for defence purposes.

Mr. HALL replied in the affirmative. The road which the Government was building in the north would cost well over £P.50,000 and the additional police force another £P.50,000.

#### ANTIQUITIES.

Count DE PENHA GARCIA observed that sixteen permits to excavate had been granted (pages 132 and 133 of the report for 1936). Could the accredited representative say whether those excavations had been carried out, or had the disturbances prevented the work from taking place?

Mr. HALL did not know whether excavations had been proceeding in all the sixteen places; digging had certainly continued in some of them, including Jericho.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA noted that, according to the report for 1936, the general position with regard to health had improved, in spite of the disturbances. That fact was of some interest. Further, the mandatory Power had amended the legislation relating to licences for the practice of medicine in such a way as to limit the large increase in the number of doctors (page 176 of the 1936 report). Had the Arabs complained of that increase? Had the legislation in question given rise to protests?

Mr. HALL replied that the Arabs had complained publicly and certain Jews privately. Since the licensing system had been in operation, he had heard no complaints from the Arabs, who presumably were satisfied. Similarly, he had received no complaints from the Jews.

Count DE PENHA GARCIA pointed out that the Royal Commission's report paid a tribute (pages 310 and 364) to the service rendered by the Jews in the field of public health. The report (page 364) added that the difficulty of providing health services in one State for two distinct communities with two very different standards of living was apparent. Did the accredited representative share that view?

Mr. HALL replied in the affirmative.

#### TOWN-PLANNING AND HOUSING.

Count DE PENHA GARCIA said that the annual report for 1936 contained (page 185) some very interesting information on the new system of town-planning adopted. He hoped that the next report would deal with the results achieved.

Mr. HALL noted Count de Penha Garcia's request. The present system was certainly working much better than the original system.

#### **Trans-Jordan : Examination of the Annual Report for 1936.**

##### EMPLOYMENT IN OFFICIAL POSITIONS OF ARABS FROM NEIGHBOURING TERRITORIES.

M. PALACIOS referred to the hope expressed by the Commission in its report to the Council on its twenty-ninth session<sup>1</sup> that it would find in the mandatory Power's next report information as to the number and duties of the foreign staff on the one hand and of the Arabs on the other,

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, pages 86 and 208.

and with respect to the latter how many were born in the territory. The annual report for 1936 contained, on page 316, paragraph 16, a reply to that question. What was the country of origin of the 215 Arab officials born outside Trans-Jordan? Was it to be understood that they all came from Palestine, Syria, Egypt and Iraq, as stated at the twenty-ninth session by the accredited representative?<sup>1</sup> Could the accredited representative also state whether, at the present moment or within a reasonable period, any of the British officials could be replaced by Trans-Jordan officials?

Paragraph 3, page 320 of the 1936 report, mentioned three laws which had been modified in 1936 (the Tribal Courts Law, the Tribal Court of Appeal Law and the Bedouin Control Law). Had those laws proved effective?

Mr. HALL felt sure that the accredited representative's statement had been correct and that the 215 Arabs born outside Trans-Jordan came from Palestine, Syria, Iraq or Egypt. At the present stage of development of Trans-Jordan, he thought it would be preferable not to replace any of the very few British officials by Trans-Jordanians.

The three laws referred to by M. Palacios had, he thought, operated well on the whole. A little more time would have to elapse before finally deciding whether the laws were in every respect satisfactory.

(M. Orts now took the Chair.)

#### RECRUITMENT OF BRITISH PERSONNEL.

M. VAN ASBECK asked whether he was right in assuming that the British staff of the Government mentioned on page 317 of the report comprised British officials in the service of, and paid by, the Amir, and also whether the British officials mentioned on page 318 were in the service of the mandatory Power and paid by it.

Mr. HALL replied to both questions in the affirmative.

Count DE PENHA GARCIA noted that the mandatory Power had put at Trans-Jordan's disposal, for purposes of administrative and political organisation, a relatively small number of persons who, however, occupied prominent posts. He therefore asked whether Mr. Hall believed that Trans-Jordan could govern itself, supposing those persons were removed.

Mr. HALL thought that certain of the officials ought to remain in an advisory capacity, as had been the case in Iraq, but others might possibly be dispensed with.

#### COLLABORATION OF THE BEDOUIN ELEMENT WITH THE ADMINISTRATION.

Count DE PENHA GARCIA reminded the Commission that there was in Trans-Jordan a considerable Bedouin element which had to be handled in a special way. This fact might lead to confusion if the mandatory Power were no longer on the spot to preserve order. Was it thought that this Bedouin element would in due course, in certain circumstances, show any capacity for independent administration of the country?

Mr. HALL said that the Amir Abdullah himself had had considerable experience of the administration of Bedouin in the Hedjaz, and the Trans-Jordan Bedouin had great confidence in His Highness.

#### REACTION IN TRANS-JORDAN TO THE PALESTINE DISTURBANCES : QUESTION OF PUBLIC SECURITY.

The CHAIRMAN observed that on page 313, paragraphs 8 and 10 of the report for 1936 dealt with the question of the reaction in Trans-Jordan to the Palestine disturbances. Could the accredited representative say whether it was to be understood that political agitation in Trans-Jordan had ceased by the end of 1936; and whether the two ordinances mentioned in paragraphs 8 and 10 on page 313 of the report were still in force?

Mr. HALL, replying to the first question, said that, soon after the termination of the strike and disorders in Palestine, the excitement in Trans-Jordan died down, and the services of the Arab Legion Reserve had therefore not been required. The Reserve, however, now existed and would come up for training every year, and could be recalled at short notice. Consequently, it was an addition to the strength of the Arab Legion.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, pages 86 and 208.

The two ordinances mentioned were still in existence. Mr. Hall added that the Trans-Jordan Government had recently enacted a measure which required persons in the Valley of the Jordan to obtain licences to carry arms. Arms could, in future, be carried in that area only under licence.

The CHAIRMAN asked whether the mandatory Power considered that the forces at its disposal in Trans-Jordan were sufficient to maintain order in any circumstances, and more particularly whether it could absolutely rely upon the Arab Legion and its Reserve.

Mr. HALL could not give a definitely affirmative reply to that question. Everything depended on the nature of the disorders. If they were limited to town riots, he felt sure that the forces available could deal with them, but if they spread throughout Trans-Jordan, it would probably be necessary to get reinforcements, first from Palestine and then from Egypt.

The CHAIRMAN repeated his second question as to whether the mandatory Power could unreservedly rely on the Arab Legion and its Reserve.

Mr. HALL said the Legion had hitherto shown itself to be entirely loyal, during the disturbances in Palestine, but if, for example, Jewish immigration were forced on Trans-Jordan, the position would become more difficult.

#### ECONOMIC EQUALITY : CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE OF NATIONS.

Count DE PENHA GARCIA asked whether the paragraphs concerning economic equality in regard to Palestine<sup>1</sup> also applied to Trans-Jordan.

Mr. HALL replied in the affirmative.

#### VISIT OF THE AMIR ABDULLAH TO ANKARA.

The CHAIRMAN, referring to a statement in *The Times* of June 9th, 1937, asked whether it was true that the Amir Abdullah, in the course of a visit he had paid to Istanbul and Ankara, had had several interviews with Kemal Ataturk.

Mr. HALL believed that to be perfectly true. The United Kingdom Government had, of course, known that the Amir intended to stay with Kemal Ataturk and had fully approved of the visit.

The CHAIRMAN asked whether the United Kingdom Government, which, in accordance with Article 12 of the mandate, was entrusted with the control of the foreign relations of Trans-Jordan, was aware of the subject of those conversations.

Mr. HALL could not answer definitely, as the visit had been made after his own departure from Palestine, but he had no doubt that His Majesty's Government, which was represented at Ankara, had knowledge of the conversations held.

The CHAIRMAN said he had not asked what had been the subject of those conversations. He had asked his question in order to ascertain the degree of control which the mandatory Power exercised in Trans-Jordan over external relations.

Mr. HALL was sorry that he could give no further information on a matter which had occurred in 1937 and on which he was not briefed.

The CHAIRMAN regretted that reply, because the Mandates Commission was not on this occasion only examining the annual report ; it was also collecting information for the purposes of the opinion requested by the Council.

Lord HAILEY asked if the Amir had been accompanied by any British official when he went to Ankara.

Mr. HALL replied in the affirmative.

The CHAIRMAN said that, according to a newspaper, the Amir Abdullah had asked the Iraqi Government for officers to organise the Trans-Jordan army. Had he done so with the consent of the mandatory Power ? Had the Amir of Trans-Jordan entered into direct negotiations with the Iraqi Government, or had he acted through the mandatory Power ?

Mr. HALL said he had no doubt that there was no foundation for the statement.

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<sup>1</sup> See page 117.

NATURALISATION.

M. PALACIOS observed from page 331 of the annual report for 1936 that in that year 117 persons had acquired Trans-Jordan nationality by naturalisation. Had any person been refused Trans-Jordan nationality ?

Mr. HALL did not know of any such case.

LAND TENURE.

M. VAN ASBECK referred to the distinction drawn at the morning session<sup>1</sup> between fiscal settlement and agricultural settlement. To which category did the land settlement mentioned on page 325 of the 1936 report belong and what was its purpose ?

Mr. HALL replied that the settlement was primarily designed to establish titles to land.

M. VAN ASBECK asked if the quality of the land would also be formally registered.

Mr. HALL supposed that the settlement proceedings would disclose that fact.

M. VAN ASBECK asked what proportion of land compared with the country as a whole had been settled.

Mr. HALL replied that approximately 1,000,000 dunums had been settled out of a total area of 4,600,000, or something under a quarter. Land settlement was proceeding much faster in Trans-Jordan than in Palestine.

M. VAN ASBECK asked if there was any Government encouragement to convert communal land into individual land ?

Mr. HALL replied that the very process of settlement was directed to that end, but endeavours were also made to secure the voluntary division of communal land into individual holdings. The whole problem of land settlement was very much simpler in Trans-Jordan than in Palestine, because the land was not worth so much and there were therefore not so many claimants.

M. VAN ASBECK assumed that in another fifteen years the whole country would be settled.

Mr. HALL replied that the Colonial Development Fund had made a special grant and the staff had been increased, so that it might be assumed that the rate of settlement would be very much accelerated.

Lord HAILEY said that the Royal Commission had recommended in the case of Palestine that the recording of rights should be complete—that was to say, that not only should proprietorship be recorded but also tenancy, encumbrances and the like. Was that being done ?

Mr. HALL said it was not being done in Palestine and he did not think it was being done in Trans-Jordan. He would, however, see that the point was made clear in the next report. It certainly should be done.

Lord HAILEY asked if there was any procedure for keeping the records up to date by registering mutations, inheritances, and the like.

Mr. HALL could not speak with confidence in regard to Trans-Jordan, which had a similar system of land registration to that current in Palestine, where there was a legal obligation to register any change. In practice, registration of mutations was frequently not effected ; for that reason, it had been proposed in Palestine some years back to institute village clerks. The proposal did not materialise mainly on grounds of expense. Possibly an even greater weakness was the separation of the Land Registration Department from the Settlement Department ; that mistake had been rectified in Palestine.

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<sup>1</sup> See page 114 ff.

Lord HAILEY said that no system of land registration was of any value unless it provided machinery for the current recording of transfers, successions and the like.

#### JUDICIAL ORGANISATION : TRIBAL COURTS.

M. VAN ASBECK referred to pages 340 and 343 of the 1936 report, giving statistics of the cases pending before the courts. Was there any undue delay in the hearing of those cases ?

Mr. HALL replied in the negative. The courts, he added, were working very well.

M. VAN ASBECK asked if the courts were entirely staffed by Trans-Jordanians.

Mr. HALL said that that was the case, but there was a British Judicial Adviser.

M. VAN ASBECK assumed that the Adviser resided in the capital and that there was, therefore, no British assistance to the courts.

Mr. HALL confirmed the assumption.

M. VAN ASBECK asked if any complaints were made of that system of organisation.

Mr. HALL had only heard of one complaint while he had been in the country. The complaint referred to the dismissal of a judge, and was not in his view justified. The case had been very carefully scrutinised and the dismissal was approved by a judgment of the Senior Judicial Council, of which the British Judicial Adviser was a member.

M. VAN ASBECK concluded that the judges were not irremovable. Could they be removed if their decisions were not acceptable to the Administration ?

Mr. HALL replied in the negative. They could only be removed on the recommendation of the Senior Judicial Council.

Lord HAILEY suggested that the point was explained in paragraph 15, page 297 of the 1935 report under "Ministry of Justice".

Count DE PENHA GARCIA noted that the death of a particularly efficient member of the tribal courts had been sufficient to necessitate the transformation of their organisation. The personal element, therefore, played an important part in that organisation, which appeared to depend to a great extent on the authority of certain persons, since the death of one of them had prevented it from working.

#### TRADE.

M. GIRAUD said that the 1936 report contained more detailed information on the subject of trade than the reports of previous years. As regarded the balance of trade, however, it was said on page 384 that it could not be assessed with any degree of certainty, owing to the insufficient number of Customs posts. It was stated, however, on page 322 that it would be possible in future to give fuller information on the economic position as the statistics available became more complete.

On page 384, there was an interesting item of information—namely, that trade between Palestine and Trans-Jordan had been much affected in 1936 by the disturbances in Palestine, that trade and transport by road had completely stopped between April and September 1936 and that, in particular, the Trans-Jordan merchants had boycotted articles manufactured by the Jews in Palestine. Had the situation now improved ?

Mr. HALL thought it safe to say that there had been an improvement, but not a spectacular improvement. When he left Palestine in the middle of May, it was still a fact that Syria was replacing Palestine as Trans-Jordan's best customer for manufactured goods, and also for cement.

#### MISSIONS.

M. PALACIOS said that page 345, paragraph 7, of the report gave, in reply to a request formulated at the twenty-ninth session of the Commission,<sup>1</sup> a list of missions working in the territory. The chapters on Public Health and Education also contained information on the work done by the missions. What was the approximate strength of each type of mission?

Mr. HALL regretted he could not give the information asked for, but, if the information were required, it could be inserted in the next report.

Mlle. DANNEVIG, referring to a passage on page 345 of the 1936 report to the effect that the right of inspection of schools was seldom exercised, asked if the reason was that the schools were so good.

Mr. HALL replied that probably it was because there were not enough inspectors. The mission schools were good schools and would not suffer from lack of inspection. Government schools were, of course, regularly inspected.

#### DEFENCE OF THE TERRITORY.

The CHAIRMAN noted from paragraph 23, page 123 of the 1936 report, that on account of the disturbances in Palestine the Trans-Jordan Frontier Force was actively engaged in operations from April 17th to December 8th in the Jordan Valley. He supposed that the chief purpose of those operations was to prevent the smuggling of arms into Palestine and the passage of volunteers anxious to take part in the Palestine rebellion. Had those operations by the Frontier Force been successful? Reference was also made to the smuggling of arms on page 358.

Mr. HALL said the operations of the Trans-Jordan Frontier Force had been successful in diminishing the number of arms coming across the Jordan and in preventing men from Trans-Jordan joining the bands in Palestine in any great numbers. It was, however, extremely difficult to patrol the whole of the frontier and, in order to assist the Palestine Government, the Amir of Trans-Jordan had taken steps to compel all persons dwelling in the Jordan Valley to take out licences for arms.

#### ARMS AND AMMUNITION.

The CHAIRMAN recalled that, at the twenty-ninth session,<sup>2</sup> the Commission having asked whether the population of Trans-Jordan possessed many arms, Mr. Kirkbride had replied that, after the war, a large quantity of arms had remained in the country, but that twenty years later those arms had so much deteriorated that the reserve of arms was poor in quality and small in number. Could the accredited representative confirm that statement? Had there been no fresh imports of arms since then?

Mr. HALL thought that Mr. Kirkbride's statement still held good. There was no evidence of any large importation of arms into Trans-Jordan and the arms at present in the possession of the population could not be arms of military precision.

#### HOLY DAYS.

M. PALACIOS noted that the report for 1936 contained no information in regard to holy days in Trans-Jordan. Could the accredited representative state whether the holy days listed in Appendix II on page 411 of the report as applying to Palestine applied to Trans-Jordan also, so far as the same religious communities existed in that territory?

Mr. HALL could not give a definite reply, but thought that the only official holy days in Trans-Jordan were those observed by the Moslems.

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 91.

<sup>2</sup> *Ibid.*, page 90.

LABOUR.

Lord HAILEY noted on page 357 of the 1936 report a reference to the steps taken to implement the Convention concerning forced or compulsory labour. Was the legislation referred to effective in the sense that there was now no forced or compulsory labour? The report merely said that it enabled the Trans-Jordan Government to give effect to the Convention.

Mr. HALL replied that, except for prison labour, there was no forced labour in Trans-Jordan, and the Convention in question was being enforced.

EDUCATION.

Mlle. DANNEVIG noted from page 377 of the 1936 report that the estimated expenditure on education in 1936/37 was £P.357 less than the actual expenditure in 1935/36. The relevant footnote explained that this resulted from vacancies and savings which were partly of a temporary nature. What were those savings?

Mr. HALL did not know the details but, as in Palestine also, savings might be made on the education vote, because vacancies could not always be filled at the beginning of the financial year. The discrepancy between the estimated and actual expenditure was really very small.

Mlle. DANNEVIG recalled that, in reply to a question put to the accredited representative at the twenty-ninth session,<sup>1</sup> the annual report contained on page 361 a statement concerning the number of candidates who had had to be refused admission to Government schools in 1935. It was stated that "this information is, unfortunately, not available, because the teachers responsible for registering the names of applicants have only entered in their registers the same number of names as the number of children already in the schools". The paragraph went on to say that, in future, the names of all children would be available. Could the accredited representative say anything on the matter?

Mr. HALL regretted that he could add nothing to the report. The information would be supplied in the next report.

Mlle. DANNEVIG then referred to an interesting statement on Bedouin education, given on page 349, paragraph 8, of the 1936 report, to the effect that the sons of Bedouin Sheikhs were very intelligent and could be trained as mechanics, etc., but that, on the other hand, as they were unwilling to do manual work, they were unemployed and discontented. The report added that these men were formerly the leaders of tribal raids, and had found no occupation since raiding ceased. Presumably, those young men who refused to do anything presented a serious problem, and were liable to create mischief.

Mr. HALL could confirm that Bedouin boys were extremely intelligent, because when working side by side with boys from the town of Beersheba in the Bedouin College there, they outdistanced them very quickly. It was also true that the Administration had not yet solved the grave problem of finding an occupation for those young Bedouins. Generally speaking, the Bedouin disliked working in the towns. They were not very numerous, but they presented a problem which would have to be solved.

Mlle. DANNEVIG noted from page 313 of the 1936 report that the Amir, in his efforts to discourage demonstrations during the troubles in Palestine, had closed the highest secondary classes of the Government school, that seven boys had been expelled, political clubs suspended, etc. Why was it so much easier to do this in Trans-Jordan than in Palestine?

Mr. HALL replied that much less excitement prevailed in Trans-Jordan and the Amir had only had to deal with a manifestation of indiscipline in one school. The Palestine Administration had had to deal with manifestations of indiscipline in all urban schools simultaneously. It was also much easier for an Arab head of an Arab State to take disciplinary action without serious reactions than it was for a foreign Government dealing with an Arab population.

Mlle. DANNEVIG asked what was the attitude of the pupils and of the teachers in Trans-Jordan during the Palestine disturbances.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 92.

Mr. HALL replied that, with the one exception, everything else went on as usual.

Mlle. DANNEVIG noted from paragraph 6 (pages 360 and 361 of the 1936 report) that about 25% of the children in the schools were girls, and that this was satisfactory, as the girls might be able in turn to give some education to their children. That did not seem to be the case, however, in Palestine, where the proportion of girls to boys in the Arab schools was much lower than in the Trans-Jordan schools.

Mr. HALL agreed.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA noted that the budget item for this service (page 377 of the 1936 report) showed an increase of £P.1,237, with a footnote explaining that the increase corresponded to an expansion in the health services.

Which services had benefited by the increase? The chapter on child welfare made it clear, at any rate, that maternity services in Amman still left much to be desired.

Mr. HALL quoted an instance in point. Previously, district doctors had had no clerks and had therefore had to spend much of their time filling up returns and doing clerical work. Clerks had now been provided and doctors could travel about the country much more.

Count DE PENHA GARCIA asked whether the nine anti-malaria sub-inspectors included in the list of health personnel (page 365 of the 1936 report) were qualified practitioners.

Mr. HALL replied that they were not trained medical officers.

Count DE PENHA GARCIA inferred that there were thirteen doctors for the whole territory. Was that not an inadequate figure for such an extensive and relatively thickly populated country?

Mr. HALL said that there was, of course, a certain number of private doctors. If more money were available, health services should be extended, particularly to deal with tuberculosis. In that respect, measures had been taken during the present year, partly at the cost of Palestine; but Trans-Jordan undoubtedly had too few doctors.

Count DE PENHA GARCIA recalled that there had been discussion last year of improving the health services without great additional expense, through the formation of travelling services.<sup>1</sup> He asked how far experiments in that direction had gone, and what the results had been. He thought that the first thing to be done to improve the general state of health was to increase the amount of drinking-water available. He was aware that the mandatory Power was carrying out research in that field and had been boring wells, which had sometimes given good results. Would it not be desirable to increase the budgetary provision for that work?

Mr. HALL said that, as the travelling medical service for tribes had only just started, it was too early yet to say that it had been a success. The equipment had been completed not very long before he left Palestine, and a doctor who could speak Arabic specially engaged from England.

As regards water supplies, the Commission would remember that the Royal Commission had recommended that much more extensive investigations should be made in Trans-Jordan. Some provision had been made in the Colonial Development Fund. One or two bores were working in Trans-Jordan to-day, but he agreed that, if money could be made available, it could not be better spent.

#### PUBLIC FINANCE.

M. RAPPARD said that Trans-Jordan was a State which lived on a permanent deficit and depended on the generosity of the mandatory Power. In fact, the plans for the future foresaw that Trans-Jordan (and the Arabs also) would live on the grants of the mandatory Power and of its neighbours. He would like to know, in general, whether the mandatory Power considered it normal that Trans-Jordan should be a permanent charge on the British taxpayer, and, if so, why Trans-Jordan more than other countries?

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 209.



Mr. HALL said that, in the first place, the Royal Commission had not recommended continuing the subvention, but the giving of one block grant which would end the dependence of Trans-Jordan upon the United Kingdom. Secondly, the grant-in-aid paid by the United Kingdom had some years ago been very much greater than it was at the present time; even in 1935/36 it had been reduced from £P.55,000 to £P.42,000, though it was still about one-fifth of the budget. (Annual report for 1936, page 375.)

It was expected that Trans-Jordan, as it was developed—development had been slow because the grant-in-aid had been small—would be able to stand alone. The Royal Commission thought—rightly, in his opinion—that the process could be facilitated by a block grant of a large sum rather than by continuing a comparatively small annual grant-in-aid (page 387). If a fairly large sum of money was spent in Trans-Jordan within the next two or three years, it should be able to support itself without any subvention from outside.

M. RAPPARD observed that the Commission had been led to believe that one of the reasons for the chronic budgetary disequilibrium was that the Trans-Jordan Administration had found it extremely difficult to limit its expenditure and to impose upon itself the necessary financial discipline. The granting of a block sum to a Government which had a poor reputation for thrift seemed, on the face of it, to be somewhat dangerous.

Mr. HALL did not know where M. Rappard had received that impression. He wished that Palestine had as good a record as Trans-Jordan for imposing and collecting taxes and recovering loans made to cultivators.

M. RAPPARD had been referring more to the difficulty of keeping down expenditure than of increasing revenue.

Mr. HALL said that the British Financial Adviser was the principal authority on that matter, and he had never made representations of the nature suggested. What the Adviser had said was that the expenditure of the Trans-Jordan Government on social services was at present inadequate, and Mr. Hall agreed that it might well call for some expansion. There was no suggestion of the Trans-Jordan Government being spendthrift; he thought, on the whole, that it got more value for its money than the Palestine Government.

M. RAPPARD repeated that the Trans-Jordan Government was always obliged to depend on outside sources. The Mandates Commission would have to return to the question when it came to deal with the proposed Arab State, for it was a major issue whether it could recommend the establishment of an independent State which was admittedly not financially self-supporting.

Mr. HALL agreed that when the stage was reached of considering the question of granting independence to the Arab State, it would be necessary to consider all the questions involved, including the financial state of the country. Until the exact area of the Arab State was known, it would be difficult to deal with that matter with any precision.

#### DEMOGRAPHIC STATISTICS : CENSUS.

COUNT DE PENHA GARCIA asked whether a census of the population had been taken recently, and, if so, what had been the result.

Mr. HALL replied that no census had ever been taken in Trans-Jordan. The figure of population given was an estimate.

Replying to a further question by Count de Penha Garcia, Mr. Hall referred to the statement in the 1935 report that no census had been taken of the population of Trans-Jordan and that the estimate was merely approximate (page 274). The total probably lay between 300,000 and 320,000. If a census was necessary and there was no objection on the score of expense, it could be carried out, but it would probably create uneasiness among the Arabs, who always connected a census with compulsory military service, the collection of taxes, etc.

#### **Palestine : Petition from the Jewish Agency, dated July 18th, 1937 (Document P.M.C. 1920).**

Mr. HALL reminded the Chairman that the Jewish Agency, in a letter dated July 18th, which had been referred to the Commission, had made certain criticisms of the Royal Commission's report. As he had not yet had an opportunity of replying to those criticisms, he hoped it would not be assumed that the United Kingdom Government had no answer to them.

The CHAIRMAN said that there would be an opportunity of raising that question when the Mandates Commission considered the petitions.

(The accredited representative withdrew).

**Palestine : List of Communications from Private Sources received on the Occasion of the Extraordinary Session of the Commission.**

M. DE HALLER informed the Commission that a list had been drawn up by the Chairman of all the communications received from private sources in connection with the extraordinary session. That document (document P.M.C.1927)<sup>1</sup> would be distributed to the Commission and, in conformity with the precedents of 1926 and 1930, would be transmitted to the accredited representative of the mandatory Power. The members of the Commission and the accredited representative could, if they so desired, consult the communications in the Secretariat.

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SIXTEENTH MEETING.

*Held on Tuesday, August 10th, 1937, at 10.30 a.m.*

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**Palestine : Task of the Commission in the Light of its Terms of Reference (continuation) : Question of the Advisability of Further Collaboration with Mr. Ormsby-Gore.**

The CHAIRMAN invited the Commission to decide whether it would need the assistance of the first accredited representative in order to complete its work. Mr. Hall had informed him that Mr. Ormsby-Gore would return if he were asked to do so ; otherwise, he would not.

For his part, the Chairman felt that Mr. Ormsby-Gore's presence had again become necessary at that stage, if the Commission was to proceed with its work to good purpose. He would himself (and he thought that other members would doubtless be in the same position) have to put certain questions to which even a highly placed and most fully informed official could only reply with reservations which would detract from the value of his replies. The Commission might then find itself obliged to acknowledge that it had been insufficiently informed—a necessity which it was most important to avoid. One of the questions he had in mind was whether the two areas, which it was proposed to convert into independent countries without the transitional period stipulated in the case of Iraq, fulfilled the conditions laid down by the Council for the emancipation of a territory under mandate.

M. PALACIOS thought that Mr. Ormsby-Gore's presence would be most useful during the concluding days of the Commission's proceedings. The whole matter was in a state of flux, and the question was daily becoming more complicated and more important. The Mandates Commission no doubt now possessed sufficient material on which to base a decision, but the study and interpretation of its principal conclusions must appear in the Minutes for the benefit of the general public, which showed so much interest in the question. The presence of the Secretary of State would be most desirable, in order that he might be able to give final explanations, and also to mark the solemnity of the discussions.

The Chairman had expressed the view that the Mandates Commission should consider whether the States which it was proposed to create were sufficiently mature and fulfilled the conditions laid down by the Council for the emancipation of a mandated territory. M. Palacios doubted whether the question was quite so simple as that. If it were proposed to emancipate Palestine in the ordinary way, as the Arabs desired, the problem would be the same as that which had already arisen for Iraq, and which might arise in the near future for Syria. That problem would probably be easy to solve for the present State of Trans-Jordan. But the situation was complicated by the fact that that country was to be given certain territories which did not yet belong to it, and that the Jewish State was not yet assembled on the soil which was intended for it, large transfers of population in and out of Palestine being still necessary for that purpose. Even the treaty of alliance which it was proposed to conclude with that State would, in the absence of an appropriate Government organ such as was possessed by other States, have to be concluded with the Zionist Organisation. There could be no doubt that all these considerations raised questions outside the scope of the conditions laid down by the Council. But the reasons for that differed in the two cases, for while there might be some doubt as to the ability of the Trans-Jordanians to govern themselves in the difficult conditions of modern life, that was not the case as regards the Jews who, in Palestine, it was said, were already showing a tendency to excessive modernism.

Lord HAILEY desired, with all respect, to express the contrary opinion. It seemed to him that the Mandates Commission had now arrived at a position which day by day became more and more fluid. The position had been rendered more fluid, among other things, by the recent discussions at the Zurich Zionist Congress. He would quite agree that the Commission should ask Mr. Ormsby-Gore to come back if it were a question of discussing a detailed programme. He was, however, unable to see what more Mr. Ormsby-Gore could say than he had done already on the purely preliminary matters which the Commission had to discuss. It seemed to him that it would be more convenient if the Commission stated now that there were certain matters completely unexplored—for instance, that to which the Chairman had referred—and, having stated those as precisely as possible, left Mr. Ormsby-Gore to discuss these matters

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<sup>1</sup> See Annex 10.

with the Council of the League, which in its turn no doubt would reaffirm the necessity of further consideration and further exploitation of those matters. Lord Hailey believed that to have Mr. Ormsby-Gore back would merely delay the process of the Commission's deliberations; and he really believed that, in view of the discussions which had taken place in the last four or five days, that there was nothing more which Mr. Ormsby-Gore could contribute on the situation as the Mandates Commission had to envisage it.

Count DE PENHA GARCIA did not think it was in the interest of the Mandates Commission to put pressure on the mandatory Power to give more than it had already given. The problem with which the Commission was faced was an indefinite problem, as the mandatory Power had itself recognised. It existed, so to speak, merely in outline. The task of the Commission would be easier, if it confined itself to general impressions throwing light on the proposal submitted to it; that would leave further scope, when reporting to the Council, for the apprehensions and misgivings of which it was conscious in connection with the execution of a conception which did not appear to be either sufficiently ripe or sufficiently considered.

He agreed with Lord Hailey in thinking that there was no point in asking Mr. Ormsby-Gore to come to Geneva. What more could Mr. Ormsby-Gore say? He had already made very definite, and sometimes very frank, statements. His further attendance would, in Count de Penha Garcia's view, only be necessary if it were a question of a definitive and "documented" proposal.

It might be that partition was a way out of the difficulty: but it was only a general idea and, the moment it was considered more closely, complications arose. In the first place, there was the difficulty inherent in the abandonment of the general principles of the mandate applied hitherto. Again, what were the prospects of the two future States—embryo formations without definite elements or organised bodies with a proved capacity for rule. The Supreme Moslem Council was a purely religious body, while the Jewish Agency was a body whose sole purpose was to bring Jews to Palestine and to settle them there. Were bodies such as these the elements contemplated by the mandate as affording the conditions pre-requisite to emancipation?

Moreover, if it proved possible to convince both parties that partition would be a solution, and if that solution was adopted by both races, difficulties might be avoided in the present, but not necessarily in the future.

To sum up, Count de Penha Garcia saw no reason for asking Mr. Ormsby-Gore to come back.

M. RAPPARD thought that the situation was an awkward one. The United Kingdom Government took the view that the presence of Mr. Ormsby-Gore at this session was both useful and opportune. The latter had come to Geneva; and the Commission had examined with him, in very general terms, the proposals of the United Kingdom Government.

The Commission was now going to examine the problem more closely. If Mr. Ormsby-Gore had remained in Geneva, the Commission would certainly consider, like the United Kingdom Government, that his presence was necessary. He had left, but had said he would be willing to return at the Commission's request.

If the Commission were now to examine, in Mr. Ormsby-Gore's absence, what had been the object of his mission to Geneva, when he informed it that he was willing to return, it would place itself in a somewhat unfortunate position. Its suggestions, which would no doubt largely take the form of questions, would not satisfy the Council. The latter would say: "What we wanted was the outline of a reply". And if the Commission stated in its report that it could obtain no reply to its questions from the accredited representative, as the British Secretary of State for the Colonies was absent, the latter would reply: "I was absent, but I had stated that I was prepared to return".

The Mandates Commission would thus have failed in its duty. M. Rappard therefore wished that it should at any rate not exclude the possibility of informing Mr. Ormsby-Gore that it was going to devote the next few days specifically to an examination of the object of his mission. If Mr. Ormsby-Gore considered it preferable not to return, that should result from his decision and not from the attitude of the members of the Commission.

It was, of course, not a pleasant thing to trouble a member of the United Kingdom Government who had shown the greatest courtesy to the Commission: but the latter was obliged to consider both its responsibilities and its reputation. He therefore thought that, without telling Mr. Ormsby-Gore that it was no longer possible to continue the discussions without him, he should be informed that the Commission was now going to proceed to a closer examination of the various suggestions made by the Royal Commission, one of which had received the support of the United Kingdom Government, and that, although he might not be able to be present in Geneva in view of other calls upon his time, his presence would be very valuable to the Commission, if he saw his way to return.

In reply to M. Palacios, M. Rappard said that the position was different from that which the Commission had considered in the case of Iraq, or that which would arise in the case of Syria. In the present case, there were also other questions at issue; and the Commission was obliged to examine them with the greatest care, because, if it were found that one or other of the two States which it was suggested to form did not fulfil the requirements which the Mandates Commission had in the past declared necessary for emancipation, it would hardly be worth while continuing the discussion.

M. VAN ASBECK had certain practical issues to raise. The Commission had a definite task before it, inasmuch as it had decided to examine the various possible solutions of the Palestine

problem. It had also decided, not only to enumerate those solutions, but to indicate in addition the advantages and disadvantages of each from a practical, rather than a theoretical, standpoint.

But, when the Commission came to examine the *pros* and *cons* of any given solution, it was obvious that at some stage explanations might be needed from the responsible member of the United Kingdom Government. The question of maturity had been raised. There were many other questions that arose—finance, minorities, defence, the question of a Customs union, and the like. All these were elements of the solution by partition. They were mentioned by the Royal Commission, but they were not examined in detail in its report ; on that account alone, the Mandates Commission would require additional information from the mandatory Power. Perhaps it would be possible between now and Thursday to draw up a list of the points in relation to which further information would be required from the responsible Minister.

On all those grounds, M. van Asbeck hoped there would be no question of excluding *ab initio* all idea of Mr. Ormsby-Gore being asked to come back to Geneva.

Lord HAILEY thought there was a difference of objective between himself and some of his colleagues. He maintained that what the United Kingdom Government had put before the Mandates Commission was not a definite proposition for partition, but a suggestion that circumstances in Palestine were such that an arrangement differing from the mandate should be explored. For his part, he did not think the Commission was in a position—nor would it be with any assistance it could now obtain—to discuss all the implications of partition itself. He thought its task was simply to give an affirmative or a negative reply to the United Kingdom Government's proposition that the time had come when it was necessary to consider alternatives to the mandate. He did not think the Commission had before it any more definite proposition, nor had the United Kingdom Government itself intended to put forward a more definite proposition. For that reason, Lord Hailey thought the Commission could limit the field of its discussions in a way which would obviate the necessity for the examination of all those further questions to which M. van Asbeck had referred.

The CHAIRMAN said that Lord Hailey's view of the situation did not harmonise with that adopted by the Commission when it had defined its task. According to the decision taken at the fourth meeting,<sup>1</sup> the Commission was to give an opinion on the question whether the material put before it was sufficient, then to give an opinion as to the possibility of maintaining the present mandate, and, finally, to draw the Council's attention to the advantages and disadvantages of the various alternative solutions of the problem, without ruling out any solution which might emerge during the discussions and be considered worthy of being brought to the Council's notice.

He had understood that Lord Hailey agreed with the proposed procedure. Did Lord Hailey now desire the Commission to reconsider its decision on that point ?

Lord HAILEY admitted that he now envisaged an objective rather different from that which had first been put forward. The hearing of Mr. Ormsby-Gore himself had throughout made it perfectly clear that the United Kingdom Government did not now intend to put forward at this stage any definite plan, but was merely suggesting to the Mandates Commission, and presumably to the Council itself, the much simpler proposition which he had just explained. As to the suggested examination of alternatives, he did not think any alternatives had ever been put to the Commission in a definite form such as the Commission could usefully examine. He suggested that the Commission should limit itself, in its recommendations to the Council, merely to the simple proposition now put forward by the United Kingdom Government that it should be authorised to exploit any alternatives to the existing mandate that might suggest themselves to it. That, after all, was exactly the proposition which Mr. Ormsby-Gore himself had put to the Commission.

The CHAIRMAN could not agree entirely with Lord Hailey. In his opinion it would be regrettable for the Commission to assign itself a new task after twelve days' discussion. He did not think that the United Kingdom Government, in approaching the Council, had confined itself, in principle, to asking for an opinion of such a restricted nature as that indicated by Lord Hailey. It was possible that Mr. Ormsby-Gore might have preferred to reduce it to those proportions ; but the Mandates Commission had not followed him along that path. If there were one thing which the Statement of Policy made clear, it was that the United Kingdom Government was in favour of the solution by partition. In several passages of the Statement, and particularly in paragraph 7 beginning "In supporting . . .", the United Kingdom Government outlined the advantages of such a solution. It was therefore strongly committed to partition. The Mandates Commission had decided to bring out the advantages and disadvantages of the solution recommended by the United Kingdom Government. It had ceased to see eye to eye with Mr. Ormsby-Gore in adding that it would also examine the other solutions, and first of all, that of maintaining the mandate—a solution to which, as M. Rappard had said at a previous meeting,<sup>2</sup> the Commission would naturally be favourably inclined.

<sup>1</sup> See page 34.

<sup>2</sup> See page 31.

M. PALACIOS agreed with M. Rappard and referred to the questions which he had set out in the list he had submitted to the Commission (page 17 of document C.P.M.1928) on the maturity of the States under mandate which aspired to independence.

On the question whether Mr. Ormsby-Gore should be invited or not, he had nothing to add to what he had already said.

M. Palacios agreed, on the other hand, with Lord Hailey that the Mandates Commission, in giving the opinion for which it had been asked, should strictly adapt its reply to the question that had been put to it. If everything were in a state of flux, he did not see why the proposal put forward more or less tentatively by the Mandates Commission at one of its earlier meetings should alone be inflexible.

The CHAIRMAN reminded his colleagues that the decision taken at the fourth meeting had been published in a *communiqué* to the Press (No. 8205). He felt that, in his capacity as Chairman, he should request the Commission not to depart from the course it had marked out for itself.

M. RAPPARD quite understood Lord Hailey's feeling that the question had become fluid in the course of the discussions, and that the Commission should, for that reason, be more reserved than it had originally intended; but he ventured to put before Lord Hailey some considerations on the course of events. The Royal Commission had submitted its report. The mandatory Power had decided, in general, to support the Royal Commission's recommendations, and had requested that the Mandates Commission should consider the proposal at its extraordinary session. The Council had agreed to that.

Since that time, various things had happened which had weakened the stand of His Majesty's Government. In the first place, there had been the debate in both Houses of Parliament. Then had come the discussion before the Mandates Commission, and the echoes of the discussion at Zurich; and, finally, there was the attitude adopted by the Iraqi Government. Those incidents, all of which had taken place since the Council entrusted the Commission with its mission, had tended to blur that mission in the Commission's eyes and doubtless in the eyes of His Majesty's Government. Nevertheless, looking at the matter historically, M. Rappard thought the Council would say that it had summoned the Commission and entrusted it with a given task at the request of His Majesty's Government, that the Commission had accepted that task, and that then, during its discussions, the various new elements of the problem loomed larger and larger, and the Commission was thereby diverted from the course which it had laid out for itself. M. Rappard thought that, when the Council met in September, the subsequent events to which he had referred would be disregarded, and the Commission would be brought back to its original mission—the task with which it was entrusted by the Council at the request of the United Kingdom Government.

The fact that events had happened in the meantime would be no defence for the Mandates Commission. Moreover, he was afraid that, when it came to a discussion of what the Commission had done and what it ought to have done, it would be said from the British side that the Colonial Secretary had come to Geneva and that, on leaving when the Commission announced that it intended to discuss the 1936 report, he had said that he would be ready to return if the Commission thought it useful to ask him to do so.

Consequently, M. Rappard concluded that the Commission ought to write or wire him on the following lines: "Without wishing unduly to press the Secretary of State for Colonies, the Permanent Mandates Commission has the honour to inform Mr. Ormsby-Gore that it has decided to devote its meetings of August . . . to the specific consideration of the future of Palestine. Should it be possible for Mr. Ormsby-Gore to return to Geneva, it would, of course, warmly welcome his co-operation for the discussion of this problem." If Mr. Ormsby-Gore then thought he should not return, the Commission could not be blamed; it would be covered against the reproach of not having given him an opportunity of coming when he had expressly held out that possibility to the Commission. If Mr. Ormsby-Gore replied that he had said all he wished to say, the Commission could then proceed with its task. M. Rappard did not wish to leave the position such that Mr. Ormsby-Gore could say that he had suggested coming back, but that he was never summoned nor even informed that his presence would be welcomed.

Count DE PENHA GARCIA repeated that he agreed with Lord Hailey and did not see the necessity of bringing Mr. Ormsby-Gore back to Geneva. There was, however, a very easy way of finding out whether that was necessary or not—namely, to ascertain from each of the members of the Commission what questions they wished to ask Mr. Ormsby-Gore. It would then immediately be seen whether those questions were sufficiently important to justify the accredited representative's return. If Mr. Ormsby-Gore were asked questions haphazard on the spur of the moment, he would have the impression that he had been disturbed for nothing.

M. VAN ASBECK asked Lord Hailey whether he thought the Commission should confine itself simply to the question whether the mandate was workable, and should acquaint the Council with the result of its deliberations on this question.

Lord HAILEY thought the focal point of the whole of the discussions of the Mandates Commission was, in effect, the view which the United Kingdom Government was now, through Mr. Ormsby-Gore, putting to the Commission; and he remembered that, at an early stage of the discussions, the Chairman himself had referred to it as such. The discussions of the Commission must end in a conclusion, whether affirmative or negative, on that preliminary point, and not on any other, because (so far as he could see) the various alternatives that had been put forward had not been sufficiently explored by the mandatory Power, which was the body responsible for doing so: the Mandates Commission could not, in the circumstances, state the advantages and disadvantages of those alternatives. That position had only become clear since the Mandates Commission had examined Mr. Ormsby-Gore himself.

M. VAN ASBECK took note of Lord Hailey's statement that Mr. Ormsby-Gore himself had expressed the desire that the Commission should confine its work to this point alone. It was a fact, however, that in his first statement,<sup>1</sup> which was communicated to the Press, Mr. Ormsby-Gore said that his instructions were to submit to the League of Nations—that was to say, to the Mandates Commission in the first instance—the proposals contained in Command Paper 5513 (Statement of Policy), in order to enable His Majesty's Government to present a definite scheme to Parliament. The Secretary of State began his speech by reading the first four paragraphs of the Command Paper. He based himself on those first four paragraphs. He said that his instructions from Parliament were to submit that Command Paper to the Mandates Commission for examination. That was going much further than the simple question whether the mandate could work or not. It amounted, in effect, to placing on the Mandates Commission's agenda the plan submitted by the Royal Commission to the United Kingdom Government, to which the latter referred in its Statement of Policy. To judge by the accredited representative's remarks, therefore, the United Kingdom Government seemed to expect the Mandates Commission to examine, not only the fundamental question whether the mandate could work or not, but also the consequences which would arise from a negative reply to that question. The Mandates Commission should abide by its first decision.

M. PALACIOS thought that the decision taken at the fourth meeting could not be absolutely rigid and binding, particularly in view of the continually changing factors affecting the question.

Apart from the fact that the decision would have to be interpreted on the basis of what had been said in its support or approval by each of the members of the Commission, it was stated in the Minutes that "the Chairman had observed that the Mandates Commission would not pronounce itself in favour of any one solution . . . but would provide the Council with all the data necessary to enable the latter to give a considered decision regarding the Statement of Policy of the United Kingdom Government". What the latter had definitely asked up to the present was, in the first place, that the present mandate should be terminated, owing to the impossibility of working it, and, secondly, that there should be negotiations for a solution involving partition. The Commission's reply should refer to those two questions. When it had been stated that the Commission would make no pronouncement, it had clearly been meant that it would take no final decision, since it was only asked for a preliminary opinion.

Mlle. DANNEVIG could not understand how it would be possible for the Mandates Commission to give a definite negative or affirmative answer on the question whether the mandate was or was not workable. If the Commission decided that the mandate was not workable, it would have to endorse all the declarations put forward by the accredited representative in regard to the reasons for that impossibility, since the Mandates Commission could not go to Palestine and make a personal investigation on the spot. If, on the other hand, the Mandates Commission decided that it could not accept the accredited representative's declarations for certain reasons which would be given, would that not shut the door on any further deliberations, which was the last thing the accredited representative wanted. On the other hand, if the Commission gave more or less detailed observations on the various questions before it, the Council's demands would be satisfied, and there would be nothing to prevent further discussions. It appeared that there was a difference between what was wanted by the mandatory Power and what was wanted by the Council; and, in her opinion, the Mandates Commission had to be as much alive to the Council's requirements as to those of the United Kingdom Government.

She agreed with Count de Penha Garcia that definite questions to be put to Mr. Ormsby-Gore should be ready beforehand.

M. GIRAUD observed that decisions that had been taken unanimously were coming up again for discussion. Those decisions had been communicated to Mr. Ormsby-Gore himself, who had raised no objection to the method adopted by the Commission.

The Commission was now entering upon the decisive stage of its work, since it had to complete, not the examination of the report for 1936, which could well have been left over until the following session, but the examination of the United Kingdom Government's proposals. The assumption that the presence of Mr. Ormsby-Gore would be necessary could therefore not

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<sup>1</sup> See page 14.



be ruled out *a priori*. Nevertheless, certain questions should first be elucidated, so as to make it quite clear on what points the accredited representative was to be questioned. He must not be made to feel that he had returned to Geneva for nothing.

The CHAIRMAN reminded his colleagues that the Commission's normal procedure had been modified, owing to the fact that Mr. Ormsby-Gore's presence was limited to a short period. Mr. Ormsby-Gore's presence at the discussions had ceased to be essential after he had made his statement on the Palestine problem as a whole, and as it presented itself at the moment.

Mr. Ormsby-Gore had further pointed out that the examination of the reports for 1935 and 1936 concerned Mr. Hall ; but he had signified his willingness to return if the Mandates Commission, resuming the examination of the main problem, asked him to do so.

The Commission was now about to revert to the essential part of its task—namely, the examination of the political problem concerning which Mr. Ormsby-Gore had already expressed his views. The Chairman thought it necessary for the Commission to warn Mr. Ormsby-Gore, as M. Rappard had suggested, that his presence might be required.

Count de Penha Garcia had asked that each member should specify the questions he proposed to put to Mr. Ormsby-Gore. The Chairman agreed with this suggestion. He would put his own questions on paper and forward them to Mr. Ormsby-Gore, so that the latter should not be obliged to reply *ex tempore*.

COUNT DE PENHA GARCIA had no objection to Mr. Ormsby-Gore being asked to return to Geneva, although, for his own part, he wondered what the latter could add to what he had already said. He quite appreciated, however, that some of his colleagues might desire to put further questions to the Minister.

After further discussion, *the Commission adopted the following text of a message to be transmitted to Mr. Ormsby-Gore :*

“ Without wishing unduly to press the Secretary of State for the Colonies, the Permanent Mandates Commission has the honour to inform him that, having terminated its examination of the report for 1936, it has decided to devote its meetings of August 12th or 13th to the specific consideration of the future of Palestine. Should it be possible for Mr. Ormsby-Gore to return to Geneva, the Commission would, of course, warmly welcome his co-operation in the discussion of this problem.”

#### **Palestine : Question of the Procedure to be adopted regarding Petitions.**

M. VAN ASBECK said he would report very briefly on the work done by the Sub-Committee which had been instructed to carry out a preliminary examination of the petitions. The petitions fell into four groups. The first related to petitions connected with the Covenant, the mandate, and British policy ; the second, to those concerned with the Legislative Council ; the third, to those relating to the repression of the disturbances ; and the fourth, to petitions unconnected with the present situation or the disturbances. The first group comprised petitions of an undoubted political character, which the Commission would have rejected in normal circumstances as not coming within its competence. It would seem, however, that they must now be regarded as connected with the examination of the report of the Royal Commission on the general situation and the future of Palestine.

M. RAPPARD indicated the concern felt by the Sub-Committee in regard to this group of petitions. Obviously, the Commission could not follow its previous practice and dismiss them, seeing that the United Kingdom Government itself was departing from the mandate. He was doubtful, however, whether the Commission should conclude on that account that it ought to take cognisance of all these petitions, including those which repudiated the Balfour Declaration. The mandatory Power's position was not absolutely clear. The accredited representative had stated that the Mandates Commission's task was to ascertain the best form of government for Palestine in the spirit of the Covenant and the Balfour Declaration. That being the case, he was not sure whether the petitions which explicitly rejected the Balfour Declaration should be regarded as related to the proposal of the mandatory Power.

M. Rappard proposed that the Commission should consider all the petitions irrespective of their date, including those contrary to the mandate, if in conformity with the Balfour Declaration and the spirit of the Covenant, and reject as not coming within its purview petitions recognising no rights of the Arabs or petitions denying the Jews' right to a National Home.

COUNT DE PENHA GARCIA considered that, as the mandate still existed, the Commission could not draw the distinction proposed by M. Rappard and that it should reject all petitions at variance with the mandate. In acting otherwise, the Commission would be giving a decision on a question outside its competence.

M. PALACIOS said it seemed that, in the mandatory Power's opinion, the petitions of those who protested against the Balfour Declaration were admissible. It was true that the mandate was still formally in existence, though in practice the approval, in principle, by the mandatory

Government of the Royal Commission's report had condemned the mandate to death. The spirit of the Covenant still remained alive, however.

M. Palacios added that the Commission should be grateful to M. van Asbeck for his work in connection with the petitions.

M. VAN ASBECK considered that the Commission should not expressly reject the petitions in question as being "inadmissible". It would be enough not to act on them, and to take them into account as a source of information only in so far as was necessary. In relation to the Council, the Commission should state, in regard to each of these petitions, that it did not call for any special observations.

*The Commission decided to instruct the Sub-Committee to draw up a report on the first three groups of petitions.*

**Palestine : List of Questions requiring Elucidation with a view to the Consideration of the Solution proposed by the United Kingdom Government.**

The CHAIRMAN recalled that M. Palacios had been good enough to undertake the preparation of a list of questions requiring elucidation with a view to the consideration of the solution proposed by the United Kingdom Government on the subject of Palestine. M. Palacios had completed that considerable piece of work, which had been circulated to the Commission as document C.P.M.1928. He desired to convey to M. Palacios the thanks of the Commission.

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SEVENTEENTH MEETING.

*Held on Tuesday, August 10th, 1937, at 3.30 p.m.*

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**Palestine : Task of the Commission in the Light of its Terms of Reference (continuation) : Question of the Advisability of Further Collaboration with Mr. Ormsby-Gore (continuation).**

Mr. Hall came to the table of the Commission.

The CHAIRMAN informed Mr. Hall of the communication which the Commission would like to have sent to Mr. Ormsby-Gore.

Mr. HALL said he proposed to telephone to Mr. Ormsby-Gore and wished to have a fuller explanation of the Commission's attitude in case Mr. Ormsby-Gore desired further information. Would it be right to say that the Commission did not think it could complete its task satisfactorily unless Mr. Ormsby-Gore returned, or would it be better to say that the Commission felt it would definitely be easier for it to complete its task if he returned. Mr. Ormsby-Gore had, of course, been aware that the Commission had been meeting that week to discuss the annual reports.

The CHAIRMAN explained that, at the beginning of the session, Mr. Ormsby-Gore had considered it advisable to be present himself at Geneva. Later, he had left it to Mr. Hall to assist the Commission in the examination of the reports for 1935 and 1936. That work had been finished on the previous evening. The Commission was now about to examine the petitions in the presence of Mr. Hall. After that, it would revert, on August 12th or 13th, to the object of the first exchange of views that the Commission had had with the accredited representatives—that was to say, it would resume the study of the considerations on which it would base its preliminary opinion for which the Council had asked it. The Commission thought it advisable to notify Mr. Ormsby-Gore that it would certainly have some supplementary questions to ask. It was for the latter to decide whether he should be present or not.

Mr. HALL, after having communicated by telephone with Mr. Ormsby-Gore, announced that, in deference to the Commission's request, Mr. Ormsby-Gore would be present on the morning of August 13th.

**Palestine : Petition, dated July 13th, 1937, from M. Weizmann, President of the Jewish Agency for Palestine, London (Document C.P.M. 1920).**

The CHAIRMAN said that in transmitting this petition the mandatory Power had stated that the accredited representatives would present oral observations.

Mr. HALL proposed to deal with the petition paragraph by paragraph, but before doing so had one general comment to make. He thought the letter was an *ex parte* statement, which did not appear to take into account the fact that an annual report was necessarily a summary,



and a generalised summary. The annual report did not pretend to give an exhaustive account of the processes of disturbance day by day, nor was it an appropriate medium for the distribution of praise or blame.

In paragraph 2 of his letter, Dr. Weizmann said that the record of the disturbances conveyed the impression that Jews and Arabs were to blame in equal measure for what occurred. Mr. Hall did not think that anyone, not as sensitive as the Jews on that subject, would derive that impression from reading the annual report for 1936. For instance, in paragraph 22, sub-paragraph 4, on page 8 of the report the following words appeared : " Meanwhile, elsewhere in the town, isolated cases of the murder of Jews " were taking place. A later statement referred to the fact that a Jew was nearly murdered. Mr. Hall did not think that anyone who had read any of the newspapers would have drawn that deduction from the report.

Dr. Weizmann then went on to say that every small incident and every allegation which could possibly be charged against the Jews was reproduced in meticulous detail. That was a little unfair. There had been certain incidents which might have been charged against the Jews but were not, because, in the opinion of the Administration and of the mandatory Power, one of the principal features of the disturbances was the marked restraint shown generally by the Jews. On page 13 of the annual report, where reference was made to the murder of a Jew, it was also mentioned that other victims were a British policeman, an Austrian Christian, and two Moslem Arabs. It might have been mentioned in the case of the Austrian Christian that at the time he was murdered he was wearing a tarboosh and was in a Jewish area, and that a witness had stated that he was wearing shorts. It had not been thought necessary to mention that.

There had, indeed, been very few such instances, and a striking feature of the disturbances was the absence of Jewish reprisals. There had, however, certainly been no attempt in the framing of the report to select instances to give the impression that the Jews were as much to blame as the Arabs.

A further complaint in paragraph 3 of the letter was to the effect that, in the presentation of the Arab and Jewish casualties, killed and wounded were placed in juxtaposition without any indication as to who was responsible for the deaths and injuries. Admittedly that had been done for convenience, if perhaps not very imaginatively ; but Mr. Hall did not think that any unbiased reader of the account of the disturbances would deduce that the Arabs had been killed by the Jews, when they had been killed by the forces of security.

Mr. Hall did not think that paragraph 4 was worthy of the Jewish Agency. At a previous meeting, he had told the Commission the facts about the seizure of arms.<sup>1</sup> The arms had been consigned to a person called Kattan, in Tel-Aviv, and were sent by a Belgian line of which the agent was a Jewish firm in Tel-Aviv. They had been collected by a Jewish transport company, and before being discovered had been dumped at Tel-Aviv. In the light of those circumstances, to criticise the statement in the report that all Arabs thought that the arms had been imported by the Jews seemed to Mr. Hall to be trivial. There was no doubt whatever that all Arabs thought that the arms were imported by Jews, and the Government had stated that fact in the report, without giving its own opinion.

In paragraph 5, the Jewish Agency criticised the statement in the annual report to the effect that tension between the Arab and Jewish communities had been fostered in both Presses (paragraph 19, page 7), and said that the Jewish Press had had no part in fostering that tension. Mr. Hall thought that the tactics of provocation had been different. The Arabs had concentrated largely on abuse of the Government or of the British as being colonisers. The Jews, before the debate in Parliament, had concentrated on what they called the betrayal of the Jews by the Government through the proposals for a Legislative Council which would place the Jews within the power of the inferior Arabs. After the debate in the House of Commons, the Jewish Press had been jubilant, and it had been the jubilation of the Jewish Press that had, in part, served to exacerbate Arab feeling. Mr. Hall thought that within the confines of one short sentence the matter had not been put unfairly.

Paragraph 6 dealt with the statement in the annual report that two Arabs had been deliberately shot at Kfar Saba and that before one died he had stated that his assailants had been Jews. The report stated (page 7, paragraph 20) :

“ It was the general impression among Arabs throughout the country that the crime was a reprisal for the murder of Jews on the previous night.”

The Jewish Agency took issue with the Government on that point, and said that it doubted whether the man had described his assailants as Jews ; but, as Mr. Hall had told the Commission a few days previously,<sup>2</sup> the wounded man, before he died, had first said that his assailants had been Jews or Christians, and later said that they had been Jews, and had described them as wearing khaki shorts and jackets. Mr. Hall was surprised to read the statement in the letter that the wearing of shorts was not uncommon among Arab workmen.

The letter went on to say that one of the men was a notorious thief and police informer. He had once been convicted of theft, and he had informed the police about some contraband. He might have been murdered by Arabs ; the Government did not know. But according to

<sup>1</sup> See page 63.

<sup>2</sup> See page 56.

the report, he said he thought he had been murdered by Jews, and it was certain that the Arabs as a whole thought he had been murdered by Jews. In the report, the Government did not commit itself one way or the other. It had never succeeded in catching the murderers.

That the Jews themselves did not rule out the possibility that it was a reprisal was evident from an article which had appeared in the Jewish newspaper *Davar*, which had said :

“ However, one cannot deny in advance the possibility that some Jew was excited to such an extent as to regard this murder as the revenge of innocent Jews in Palestine. If this presumption is true and if it is ascertained that a Jew did commit the serious crime near the Auja River, then let no Jew regard it as an heroic act, but as a sin.”

The sentiment was perfectly proper, but it showed that the Jews did not rule out that possibility.

In paragraph 7, the Jewish Agency contested the accuracy of the report regarding what had happened on the occasion of the funeral of the Jews who had been killed by highwaymen. Mr. Hall had given the Commission full details of that, and had already offered to hand to the Commission the report by Jewish police officers on the occurrence, provided the names of the witnesses were not disclosed. If the Commission wished, he could go into the matter in detail. He assured the Commission that the account given in the annual report (page 7, paragraph 20) was accurate in every respect, and that the statement made in the Jewish Agency's letter was so selective as to be misleading. It was said that there had been no violent speeches, but the Jewish Agency quoted merely the quiet speeches. It was true that the Acting Mayor of Tel-Aviv and two other Jews, including Mr. Pinkus, had made calming speeches; but other speeches had been made, and one man had afterwards been sentenced to twelve months' imprisonment for making an inflammatory speech. The general tenor of the speeches that had been made *en route* and at the stopping-places had been definitely inflammatory. Seven persons had been sentenced to imprisonment for being members of an unlawful assembly and for assaulting policemen, and one policeman had been invalided out of the Force.

Paragraph 8 (unnumbered) complained that the statement that there was an anti-Arab labour campaign in Tel-Aviv was untrue (page 7, paragraph 20, sub-paragraph 4, and paragraph 21, sub-paragraph 1, of the annual report) and that, in fact, all that happened in one case was that an Arab was slapped in the face and a few Arab lads threw vegetables into the street. That did not coincide with the very full report from the police officer of the Criminal Investigation Department, who had made a thorough enquiry—he was prepared to lay the report before the Commission if it so desired—nor was it in conformity with the extracts from the diary of the police officer at Jaffa and the duty officer's diary at the Manshieh police station. Thus, even on April 17th—two days before the disturbances—there were five entries.

There undoubtedly had been an anti-Arab campaign in Tel-Aviv on April 18th and the morning of the 19th. As he had said before, the excitement and anger of the Jews following upon the cold-blooded murder of Jews by the highwaymen was understandable.

In paragraph 9 of the letter, the complaint was made that there was no mention of the fact that the rumours of Arabs being killed by Jews, which had led to the actual outbreak and the series of murders of Jews by Arabs, had been spread by a number of Arabs with deliberate purpose. That had not been mentioned because there was no evidence that the rumours had been spread for a deliberate purpose, except that each rumour seemed calculated, on account both of the circumstantial detail and of the facts it purported to record, to stir up Arab feeling. Moreover, the fact that rumours started at almost the same time in three parts of the town did seem to point to a certain inter-connection. But the Administration had no evidence and surmise could not be included in an annual report : it must deal with facts.

In paragraph 10, there were again complaints regarding the actual statement of events in the annual report on April 19th and 20th. The annual report gave an account of actual events in chronological sequence (paragraphs 22 *et seq.*) Nothing recorded in that account was based, as the Jews said, on utterly unsubstantiated reports. Each statement was supported by the written testimony of eye-witnesses, in most cases British. Here, again, he had the detailed report by the senior officer of the Criminal Investigation Department giving the evidence in each case to support each recorded incident. This had been compressed into a few paragraphs in the annual report. Incidentally, in dealing with casualties, the Jewish Agency appeared to have confused the events of two or three days, because Section 22 of the annual report dealt with what had happened on April 19th, and Section 23 referred to the next day, April 20th. Section 24, which was complained of, consisted of a list of casualties covering the four days and including April 22nd. The criticism ended by saying : “ In the submission of the Jewish Agency, this paragraph of the report must be described as a complete misrepresentation of the course of events on that fatal day ”. Actually, the reference was to two or three days.

Paragraph 12 dealt with the outbreak on April 20th at Saknat Abu Kebir (page 9, paragraph 23, of the report). As Mr. Hall had said, no one knew precisely what did happen there. The Arabs said that the Jews had set some of their huts on fire; the Jews said that the Arabs were about to attack them in the Kattan quarter. When the police arrived, there were two big crowds confronting each other and the police had had to fire on both sides. To judge from the normal tenor of the disturbances, it could probably be assumed that the Arabs were the attacking party; but that again was a pure assumption, and pure assumptions could not be put into an annual report.

Paragraphs 11 and 13 of the letter dealt with criticisms of the manner in which the Administration had dealt with the disturbances. The Commission had already dealt with that matter at great length.

In paragraph 14 there was a complaint that it was not specifically said that the Arabs were responsible for the acts of lawlessness and disorder and not the Jews. Mr. Hall regarded that as a trivial criticism. Any reader could see who was responsible for the disorders in Palestine during the currency of the disturbances, and he did not think that any impartial reader could think they were Jews and not Arabs.

In paragraph 15, the letter suggested that the true reason why the attempt to cause a strike in the port and railways at Haifa had failed was the presence of Jewish as well as Arab workers. Certainly, the principal reason why the attempt had failed was because large naval forces had been landed and military forces assembled, and the streets were heavily patrolled. Whether the presence of Jewish workers in the port, and in a lesser degree on the railways, had any effect was a matter of supposition. Quite possibly it did have some effect, but that was not a matter on which it was possible to be certain, and therefore there was no mention of it in the report.

As regards paragraph 16 of the letter, the question had already been dealt with.

Paragraph 17 contained a similar criticism (which had been made before)—namely, that it was not specifically stated to be Jewish property that was burnt, and that it was Arabs who burned it (page 13, paragraph 30, sub-paragraph 1, of the report). Earlier in the report, however, reference was made to many attacks on private Jewish property and the burning of Jewish shops and trees. It was not difficult for an ordinary reader of the report to infer that the destroyed property continued to be destroyed by Arabs and was, principally, Jewish property.

According to paragraph 18 of the letter, the report had over-stated the position in saying that strike conditions were general in Haifa except in regard to the port and the railways (page 14, paragraph 30, sub-paragraph 3, of the report). Actually, though a certain number of industries in which Arabs were employed continued working during most of the strike, the great majority of the Arab shops and services in Haifa closed down.

Paragraph 19 complained that the Palestine Administration was fatally slow in arming Jews in self-defence. Mr. Hall had already dealt fully with that point in evidence. The statement that no Jewish supernumeraries were enrolled before June 24th was not strictly correct, since the first 573 were enrolled on June 3rd.

Paragraph 21 of the letter contained a complaint that the effect of putting side by side statistics of the suspension of newspapers was to give the impression that the Jewish newspapers were suspended for actions as improper as those committed by the Arab newspapers. As a matter of fact, the statistics were placed side by side purely for convenience (page 18, paragraph 43); the suspensions in each case were ordered by the High Commissioner on the merits of the case. Certainly part of the Jewish Press adopted a most provocative tone at times, although the Arab Press was the principal offender.

Paragraph 22 contained a complaint that in paragraph 45 of the annual report there was a mis-statement, it being said in regard to the proposed Legislative Council that the Arab attitude, though critical, favoured giving the proposal full consideration. But that was perfectly true. The Arab attitude was critical; but as the volume of Jewish criticism increased, so the Arabs began to think there was something rather good in the proposals. As stated in the Royal Commission's report, the party leaders did not reject them outright, as was to be inferred from paragraph 22 of the Jewish Agency's letter.

Paragraph 23 criticised the description of the meeting between the High Commissioner and the Arab Higher Committee, in relation to the action of the latter in calling upon the Arabs not to pay taxes (page 24, paragraph 54, of the report). What had actually happened was that on May 2nd the manifesto of the Car Owners' and Drivers' Committee was issued, leading to the prosecution of two of its members. On May 5th, the High Commissioner saw the Arab leaders and addressed them verbally—not, as was erroneously stated in the report, in a memorandum; and on May 5th the Arab Higher Committee replied to the High Commissioner's communication, as stated in paragraph 54 of the report. On May 8th, the Conference of the National Committees passed resolutions in favour of the non-payment of taxes and the continuation of the strike. On May 15th, the Arab Higher Committee published a manifesto supporting the non-payment of taxes. Mr. Hall did not think there was anything wrong with the report, except that—and he must apologise for the omission—he could not find in it any reference to the manifesto issued by the Arab Higher Committee, calling upon the Arabs not to pay taxes and also, incidentally, to use peaceful methods.

Mr. Hall had only one statement to make on the last paragraph of the letter, number 25, in which it was said: "Equally regrettable is the omission of any reference to the discipline and self-restraint maintained by the Jews . . ." There again he would repeat that an annual report, which must deal with facts, was not a suitable medium for the distribution of praise or blame, and that on several occasions the High Commissioner had publicly commended the Jews for their restraint during the disturbances, notably at the opening of the Levant Fair held at Tel-Aviv.

M. RAPPARD said that he did not wish to go into details, but would like to make one or two general observations. He fully understood, if not the details of the criticisms, their general tenor. On reading the annual report for the first time, he had been struck by the fact that it did not appear to be the story of the repression of a revolt of one side, but a description of events drafted with the apparent intention of weighing up one unpleasantness against another. The statements made throughout the discussion by the accredited representative struck M. Rappard as having quite a different inspiration and as being obviously fair and convincing.

As he saw it, the position was, first, that the Arabs said that they were the aggrieved party, that they had been exceptionally patient and that it would have been difficult to find another nation that would for fifteen years have stood with such restraint the continuous assault on their nationality which the mandate and the Administration represented. On that basis, the final outburst was much more to be condoned than the Administration which had provoked the Arabs' ire. Of course, the Administration could not take that point of view, but was bound internationally to carry out a certain policy which had really been the reason for the insurrection. That being the case, the story was one of an uprising against the policy which the mandatory Power was bound to carry out.

Consequently, M. Rappard understood the feeling of the Jews when they said that they were the victims of the insurrection and that they had not always been protected as they ought to have been, and that they had behaved with great restraint in face of great provocation.

The reader of the report did not get that impression, and M. Rappard quite understood why that was so. There were two reasons. The first was the feeling, which obviously rankled with the Jews, that there had been in the drafting of the report influences that were hostile to them; but M. Rappard would leave that on one side. On the other hand, he would not be surprised if, in the drafting of the report, as with everything that happened in Palestine, the Administration had been dominated by the feeling of its equal obligations to both sides, and if that had led to the adoption of a form of neutrality which impartiality did not necessarily demand. There was a certain confusion between impartiality, which was always a virtue, and neutrality between two hostile parties, which might for obvious reasons become a practice, but which impartiality itself would in that case forbid. M. Rappard would be glad to have Mr. Hall's explanations, not on the details, but on the general situation in that respect.

Mr. HALL said that M. Rappard's remarks did not quite correspond with what had happened. He need not comment on what M. Rappard had said about Arab patience, but that was certainly the Arabs' view. If there had not been disturbances that year in that form, there would probably have been some disturbances—not necessarily in that form—the following year, or later. He was afraid that disturbances were inevitable, in view of the inter-racial tension.

The compilation of the report was the result of a process of condensation. There had been file upon file of police reports dealing with the disturbances. First of all, they had had to be checked. A British officer of the Criminal Investigation Department had dealt with that, and even his report had to be greatly compressed. The first process of compression had been entrusted to an officer of the Secretariat. His summary had proved to be too long to go into the annual report, and another senior Secretariat officer had condensed it still further.

At that time Mr. Hall had been concerned with getting the facts correct (as far as they could be ascertained by reliable witnesses), because they had been challenged by the Jews from the very beginning; and, further, he had tried to get the report within a reasonable compass.

He had not had any conscious or even unconscious subordination to the dictates of what had been called "the policy of arithmetic"; but when the report was drafted, he had had in mind the fact that the Royal Commission's report had not been published, and that any attribution of blame or praise, or any deductions, would have been out of place before the Royal Commission's report was issued. For that reason the annual report was colourless, perhaps too colourless. Mr. Hall said that he stood by the facts, as he believed that they had been verified as much as any facts could be verified; but he agreed that, in the light of the criticism of the Jewish Agency, the report might have stated in certain places that "Jewish" trees had been destroyed or that "Arab" bands had attacked. It might also have been stated in a prominent part of the report that the Jews had shown commendable self-restraint throughout the disturbances; but that had been said, in the British Parliament and by the High Commissioner, on several occasions, almost *ad nauseam*.

M. RAPPARD was quite satisfied with Mr. Hall's explanation; but he also understood, if the annual report were a colourless document and did not attribute blame or praise in its story of the uprising, the complaints made by the party which considered itself to be the victim.

M. GIRAUD said that in his petition Dr. Weizmann had criticised the report for 1936 because it appeared to apportion the blame for the disturbances between the Jews and the Arabs. The report enumerated objectively a series of facts imputable either to the Jews or to the Arabs, so that it might be thought that the blame was divided between them. But when

the facts were examined more closely, it was quite clear that the actual aggressors were the Arabs—there could be no doubt on that point. Moreover, at the seventh meeting of the present session, Mr. Hall,<sup>1</sup> in reply to a question put to him, had himself admitted that the Arabs were the aggressors, as he would doubtless remember.

Mr. HALL said that was certainly so, except during those incidents which occurred at Tel-Aviv during the days of April 17th and 18th and the morning of the 19th. Afterwards, the Arabs were undoubtedly the aggressors.

The CHAIRMAN, in connection with paragraph 5 of the letter, pointed out that during the period in question the Arab Press had conducted a violent campaign, which had led to reprisals in the Jewish Press. Were any newspapers prosecuted or suspended as a result ?

Mr. HALL said that between January 1st and April 18th one Arabic paper had been suspended for a fortnight, while official warnings were given to one Jewish and one Arab newspaper.

**Palestine : Examination of Petitions referred to a Sub-Committee.**

The CHAIRMAN informed Mr. Hall that, contrary to its normal procedure, the Commission had appointed three of its members to draw up a report on a number of petitions relating to Palestine. M. van Asbeck would speak in the name of that Sub-Committee, and not in his personal capacity.

M. VAN ASBECK stated that the Sub-Committee felt that, generally speaking, the mandatory Power's observations on the petitions had made the matter sufficiently clear to enable the Commission to reply to the petitioners, in so far as that might be necessary. Only a few of the petitions called for additional explanations on questions of fact.

**PETITION, DATED JULY 15TH, 1936, FROM THE ARAB HIGHER COMMITTEE, JERUSALEM.**

M. VAN ASBECK stated that this petition followed upon a number of others and contained only one new factor—a reference to the use of noxious gas. What was to be thought of that allegation ?

Mr. HALL said that on one occasion lachrymatory vapour or gas was used when two armed rebels took refuge in a cave at the bottom of a well. This lachrymatory gas had no permanent ill-effects whatever, its only effect being to cause tears to flow. No other gas of any kind had been used in Palestine, and that gas had only been used on that one occasion when a British sergeant had already been killed in attempting to capture the men. Before the High Commissioner had approved the use of the gas on any occasion, he had himself, without any protection whatever, entered a gas-chamber filled with it, in order to assure himself that it could have no permanent ill effects.

**PETITION, DATED APRIL 29TH, 1936, FROM DR. WEINSHALL AND OTHER MEMBERS OF THE NEW ZIONIST ORGANISATION IN PALESTINE.**

M. VAN ASBECK said he did not propose to deal with the facts put forward in this petition, since they had already been discussed in the course of the examination of the annual report for 1936. He would merely draw attention to the petition, which was of some importance.

**PETITION, DATED AUGUST 11TH, 1936, FROM AHMED HILMI PASHA, CHAIRMAN OF THE BOARD OF DIRECTORS OF THE ARAB BANK OF PALESTINE.**

M. VAN ASBECK explained that this petition was a protest against the arrest and detention of the Bank's General Director. The mandatory Power had expressed the view that this step was entirely justified. Neither the petition nor the observations of the mandatory Power gave any indication of the motive for the arrest. Was the accredited representative in a position to give any further information on the point ?

Mr. HALL stated that the person in question was believed to be concerned in acts of intimidation and terrorism.

<sup>1</sup> See page 61.

PETITION, DATED MAY 3RD, 1937, FROM CHIEF RABBI ABRAHAM SCHORR,  
VA'AD ADATH ASHKENAZIM, JERUSALEM.

M. PALACIOS said that this petition, which, as its author recalled, was not the first on the subject, implied that the different Jewish communities continued to be treated on an unequal footing. The Chief of the Va'ad Adath Ashkenazim community of Jerusalem asked that the "Beth Din Hassidim" court should be given the same rights as the "Va'ad Leumi" courts, and that the community of the Va'ad Adath Ashkenazim should be duly recognised with all the privileges and rights given to such community. He also asked that a definite number of immigration certificates should be allotted annually to that community for distribution among Hassidim who desired to come to Palestine for religious reasons.

Could the accredited representative supplement the explanations given by the mandatory Power in its observations and, in particular, say whether it was quite impossible to make a gesture in this connection by meeting some of the demands so insistently placed before the League of Nations.

Mr. HALL thought it had been explained, on the occasion of the presentation of a previous petition by this community, that it was not a very important community and represented only a small number of Jews in Palestine. If the Jewish Community Ordinance, or similar provisions, were to be applied to all dissenting Jews in Palestine, there would be complete confusion. The principal ground of complaint referred to in the petition related to divorces. But the members of this community need not have their divorce certificates approved by the rabbinical courts; it was open to them to submit them to the civil courts if they wished. Apart from that, Mr. Hall had no comments or suggestions to make; His Majesty's Government had dealt fully with the question on the occasion of the last petition by the community.<sup>1</sup>

As was known, the policy of the Administration was to give immigration certificates to the Jewish Agency for distribution. The New Zionist organisation and Agudath Israel had each on occasion asked the Government to make representations to the Jewish Agency. This had resulted in a compromise whereby the Agency, as each schedule was prepared, allotted a certain number of certificates to Agudath Israel. But the Ashkenazim community was so small that he did not think it would, in any case, be entitled to more than a negligible number of certificates; and it would constitute a fundamental alteration of immigration policy if certificates were to be allotted direct to each small dissenting body of Jewry.

M. PALACIOS asked whether relations had been established between the Jewish Agency or the Zionist Community on the one hand and the other non-Zionist communities—including the little Ashkenazim community—on the other. He thought that, before the disturbances, there had been a certain tendency towards general reconciliation. Unfortunately, the good relations which had been established seemed to have ceased. Had the policy of reconciliation been resumed since the end of the disturbances?

Mr. HALL thought that M. Palacios probably had in mind the attempted *rapprochement* between Agudath Israel, which represented quite a substantial proportion of the Jews, and the Va'ad Leumi. That *rapprochement* had not produced complete agreement. Shortly before the disturbances, it had been hoped to arrange a full reconciliation, but there had been no further progress except that now, in all important political matters, Agudath Israel acted with the Jewish Agency.

PETITION, DATED JULY 23RD, 1937, FROM M. MOH. AMIN HUSSEINI, PRESIDENT  
OF THE ARAB HIGHER COMMITTEE, JERUSALEM.

PETITION, DATED JULY 21ST, 1937, FROM M. RAGHEB NASHASHIBI, PRESIDENT OF THE  
NATIONAL DEFENCE PARTY, JERUSALEM.

M. RAPPARD stated that the two petitions with which he had to deal were somewhat different in tone, but each showed fundamental opposition both to the idea of partition and to the Balfour Declaration. Such petitions, had they been received otherwise than at the present extraordinary session, would obviously have been deemed unreceivable. He would quote a few lines from the petition presented by the Mufti to show how complete and fundamental was the opposition:

"The Arabs have never ceased, since its promulgation in 1917, vigorously to repudiate the Balfour Declaration, proclaiming through every congress, party programme and delegation their steadfast rejection thereof. They have always emphasised its invalidity,

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<sup>1</sup> See Minutes of the twenty-fifth Session of the Commission, pages 132-134.



its inner contradictions, the injustice of its conception and its inherent partiality. The words of its formula spelt the betrayal of the Arabs of Palestine. Therefore, they have continually demanded that it should be rescinded, and they have never ceased to warn the authorities of the trouble it would bring to Palestine."

Inasmuch as the policy now considered by the mandatory Power was, as far as M. Rappard understood, only another implementation of the Balfour Declaration, it was not surprising that it should meet with the same unfriendly reception as had the mandate. He wished to ask the accredited representative whether His Majesty's Government, in adopting the proposal of the Royal Commission in general terms, had realised that the objections to that proposal would be precisely the same as the objections to the mandate, which, on account of those objections, had been declared unworkable.

Mr. HALL preferred to say that the objection of the Arabs to the Balfour Declaration was made up of several elements : their objection to the immigration of Jews, their fear of subordination to Jews, and the alleged fear for their holy places. Under the proposals of the Royal Commission, there would be no fear of Jewish immigration into the region which would remain Arab ; there would be no fear of Arab subordination to Jews in that area, and, by the proposal to give a perpetual mandate to the United Kingdom for the holy places, there would remain no legitimate fear for those places.

To that extent, therefore, it might be said that the objections of the Arabs were not quite the same, since the circumstances would be quite different. His Majesty's Government had certainly anticipated that there would be objections to the scheme by Arabs, as there would also be by Jews ; but it also hoped there would ultimately be substantial support for the new scheme on the part of both Arabs and Jews. He wished to add that the matter had not yet had the comments of His Majesty's Government, and his opinion must, therefore, be purely provisional.

M. RAPPARD said he quite realised that it was difficult, if not impossible, for Mr. Hall to say anything else ; but both the petitions showed that the opposition to the Balfour Declaration was not merely based on its consequences—possible or alleged or obvious—but on its principle—the natural right to enjoy the freedom of self-rule, the objection to a minority of intruders to whom Palestine had been indicated as providing them with a national home. It was a very understandable objection, but it was so fundamental that it would, of course, be raised against any scheme which did not repudiate the Balfour Declaration ; and as the Mandates Commission was expressly informed that the new scheme was intended to respect that Declaration, the same objection would arise.

Mr. HALL said he thought the term was " in accordance with the spirit ".

M. RAPPARD agreed. Everything that tended to the establishment of a national home for the Jews was very naturally repudiated by the Arabs. He could not carry the point any further, but the objection was one which struck him as fundamental. If the main reason for the impracticability or unworkableness of the mandate as it stood was at bottom of the Arab repugnance to accept the Balfour Declaration, it must be realised that the same repugnance would be met if it were decided to proceed as proposed. He did not say that that should dissuade the mandatory Power from adopting that policy ; but it should certainly lead it to adopt an attitude of firmness which it had not always adopted in the past administration of the territory.

Mr. HALL said he did not admit that it had not.

M. RAPPARD said that at one of the previous meetings,<sup>1</sup> M. Orts had alluded to lost illusions. A good way of not losing illusions was not to harbour any ; and he thought that this was the time for dissipating possible future illusions. The two documents, emanating from the two most representative Arab bodies in Palestine, could not be disregarded as sources of information—he did not say as indications of future policy.

PETITION, DATED JULY 27TH, 1937, FROM M. JUSTIN GODART, CHAIRMAN OF THE « COMITÉ POUR LA DÉFENSE DES DROITS DES ISRAËLITES EN EUROPE CENTRALE ET ORIENTALE », PARIS.

M. DE HALLER said that this petition had been received since the opening of the session, and that it had been sent to the mandatory Power on August 7th, a copy being communicated to Mr. Hall for information at the same time.

Mr. HALL said he would await the final reply of His Majesty's Government, but he was quite prepared to give provisional comments on it, particularly upon the proposed draft agreement, which seemed to him impracticable in the present atmosphere.

<sup>1</sup> See page 87.

Lord HAILEY asked whether it was not a proposal for parity.

Mr. HALL said it was a proposal for eventual political parity and for the immigration of 45,000 Jews, not including capitalists, and also Jewish immigration into Trans-Jordan and elsewhere, and it was proposed that the Legislative Council should not be set up till 1949. He himself could not see it being accepted, in spite of all the references to freedom which seemed to run through it. There seemed to be very little meat in it for the Arabs.

Mlle. DANNEVIG thought it might be a first step, and that something might come of it. It would be all the more fortunate if something came of such a petition, because the Arabs and the Jews would communicate directly and would take more responsibility on themselves instead of leaving everything to the mandatory Power and to the League of Nations. If there were any possibility of such an agreement being reached between the Arabs and Jews, she thought that that was something very much to be desired.

Lord HAILEY said that, if he remembered rightly, the proposed agreement extended to Trans-Jordan and to Syria and Lebanon as regards the admission of Jews to their territory. It would be a rather large round-table conference.

Mlle. DANNEVIG said that that might be the next step, but the first step would evidently be to make the Jews of Palestine and the Arabs meet, and then afterwards she could quite understand that there must be other consequences.

Mr. HALL said he was afraid that the agreement in its present form would be wholly unacceptable to the Arabs, and that, in their present state of mind, the Arabs would not meet the Jews in a round-table conference in a spirit from which anything concrete would emerge. He did not think that the proposal represented Jewish opinion either. The Commission would remember the Jewish reception all over the world of Lord Samuel's proposal for a restriction of Jewish immigration over a period of years.

The CHAIRMAN noted that the accredited representative preferred that the mandatory Power's observations should have been received before this petition was examined.

PETITION, DATED JULY 1936, SUBMITTED ON BEHALF OF THE NESSIUT (PRESIDENCY) NEW ZIONIST ORGANISATION, LONDON, COMMUNICATED BY DR. H. LEVI, MEMBER OF THE "NESSIUT",  
BY A LETTER DATED AUGUST 14TH, 1936.

M. VAN ASBECK referred to the passage of the observations of the United Kingdom Government concerning this petition, which dealt with the meaning of the mandate, reading as follows :

" His Majesty's Government in the United Kingdom would prefer not to offer any observations on that part of the petition which has been ruled to be admissible until they have considered the report of the Royal Commission on Palestine."

He asked whether the Mandates Commission was justified in expecting some further observations on that petition from the United Kingdom Government or whether the accredited representative was able to make further comments concerning it.

Mr. HALL said that the Royal Commission in its report had gone very fully into the meaning of the mandate, and that he had no comment to make.

LETTER, DATED MAY 4TH, 1937, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN THE YEAR 1936.

Count DE PENHA GARCIA noted in paragraph 5 of the mandatory Power's observations a reference to compensation to be paid to the victims of the disturbances. The mandatory Power had therefore acknowledged its responsibility and was proposing to have each case examined by a special committee. Did this mean an administrative or a judicial committee ? What was the legal basis for the decision ?

Mr. HALL said that he did not accept the statement that His Majesty's Government had admitted responsibility for the disturbances, but it had agreed to compensate the victims. The answer to Count de Penha Garcia's specific question was that the Committee was composed of one British magistrate and one British administrative officer.

In the absence of legislative machinery in Palestine, the decision of the Government constituted the legal basis



Count DE PENHA GARCIA inferred that there was no legal basis.

Further on in its observations, the mandatory Power stated that there was also a question of paying compensation for the damage done to property and that the matter was under consideration. What was the principle underlying that decision? Was it an act of grace or an admission of responsibility?

Mr. HALL replied that in both cases compensation was an act of grace. It had seemed to the Administration and to His Majesty's Government that loss of life or injury—in many cases to the breadwinner—should be considered first, and that if compensation were to be paid, it should be paid to the dependants of those who had lost their lives or had been injured. That had seemed to be an urgent necessity, and it had been pressed by the Jewish Agency. The question of damage to property was largely a financial one. The Administration wanted to know roughly what it would cost and whether it could afford to pay compensation, or whether the sum that it could afford to pay would be ridiculously small. When he had left Palestine, the basis under consideration had been that adopted after the 1929 disturbances. No final decision had then been reached, because the financial position of the Palestine Government had been so obscure, and since he had left it had become worse.

Count DE PENHA GARCIA hoped that the next report would describe the measures taken.

Had the arms given to the Jews used for military purposes, the whole cost of which was borne by the Government, been returned to the Government or were they still held by the Jews?

Mr. HALL replied that part of the arms issued to the Jewish supernumeraries were kept in newly constructed armouries in the settlements and the balance in Government police stations, ready for issue at short notice.

Count DE PENHA GARCIA asked why, when goods were landed at the port of Tel-Aviv, passengers were not landed there as well. Was there some major obstacle to this?

Mr. HALL replied that the bar at the entrance to the lighter harbour at Tel-Aviv, when the sea was at all high, was at present dangerous. There were as yet no dredgers, and it was still questionable whether dredging would keep the bar sufficiently low to allow the safe passage of passenger-ships. Cargoes were taken ashore on lighters.

Count DE PENHA GARCIA hoped that it would be possible to remedy that situation.

He would like to know how many Jews and how many Arabs there were on the Jaffa Mixed Municipal Council.

Mr. HALL said that there were nine Arabs (seven Moslem and two Christian) and two Jews.

Count DE PENHA GARCIA understood that the mandatory Power in its observations admitted that the Jewish request that a larger number of Jewish officials should be employed in certain administrations, such as the railways, Customs, etc., was justified, but had nevertheless refused it for temporary reasons.

Mr. HALL thought that the Railways Department was really the only department of the Government where few Jews were employed, and even there, in the workshops, the Jews represented a reasonable proportion. It was mainly on certain forms of work on the railways that the Jews were not represented, and that mainly because they would not accept the wages. A considerable number had resigned in 1934. There would always be difficulty in utilising a large proportion of Jews on the railways, and short of dismissing satisfactory Arabs, Mr. Hall could at the moment think of no means of employing more Jews on the railways except by a gradual process of filling vacancies as they occurred.

Count DE PENHA GARCIA observed that those were not objections of principle.

With reference to unemployment, the Jewish Agency and the mandatory Power held opposite views. The latter explained its policy by saying that it adhered to the statements in its letter to Dr. Weizmann—that was to say, that Jewish immigration was based on economic capacity. Was that the right basis?

Mr. HALL said that that had been the sole policy when the schedule referred to in the letter was granted; but, in the recent statement by His Majesty's Government, a limit had been imposed. Subject to that limit, the economic absorptive capacity remained valid.

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EIGHTEENTH MEETING.

*Held on Wednesday, August 11th, 1937, at 10.30 a.m.*

**Palestine : Examination of the Annual Reports for 1935 and 1936 (continuation) : Disturbances of 1936 (continuation).**

Mr. Hall came to the table of the Commission.

**RECRUITMENT, TRAINING AND ATTITUDE OF BRITISH OFFICIALS : EDUCATION (continuation).**

The CHAIRMAN said he had asked the accredited representative to attend the present meeting because it seemed that further explanations were necessary concerning certain passages in the 1936 report and in the report of the Royal Commission.

For his part, he wished to put a series of questions of detail regarding the opinions expressed by the Royal Commission as regards the Palestine Administration. On page 161 of its report, paragraph 37, the Royal Commission stated that it was desirable that all Assistant Secretaries should have had district experience ; that was not found to be the case. The same paragraph said that several complaints of over-centralisation had been received.

Mr. HALL said that the criticisms seemed to be two-fold—firstly, that the members of the Secretariat had not served in the districts “ within the memory of man ”, and, secondly, that there was too much centralisation.

As regards the first complaint, the “ memory of man ”, in the view of the member of the district Administration who made the complaint, must be short, because all senior officials of the Secretariat except one—he was excluding himself from the Secretariat—had served in Palestine or other District Administrations. One or two, it was true, had not served during the last ten years ; but others had served quite recently. Some had been transferred from District Administrations in other countries under the system of inter-colonial transfer.

On that point, he wished to make one further remark. Complete interchangeability between the District Administration and the Secretariat was not practicable or even desirable, for the reason that a good officer in the District Administration was not necessarily a good officer in the Secretariat, nor was a good officer in the Secretariat necessarily a good officer in the District Administration. Somewhat different qualities were required in each case.

As for Government centralisation, Mr. Hall thought that to some extent that criticism applied to all the British colonial administrations ; but in Palestine, it was particularly difficult to avoid centralisation. The distances in Palestine were short. What happened ? A decision by a District Officer was given, say, in Haifa. An appeal was lodged against it the same afternoon to the District Commissioner. If satisfaction were not obtained from the District Commissioner, the appeal was taken the next morning to the Chief Secretary in Jerusalem or to the High Commissioner. If that appeal did not succeed, questions were put in Parliament within the next week or so. In those circumstances, a certain amount of centralisation was inevitable. Mr. Hall did not welcome it. It threw more work on the Secretariat. But where there was that immediate challenge of authority, sooner or later the Secretariat, the High Commissioner and the Secretary of State in London must know about it.

Lord HAILEY said that the charge embodied in the early part of paragraph 37 on page 161 of the Royal Commission's report was not an uncommon charge against the British Crown Colony system of government elsewhere. In India, an attempt had been made to meet the objection by a rule that an officer should not, if possible, stay in the Secretariat more than three years before being retransferred to district work. That was not very easy to carry out in India, and might be more difficult still in a small organisation like that of the Palestine Administration ; but perhaps, even at the expense of some loss to the Secretariat, it might be worth while considering the observance of a rule of that kind. Was there any such rule in Palestine ?

Mr. HALL, replying in the negative, said it had to be remembered that Palestine was so small that it was possible to reach any part of it in a morning or afternoon.

Lord HAILEY said that the real difficulty was, perhaps, that Crown Colony government was not well suited to an advanced people like the Jews.

M. RAPPARD supposed that the objection to excessive centralisation was based on the idea that people at the headquarters Secretariat in Jerusalem only saw the situation in the country through the documents which reached them. He understood from Mr. Hall's reply that the distances were so short that members of the Secretariat had a personal knowledge of the situation on the spot and could easily go to the outlying districts, while outlying district officers could easily come to them. He concluded that the desire to get rid of the "curtain of paper" had never been felt in Palestine.

Mr. HALL assented. It was almost physically impossible to get out of touch. He agreed, however, that officers in the Secretariat might get out of touch with the *routine* of the District Administration, and it was good for them to leave the Secretariat and have fresh experience in a district.

The CHAIRMAN said that paragraph 38 of the Royal Commission's report (page 161) spoke of delays in dealing with requests addressed to the Government on such matters as financial assistance in the construction of roads, decisions regarding the sale of land, extensions of the telephone service, the completion of agreements and so forth. The system under which one officer—the Chief Secretary—was the only channel of approach to the High Commissioner was considered by the Royal Commission to be unsatisfactory.

Mr. HALL thought there would always be complaints in any administration in regard to financial allocations. That was particularly likely in Palestine, which was what was known as a "Treasury-controlled" territory. No expenditure, except for small sums, could be incurred without the concurrence of His Majesty's Government in the United Kingdom. Actually, he thought that was a healthy arrangement. Locally, one might be tempted to give way to pressure, and it was convenient to be able to refer to London, where a detached view would be taken and where one item of proposed expenditure would be weighed against another. Undoubtedly, there had been delays in Government expenditure; but he did not think there had been undue delays.

As regards the suggestion that there was only one channel to the High Commissioner—namely, the Chief Secretary—that might be true theoretically; but it was certainly not true in reality. Every Head of a Department had the right to see the High Commissioner; and all of them frequently did. Very few weeks passed without the High Commissioner seeing Heads of Departments. In addition, he travelled round the country seeing the District Commissioners and Assistant District Commissioners. The Regulations originally provided that no officer could write to the High Commissioner direct on an official matter without sending a copy of his letter to the Chief Secretary. That provision had, however, now been excised.

To sum up, the Chief Secretary was, in theory, the channel of communication with the High Commissioner, but, in fact, Heads of Departments and other officers could, and did, go direct to the High Commissioner, if they wished.

Lord HAILEY observed that the complaint made in paragraph 38, on page 161 of the Royal Commission's report, like that in the previous paragraph, was very commonly made against the system of colonial government. The Palestine Government might care to refer to the report by Sir Alan Pim, dated 1936, on the system in Kenya, which contained some valuable suggestions on that particular point. The Palestine Government might further care to consider the system in force in the Anglo-Egyptian Sudan in the same connection.

Mr. HALL explained that his point was that the canalisation of correspondence and interviews through the Chief Secretary was not as complete in Palestine as it was in certain colonies to which reference had been made.

M. RAPPARD very much doubted whether it was in the interests of good administration specifically to authorise the Heads of Departments to go direct to the chief, without doing so through their immediate superior. Nor was it, of course, good policy to prevent any such direct contact. The system of regular periodical meetings of Heads of Departments with their immediate and supreme superiors had often been found valuable in this connection, in other private and public administrations. Were there meetings of that nature in Palestine?

Mr. HALL explained that there was a regulation that any instructions involving action given personally by the High Commissioner to the Head of a Department or other officer must be communicated in writing by that officer to the Chief Secretary. The Chief Secretary could then ensure that the action was duly carried out.

As to regular meetings, there were meetings of the Advisory Council, presided over by the High Commissioner, which took place at varying intervals. At such meetings, all Heads of Departments were present. Apart from this, questions affecting more than one department were rarely dealt with by correspondence, but usually by a conference of the departments concerned, over which the Chief Secretary normally presided.

The CHAIRMAN said that on several occasions in the same chapter the Royal Commission made, directly or by implication, more serious criticisms of the Administration, particularly in paragraphs 35, 42 and 43.

In paragraph 35 (page 160), the report said that it must not be forgotten that the Administration of Palestine had been improvised. In that connection it quoted a witness—to whom no doubt the Royal Commission attached a certain importance, since it reproduced his observation—who remarked that the Administration in Palestine was started by “complete amateurs, led by amateurs. There was practically nobody in the Administration who had ever worked in an administration. It was the blind leading the blind,” and that was what Palestine had suffered from for years. In referring to the past, the Royal Commission explained and excused to some extent the existing difficulties.

In paragraph 42 (page 163), the report recorded a series of Jewish testimonies tending to show that numerous officials had displayed excessive pro-Arab sympathies, and that these officials, if they did not, dislike the mandate, did not understand it and were not familiar with the obligations imposed by it on the mandatory Power.

In view of the complacency with which the Royal Commission reproduced that evidence, the Chairman presumed it attached some weight to the assertions; he noted, moreover, that it did not refute them but was content to say that no one could tour in Palestine without realising the extremely difficult position of the British official and, indeed, of the whole Administration.

The question of failure to understand the mandate again came up in paragraph 43, in which it was stated that officials should be carefully selected, whether as cadets or from those already in the Colonial Administrative Services. Here again the report stressed the need of officials having an intimate knowledge of the mandate and all its implications.

These last criticisms were serious, for, if they were true, it might be said that the mandate could only have been badly applied, and that the evils which were now to be observed were perhaps due to a misapplication of the mandate rather than to the mandate itself. From that point of view, the question was of importance.

Mr. HALL said, with reference to paragraph 35 of the Royal Commission's report, that, in the early days of the Palestine Administration, when Palestine was administered by the Foreign Office (which had no experience of administration), the original staff were perhaps correctly described as amateurs. At the end of the war, a certain number of officers serving in Palestine were retained there as administrators, many of whom had no administrative experience. When the Administration of Palestine was transferred to the Colonial Office, the process of weeding-out officials who were unsuitable and drafting in officers with knowledge of administration was at once inaugurated. In all British colonies after the war, there was difficulty in getting trained administrative staff; and Palestine was subject to that difficulty to an even greater degree than any other territory, because it had no pre-existing trained staff to train the new-comers. That difficulty, however, was overcome in a comparatively short time. In short, the criticism was perhaps just as regards the first few years of the Palestine Administration, but not as regards the later years of that Administration.

The criticism in paragraph 42 of the same report, which the Chairman had described as a very serious criticism against the Administration, appeared to be a complaint from Jewish sources. He had not the slightest doubt that a similar complaint would have been made by Arabs, if they had been asked for their opinion. It was a case of *ex parte* criticism. He did not believe that British officials in Palestine had shown partiality. He had seen no evidence of it whatever. There was, on the part of the Jews, a tendency to think that an official was pro-Arab, if he did not at once comply with a Jewish request. Similarly, there was a tendency, on the part of the Arabs, to think that an official was pro-Jew, if he did not accept a proposal emanating from the Arabs. This was the unhappy position, as the Royal Commission itself said, of every British official in a territory where he had to administer dual obligations of equal weight, obligations, moreover, which were not easy to carry into practice, however many times the official had read the mandate, and however many times he had read the various glosses on the mandate. It was perhaps easier to write glosses on the mandate than to apply those glosses to the practical problem, such as, for example, whether a particular road should be made from village A to village B, or whether so-and-so should have his taxation remitted. Mr. Hall did not think paragraph 42 should be properly cited as a criticism by the Royal Commission: it appeared to be inserted rather as the record of a Jewish criticism which was typical of the difficulties with which the British official had to contend.

As regards paragraph 43, he thought the suggestion that cadets should go through a probationary period, as they did in many other colonies, was a very good one, though it was open to question whether classical Arabic taught at the School of Oriental Languages in London was a suitable preparation for officials whose everyday work would have to be carried on in the vernacular. He was also a little doubtful whether lectures in England could in any large measure help cadets to administer the mandate on the spot in their day-to-day work.

The criticism in the same paragraph (43) that only 106 officers in the First Division of the Civil Service in Palestine could speak Arabic might well appear a serious one; but it was not

so serious as it looked. The majority of the officers in Palestine were technical officers ; and the first consideration in such cases was to get people of technical experience and ability.

It was not so essential in the case of officials called upon to advise, for example on engineering works or matters of that kind, or in laboratories, that they should be able to speak the language of the country. In any case, it was not easy to get men of a certain age possessing the necessary experience and abilities, who had the aptitude (after the age of forty or so) of picking up a native language. All the officers who came into direct touch with the people—in the District Administration, Agriculture, etc.—spoke either Arabic or Hebrew. Hebrew, though eminently desirable, was not quite so essential, because most of the Jews in Palestine spoke some other language, such as German, French or English.

Mlle. DANNEVIG referred to page 333 of the Royal Commission's report on the subject of the education of Arabs and Jews together and the difficulties involved owing to Article 15 of the mandate.

How were the words of that article—" educational requirements of a general nature such as the Administration may impose "—understood and interpreted by the mandatory Power ? Evidently, they had been included for some purpose. The object, in the first place, was presumably to ensure that a certain standard of knowledge was reached in each class of the schools, and that each school was supplied with teachers having a certain degree of training. But there were other considerations—moral considerations—which were involved. The Royal Commission said that the difficulty in the matter of education was that the Arabs were educated purely as Arab nationalists, and the Jews purely as Jewish nationalists. Would it not be possible for the mandatory Government, within the limits of the mandate, to lay down certain requirements for the schools—for example, the elimination of political teaching and the observance of a certain neutrality in both Jewish and Arab schools ? In her own country, specific action had been taken in that connection since the separation of Norway and Sweden.

Similarly with the question of languages. Would it be possible for the mandatory Power, within the terms of the mandate, to demand that, after a certain standard had been reached, Jews should be obliged to learn at least some Arabic, and Arabs some Hebrew ?

In regard to the teaching of history, would it not be possible to require each section of the population to learn in its schools something about the history, aspirations and ideals of the other ?

M. VAN ASBECK, on the same point, asked if the phrase quoted by Mlle. Dannevig could have been deemed to cover the creation of a feeling of Palestinian citizenship by bi-national education such as the Royal Commission contemplated on page 340 of its report. Could not both Jewish and Arab children be given an education which made them, not so much wholly attached to their own race, as capable of seeing the country as a whole ?

Mr. HALL replied that the teaching of politics was prohibited by the Regulations. There was nothing political in the curriculum ; but it was difficult, unless schools were inspected daily—which was impossible—to prevent a politically-minded master from giving a political bias to almost any lesson. A committee was set up some eighteen months previously, on the recommendation of an English educationist, to try and frame both history and geography manuals, so as to give them a more international flavour than they had at present. Initially, the history and geography books for the Arab schools were copied from Egypt, and built up on an Egyptian model by Arabic teachers. Instructions had been given for the writing of books in both subjects, which would, it was hoped, tend to take the minds of the children away from Palestine and Arabia into the world as a whole, thereby putting Palestine in its proper relation to the rest of the world.

As to making the teaching of Hebrew in Arab schools, and Arabic in Hebrew schools, compulsory, the suggestion seemed to raise a question concerning the interpretation of the mandate. A ruling on the point would be very helpful : but, unquestionably, the introduction of any such provision would meet with great resistance both on the part of the Arabs and on that of the Jews in present circumstances.

As to giving both Jews and Arabs some idea of Palestine citizenship, there was something of the kind already in the curriculum in which the history of Palestine from remote times was included. But it would be sowing the seed on very unreceptive ground at present to try to teach the Arabs—who (as he had said), on all political occasions, referred to Palestine as " South Syria "—any idea of Palestine citizenship ; and he was afraid the ground would be scarcely more receptive in the case of Jews who looked upon both " Palestine " and " Trans-Jordan " as " Eretz Israel ".

Mlle. DANNEVIG was very glad to hear that the teaching of political sentiments in the schools was prohibited ; but was that enough ? The accredited representative had said, and the Royal Commission agreed, that the Jews were influenced in the schools to become Jewish nationalists, and the Arabs to become Arab nationalists. Was it not possible to have better inspection of the schools, find out those teachers who did not obey the law, and punish them ? That would have a good effect upon the others.

She supposed that the names " Southern Syria " and " Eretz Israel " were not allowed in the schools.

As to the question of language, of course each community had the right to have its education in its own language ; but in the higher schools, where the pupils were taught additional languages, Mlle. Dannevig did not see why it should be incompatible with the mandate to stipulate that one of those additional languages should be Arabic for the Jews and Hebrew for the Arabs.

Mr. HALL observed that such a stipulation would affect only a very small number.

Mlle. DANNEVIG said that it would be better than nothing. As to Palestinian citizenship, her question was put in a somewhat different form from that of M. van Asbeck ; but perhaps it would be possible for the Administration to draw up a little manual to tell each part of the population about the other part, of their duties as citizens and about the ideals of the League of Nations, and make that manual compulsory for certain classes in the schools. The children, both Arab and Jewish, would then be obliged to learn something about the aspirations and ideals of the other part of the population, and of their own duties.

Mr. HALL explained that he had not said there was political instruction in schools by the teachers, but that it was very difficult to prevent ordinary instruction being given a political bias in its presentation. Unless there was a multitude of English inspectors, one could not be assured of the absence of political bias. Where there was evidence of a master improperly influencing the children—and such evidence was very rarely obtained—the offender was dealt with disciplinarily.

The Commission must not suppose that the publication of a " little manual " on Palestine citizenship, particularly if it set out the aspirations of each race in Palestine and particularly if it tried to explain those aspirations, would lead to a change of opinion in the country. The Commission must realise that the two races disliked one another, and that there was an irreconcilable conflict between them. Of that, there was no doubt. The children might be forced to read the " little manual " in school ; but they would go back to an atmosphere of hatred in their homes. The problem could not be solved by one manual, or by a hundred or a thousand manuals. It was much deeper than that. What the Jews wanted, the Arabs were determined not to let them have ; and what the Arabs wanted, the Jews were determined to withhold from them.

There might be faults in the educational system or in the Administration ; but they weighed so little in the balance against this intense feeling in the country that they were of minor importance. Even the Royal Commission, when it referred to them and mentioned in that connection a number of palliatives of a much more fundamental character, such as the drastic restriction of Jewish immigration, or again, the setting-up of an Arab Agency including members from countries other than Palestine, hastened to add that all such measures were only palliatives and would not solve the problem. Was it not *a fortiori* the veriest palliative to attempt to teach Palestine citizenship, to seek to influence Arab children to like the Jews and Jewish children to like the Arabs ? Such efforts could not hope to succeed. That, at any rate, was his view ; and it appeared to be the view also of the Royal Commission.

M. RAPPARD was well aware of the difficulties. He was afraid the gulf between the Jews and the Arabs was such that manuals could not help. When political passions were running so high, the best that could be done was to avoid any discussion of politics in the schools. If Jewish and Arab teachers were compelled to use an impartial manual without the perpetual presence of an inspector—which was obviously impossible—general experience would lead one to fear that the school lessons would be devoted to a refutation of the impartiality of the manual ; and that would only make matters worse. To hope that the schools would not be a hotbed of nationalism was the best that they could do ; but to hope that they would be a source of internationalism seemed, in the circumstances in Palestine, Utopian.

The point raised by the Chairman was a delicate, and in some ways an unpleasant, one ; but it went to the bottom of the question. M. Rappard was as conscious as anyone could be of the extraordinary difficult task which the mandatory Power and its Administration in Palestine had assumed in carrying out the provisions of the mandate, which were difficult to reconcile, to put it mildly. That being the case, the difficulty of the problem would justify the most extreme measures in trying to overcome it ; and, consequently, the impartiality of officials, as far as such impartiality was humanly possible, seemed to be a necessary and indispensable condition. If M. Rappard were bold enough to challenge a younger and better

man to a game of tennis, he would be taking on a very difficult task ; but if his racquet were unstrung, the task would be hopeless. He could not help feeling, in spite of everything that had been said, that the charge of instinctive partiality on the part of a certain element of the officials had not been disproved. On the previous day the Commission had heard that, when the Arabs were on the warpath against the Jews, and even when they had the British police and military against them, their war cry was " Ed Dauleh ma'ana " (" The Government with us ").

Mr. HALL, interposing, said there was no such war cry on the occasion of the last outbreak. It had been heard in 1921, and (it might be) in 1929 ; but not since. The last outbreak had been primarily directed against the Government.

M. RAPPARD said he would at once drop that point : but there were so many indications, not of deliberate, but of instinctive, partiality that he must deal with them briefly. He realised that, if one asked a Jew what he thought of the impartiality of the officials, the Jew would say they were pro-Arab ; and, if one put the same question to an Arab, he would say they were pro-Jew. It was only natural that the Administration should claim that those reproaches cancelled out each other. The difficulty was to arrive at the facts, because it was very difficult to lay hold on any public statement by an official. When a judge in a judicial sentence expressed certain sentiments, that was a thing on which it was possible to lay hold ; but judges were in a peculiar position.

Mr. HALL observed that the judicial criticisms to which M. Rappard was no doubt referring were criticisms of the Government and of the methods of government.

M. RAPPARD agreed. He was trying to get at the root of the question. He had no axe to grind, and no reason for being on one side or the other.

It was essential to understand the difficulties with which the Administration was faced ; and it was also exceptionally difficult for the Commission to get at the facts. That being so, when one had alleged facts, it was worth while considering them closely. He cited an article written by Mr. E. T. Richmond as far back as 1925. Mr. Richmond had been a political officer. He was so bitterly anti-Jewish that he was dismissed from the Palestine Service on account of his bias. Later, he was reappointed to a non-political position in Palestine in the Antiquities Service. In the interval between the time of his dismissal and his reappointment to a non-political job, he wrote an article in the *Nineteenth Century*, from which it was sufficient to quote a single sentence, in which he described the mandate for Palestine as " that iniquitous document ". In the light of the position of the Administration in Palestine, M. Rappard could not see any argument that would justify the reappointment of a man whose views were of that kind. To say that the position to which he had been appointed was not political, that he had promised to behave himself and so forth, was not sufficient. Such assurances might have been sufficient in the case of any other Administration, but not in the case of the Palestine Administration, where impartiality and the reputation therefor were vital. A statement of the kind quoted ought, absolutely and permanently, to have disqualified the writer from any further official connection with the Palestine Government.

That was a relatively old matter. M. Rappard proposed to refer to a more recent case.

The *Spectator* of July 17th, 1936, published a letter from a Mr. C. R. Ashbee, the author of an article on Palestine, reproducing alleged comments by Palestine officials on the article, from which Mr. Rappard quoted at length. He did not know Mr. Ashbee, and could not vouch for the letters which M. Ashbee said he had received from Palestine officials, whose names the writer refrained from giving for obvious reasons. But M. Rappard wished he could get rid of the feeling he had derived from so many different sources and in so many different ways as to the general tendency of most of the officials to divide their sympathies unequally as between Arabs and Jews, and to be unable to disguise those sympathies.

He did not reproach—still less despise—officials who felt in that way. Their feelings were human and natural. Colonial officials were accustomed to dealing with subject peoples at a less advanced stage of development ; and, of course, the Arabs approximated more closely than did the Jews to the human material with which the colonial officials had dealt in the course of their previous careers. The development of the Jews was, if anything, more advanced than that of the members of the Mandates Commission! The Jews were peculiarly analytical and critical, and given to the discussion of political ideology ; and most colonial officials—not only British officials—had an instinctive dislike for people who, instead of going about their business, were always trying to discuss theoretical problems. The feeling of the officials was therefore natural ; and, for that very reason, he was the more inclined to give some credence to the charges of instinctive partiality.

Mr. HALL could not hope to remove from M. Rappard's mind an impression which had been so sedulously built up by documentation and suggestions over a period of time.



The whole trouble really lay in the fact, to which Lord Hailey had drawn attention, that the Crown Colony form of government in Palestine was unsuitable for the people. It was wholly unsuitable for the Jews. It was deeply resented by, and to that extent unsuitable for, the Arabs. But, in passing, it was noteworthy that the suggestion that the alleged partiality of British officials had led to the Jews not having a proper share of public expenditure on education, health and what not, had received no support in the Royal Commission's report. In support of a charge of partiality directed against the British civil service in Palestine, the only concrete examples that could be quoted over a period of eighteen years were a letter written in 1925 and an anonymous letter said to have been written in 1936. A flimsy foundation for a very serious charge.

Mr. Richmond, before he returned to take charge of the Department of Antiquities, gave a solemn undertaking that he would take no part in politics whatever. Mr. Hall had known Mr. Richmond for a number of years. He was a man with a deep sense of honour ; and Mr. Hall personally—as also the High Commissioner—was certain that Mr. Richmond had kept that bond in the letter and in the spirit : he had had nothing to do with Arab politicians or Arab politics. What Mr. Richmond's personal views of the mandate were was a matter of importance, perhaps, but not in connection with the Department of Antiquities, of which, incidentally, Mr. Richmond's administration had not been criticised. Mr. Richmond had now retired.

As to the alleged letter from a Palestine official published in a communication to the *Spectator*, it was, of course, a most improper letter for any official to write. But in an Administration like that of Palestine, which included a number of young police constables straight from home, it was perhaps to be expected that some should be distressed by certain of the things they saw during the disturbances. No one to whom it was repugnant to see life taken or injury done to individuals could be unaffected, and an unbalanced officer deeply affected by what he saw might well have written such a letter. Over a period of six months of disturbance, the action taken by the police and military was often necessarily drastic and severe, and the results unpleasant. He believed it was fair to claim that the very fact that the instances of alleged partiality (for which the critics were on the look out on every possible occasion) were so few was in itself proof that the Administration as a whole had been impartial.

There might well be officials who preferred Arabs to Jews in their ordinary walk of life, or again, officials—he had in mind those with more intellectual leanings,—who preferred Jews to Arabs : but he did not think that, except in a purely microscopic number of cases, such preferences had affected their work.

Mr. Hall honestly believed that the charge of partiality was unfounded.

M. RAPPARD thanked Mr. Hall for his statement.

Lord HAILEY had been connected for years with an administration which was accused alternately of sympathy with Hindus or sympathy with Moslems ; and he knew how exceedingly easy it was to formulate such charges, and how difficult it was to disprove them, for the reason that they were hardly ever based on definite facts. There seemed to be a significant absence of facts in Palestine, on which charges of that nature could be based.

It had sometimes been alleged that there was a difference in the social treatment of Jews and Arabs by officers of the Administration. Could Mr. Hall tell the Commission if there was any such difference ? In some Eastern countries, social relations counted as much, or perhaps even more, than the policy of the Administration itself.

Mr. HALL said it was very difficult to answer that question. As was well known, the British were not socially minded ; and it was possible that the social detachment, which was characteristic of all British officials, had given rise to a feeling of the kind suggested. Actually, more Jews than Arabs were met in the houses of British officials. Normally, the tendency of Englishmen, who (in addition to being " bad mixers ") were the world's worst linguists, was to invite people who spoke their own language. Most of the leading Jews spoke English ; and it was therefore natural that they should be seen more often at social functions, which would not be attended by Arabs.

M. PALACIOS said that he had been very much interested in the statements made by his colleagues and by the representative of the mandatory Power. The suggestions made, which might properly be described as " moral " in character, were of course bound, in the long run, to have a great influence on the solution of the various problems and must be generally supported. Unfortunately, they did not appear to him likely to have any decisive effect on the state of affairs now existing in Palestine. M. Palacios did not think that a satisfactory solution could be found by expurgating school text-books or by teaching Palestinian civics or even by recommending impartiality, and, although he unreservedly approved the various



attempts made on those lines, he thought they should not be allowed to create any illusion as to the real reason for the failure of the mandatory policy or cause the necessity for arriving at some radical solution to be overlooked.

Moreover, there could be no question of insisting in Palestine on things which were difficult to achieve, even in the most highly developed States. The fact that writers existed to-day who included on the title-page of their history books and even in the title of their text-books a statement to the effect that their history was true and unbiased, in the ingenuous belief that any history not so described was neither true nor unbiased, showed the position which had been reached with regard to historical truth. There was a whole branch of sociology—the sociology of knowledge—which showed how difficult it was to think on what were formerly believed to be impartial lines. In the realm both of thought and of action, there was more force in what the Germans called “*Seinsverbundenheiten*”.

So much might be said in defence of those who, being necessarily partial in one direction as well as in the other, were persuaded that they were always impartial in both directions.

The CHAIRMAN did not wish to discuss the question whether impartiality was a human attribute, or whether everyone was to some extent biased. He would like to say, however, that the Mandates Commission had always claimed the honour of being impartial and, generally speaking, its impartiality had been recognised. He would simply add that it would endeavour to continue to deserve that reputation in future.

Count DE PENHA GARCIA referred to a remarkable statement in the memorandum of the Jewish Agency, with reference to the Potash Company, whose business had increased during the period of the disturbances. The interesting point was that Arab and Jewish workmen had got on well with each other in its workshops during the whole of the year and that the events which had caused so much disturbance in Palestine had had no repercussions there. He would be glad to know how it was that this had been possible. In any case, he concluded that the hostility between the two races was not specific and that Arabs and Jews could live peacefully together.

Mr. HALL said that the trouble had certainly not spread, to any serious extent, to the works of the Potash Company to the south of the Dead Sea. That was possibly in part due to its isolated position and the fact that the workmen were largely drawn from the tribes who gave less trouble, probably, than anybody else. The Company's works at the north end of the Dead Sea were, on certain occasions, sniped; but he believed there were no labour troubles. The same could be said in the case of the cement works to the east of Haifa, during the greater part of the disturbances.

Count DE PENHA GARCIA thought that it was none the less surprising, although the representative of the mandatory Power might argue that this was an exception which proved the rule.

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#### NINETEENTH MEETING.

*Held on Wednesday, August 11th, 1937, at 5 p.m.*

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#### **Palestine : Examination of the Questions to be put to Mr. Ormsby-Gore.**

The members of the Commission stated in turn the questions which they proposed to put to the accredited representative.

On the proposal of the Chairman, *the Commission decided to communicate the text of the questions beforehand in writing to Mr. Ormsby-Gore, so that, should they need preliminary study on his part, he might be able to prepare his replies.*

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#### TWENTIETH MEETING.

*Held on Thursday, August 12th, 1937, at 10.30 a.m.*

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#### **Palestine : Question of the Possibility of continuing to Apply the Mandate : Exchange of Views between the Members of the Commission.**

The CHAIRMAN requested his colleagues to express their opinion in turn on the conclusion set out in the third paragraph of the United Kingdom Government's Statement of Policy (Cmd. 5513)—namely, that the aspirations of the Arabs and the Jews in Palestine could not be satisfied under the terms of the present mandate and that, such being the case, some other solution was required for the Palestine problem.

M. PALACIOS understood that, now that the time had come for plain speaking, the Chairman wished to have the opinions of the members of the Commission ; so far as M. Palacios was concerned, he would, as usual, speak absolutely frankly.

If he had rightly understood the position, the Commission had met to consider a decision of the mandatory Power and to give an opinion on that decision. So far as he saw it at present, it seemed to consist of two distinct parts : (a) the termination of the present mandate for Palestine and (b) liberty to negotiate a partition which, according to the Statement of Policy, offered undoubted advantages. At the moment, only the first point was, he thought, under discussion—namely, the fundamental impossibility of applying the mandate. He would designedly deal only with the essential features of the question, so as to avoid in his reply any confusion or ambiguity.

As regards that first part of the problem, he was of opinion that no one was better qualified in the matter than the mandatory Power, whose authority was, in fact, indisputable. If the mandatory Power, which had created the mandate and had been administering it for the past twenty years, came before the League of Nations and said that the principles of the mandate were incompatible with one another, if it declared that not only had it been impossible to reconcile Arabs and Jews but that grave and sanguinary conflicts between them were constantly increasing, while the opposition of both parties to the United Kingdom Government had become more acute, if it proposed the termination of the existing mandate, M. Palacios did not see who could speak with sufficient authority on that point to contradict the mandatory Power. In theory, full discussion was, of course, possible : one might discuss whether the mandatory Power should or should not have followed the line of policy which it had followed ; one might seek to persuade the mandatory to introduce such correctives as seemed necessary ; one might even consider whether it might not be expedient to change the mandatory ; countless other questions might be brought forward. But discussion of those various contingencies would mean an idle and even dangerous departure from the real alternatives.

As a matter of fact the question under discussion was not whether, in view of the present state of affairs in Palestine, the existing mandate was capable of execution and whether it was advantageous or disadvantageous to maintain it ; the point to be considered was whether the decision of the mandatory Power was fixed and unalterable. If that were really the case—and so far there had been no doubt on the subject—if the British Parliament and the Government were agreed as to the impossibility of enforcing the mandate, by reason of the essential incompatibility of its terms, the Mandates Commission could only acquiesce in the statements made to it on that first point.

M. Palacios did not find the statements of the mandatory Power in any way surprising. For the past fifteen years, he had been pointing out difficulties which to-day had proved insurmountable. Other members of the Commission, the Marquis Theodoli in particular, had frequently voiced the same misgivings. The possibility of self-governing institutions and the Jewish National Home existing peacefully side by side on a footing of equality was invariably found to be impossible and incapable of practical realisation. Sir Herbert Samuel, to whom those considerations had been submitted in 1924, had told M. Palacios on that occasion that no grounds for fear existed and that the atmosphere was not explosive—just a few days before the incidents had occurred on the occasion of Mr. Balfour's visit. In the following year, <sup>1</sup> Mr. Ormsby-Gore had stated, in reply to similar questions, that " within ten years self-governing institutions would have grown up in Palestine in which both Jews and Arabs could co-operate ". M. Palacios was not so ingenuous as to think that either of those speakers was under any illusion : they had realised the difficulties even better than he had. They had simply been enunciating an admirable ideal ; but despite their good intentions and efforts, they had not been successful. In 1930, at an extraordinary session, the Mandates Commission, in view of the constantly growing difficulties, had ventured upon an interpretation of the terms of the mandate in a report to the Council which had been very much criticised even by the mandatory Power itself. If the detailed debates on the report had been rendered in the Minutes, his own remarks would have shown the opinion he had always held.

The mandatory Power was appearing that day before the world and before the Mandates Commission and was still of exactly the same opinion.

Whatever happened as a result of the deliberations at Jerusalem, London and Geneva, one thing seemed certain already : once the Royal Commission's report was approved, the present mandate was at an end.

But to what did such approval amount ? Had the idea been that the Balfour Declaration was the very soul of the mandate ? Was there not, as so many Jews had already openly insisted, a growing danger that the Declaration might also be relegated to Abraham's bosom ? It must be remembered that the Declaration contained the two elements now declared to be incompatible. The mandate only strengthened those elements by recognising, in its Preamble, the Jewish people's historical connection with Palestine and by making explicit mention, in Article 2, of self-governing institutions. The conflict over the execution of the mandate had simply been a conflict for the implementing of the promise made by Balfour to Lord Rothschild in his famous letter of November 2nd, 1917. That was a promise brought about by the momentary necessities of the war, as Lloyd George and others had told the Royal Commission. It seemed that, even before the Peace Conference, the British Government had already been opposed to the programme—in its view, an over-detailed and excessive programme—of the Zionists, who, burning to enter at last into possession of the Promised Land, were preparing

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<sup>1</sup> See Minutes of the Seventh Session of the Commission, page 105.

to defend their cause in Paris. The King-Crane report, although it had officially remained a dead letter, had not been without influence in strengthening the Government's tendency to restrict and moderate Zionist aspirations; for, as the members of the Commission sent to the East had said, "a National Home for the Jewish people was not the same thing as the transformation of Palestine into a Jewish State; nor could the creation of such a State be brought about without very serious prejudice to the civil and religious rights of existing non-Jewish communities in Palestine". The members of the Commission were of opinion that the programme in question could be brought about only by force of arms and insisted on the Wilsonian principle of free determination, which had also been mentioned in the National Pact of Angora at the beginning of 1920. Notwithstanding all those varying interpretations, notwithstanding isolated declarations of certain responsible British statesmen, the mandatory Power, adhering strictly to the letter of the Declaration, had always adopted an attitude of moderation consistent, it would seem, with the initial purpose of the Declaration.

Undoubtedly the authentic interpretation was that of the mandatory Power itself. But, notwithstanding that moderate interpretation, it had not been possible to make the two peoples live together in peace side by side with one another; the Arabs had always taken refuge in an attitude of resistance and the Jews had always been asking for more. M. Palacios did not think either that it would have been possible to secure harmony by force of arms. As was stated on page 373 of the Royal Commission's report: "It is not easy to pursue the dark path of repression without seeing daylight at the end of it".

The accredited representative had said, however, that the spirit of the Covenant and of the Balfour Declaration would be respected. How was his statement to be interpreted? Mr. Ormsby-Gore would no doubt still have something to say on that question, which led on to the second aspect of the problem. As regards the first point—the impossibility of applying the mandate—M. Palacios was in agreement with the mandatory Power.

Count DE PENHA GARCIA said that he would not approach the question from such a critical standpoint as his colleague, M. Palacios. Despite certain defects, the mandate had been in force for seventeen years. Taking an impartial view, it must be recognised that it had worked well as regards Trans-Jordan. The country had made progress, although slowly, towards the final aim of the mandate. As regards Palestine, it should be recognised that the Jewish Home had been constituted and had even made great progress. As to the Arabs, while they had not yet obtained independence, they had derived great moral, intellectual and material advantages from the mandate. A mandate was in its essence an institution of limited duration. The mandatory Power assumed certain responsibilities, but the essential aim of its administration was to prepare the country for self-government. A two-fold aim had been assigned to the Palestine mandate. At any rate since 1930, that double obligation had been recognised by the mandatory Power and by the League of Nations.

The mandatory Power had to promote the development of the Jewish Home and prepare Palestine to govern itself with independent institutions.

It was open to discussion whether the mandatory Power had used the most effective means to reconcile those two aims, the achievement of which presupposed a good understanding between Jews and Arabs. However that might be, disturbances had been frequent in Palestine, and opposition between Jews and Arabs had continually increased. Possibly not enough attention had been paid to the creation of independent administrative institutions and of economic organisations in which the interests of Jews and Arabs would have been combined. Perhaps no sufficient attempt had been made to create an Arab authority outside the strictly religious sphere.

In reality, authority had been entrusted in the case of the Jews to a colonisation agency of a confessional character; and in the case of the Arabs, to a Committee administering religious property and intervening in certain other cases. Thus, the religious aspect of the two sections of the population had been accentuated, and no attempt had been made to create a national feeling. The difference in economic power and even in civilisation between the two sections of the population had become more and more pronounced. Possibly an attentive study of those problems would have enabled the mandate to work with better results.

Three new factors had now supervened to aggravate the situation and make it still more difficult from the point of view of the Arabs—namely, the independence achieved or on the point of achievement in the case of other territories under A mandates, the progress of the Pan-Arab movement and the intervention of the Arab princes in the affairs of Palestine, and, lastly, the Royal Commission's statements, which seemed to condemn the present mandate. On the Jewish side, too, there was a new factor which made the situation more difficult—namely, the pressure exercised by certain States of Central Europe to get rid of their Jewish citizens. Account must be taken of these realities and also of certain political needs or circumstances affecting the mandatory Power. It could not be said that the mandate was unworkable; even with the present mandate, great changes could be prepared in the Palestine administration, but it was legitimate to enquire whether certain modifications in the mandate would not make it more effective.

Whatever modifications were made, however, if they were not accepted in good faith by the Jews and Arabs, the difficulties of working the present mandate would persist and further disturbances would have to be feared.

M. VAN ASBECK thought that, in answering the question put by the Chairman, the first step was to ascertain the meaning to be attached to the term "mandate". But was it not

curious that, after fifteen years of the mandate, one should be compelled to investigate its exact meaning ?

The Royal Commission had given an admirable account of what had taken place in the years preceding the drawing-up of the mandate. M. van Asbeck would point, in particular, to what the Royal Commission said, on pages 24, 25 and 26 of the report, as to the meaning of the mandate, and the intentions of the statesmen who had formulated the idea of establishing a Jewish National Home. Those pages clearly showed what had been the views of British statesmen. But those views had not been expressed with quite sufficient clarity either in the Balfour Declaration or in the State documents following that Declaration. The Royal Commission had explained why, but clearly showed at the same time that it was the intention of Lord Balfour and his colleagues to found in Palestine a State in which Jews might live their life in accordance with their own institutions and their own conceptions, and in which the Arabs and other non-Jewish populations should occupy the position of guaranteed minorities living, in their turn, their own life, due respect being paid to their civil and religious institutions. On November 2nd, 1919, on the occasion of the second anniversary of the Balfour Declaration, Sir Herbert Samuel spoke of a " self-governing commonwealth under the auspices of an established Jewish majority ".

The Balfour Declaration did not specify that what was really contemplated constituted a Jewish State, and the Royal Commission explained why it did not do so. M. van Asbeck need not go over that ground again ; but he noted the reluctance to accept the inevitable consequences of the decision to establish a Jewish National Home. The first vagueness was introduced then. Those consequences were not accepted in 1917 ; and in the successive declarations in 1922, when an Arab delegation was in London, the main question was again evaded—if he might be pardoned for using the term.

In that attitude, as M. van Asbeck saw the situation, there was implicit one of the underlying causes of the present disturbances. No less had the leaders of the Jewish majority in 1922 shown their unwillingness to say that the object was to found a Jewish State. They were content with a " National Home ", because they thought it was not possible to speak of a Jewish State when the Jews still formed a rather small minority in Palestine. It was not at that time wise, they thought, to say that the object of the Jewish National Home was the formation of a State, as Sir Herbert Samuel had said, under the auspices of a Jewish majority.

In 1922, the Churchill White Paper meant a further departure from the ideas underlying the Balfour Declaration. All the discussions—for example, in connection with the Arab petitions—as to the meaning to be attached to paragraph 4 of Article 22 of the Covenant, and all the statements as to the object of the Palestine mandate, were obscured and disturbed by the misunderstanding that had arisen over the Balfour Declaration and the Churchill White Paper.

When the fundamental charter—that was to say, the actual mandate—was examined, it was clear from Article 1 that Palestine had not constituted and did not, in fact, constitute an A mandate, according to the principles laid down in Article 22 and the form observed for other A mandates. There was, for example, no national Government assisted and advised by a mandatory Power ; there was a Government of the mandatory Power itself only, a Crown Colony Government, consisting of its own officials, as the Royal Commission had pointed out, and Mr. Hall had observed in his explanations.<sup>1</sup> That form of Government, administered by officials under the ultimate authority of the Secretary of State in London, did not in any way represent what the authors of the Covenant and of the other A mandates had in mind. Nor would a national Government of the mandated territory exercise administrative powers ; they would belong to the mandatory Power itself.

Any discussion of the question whether the mandate for Palestine was in accordance with the Covenant was therefore bound, it would seem, to be futile, because there was no solid foundation on which such discussion could be based but only contradictory terms ; the disputants were at cross-purposes.

The meaning, however, which the Mandates Commission at first attached to the principle of the Jewish National Home and the emancipation of Palestine was apparent in the order of the questions in the list (included in the annual reports on Palestine) concerning the Jewish National Home :

(1) What measures have been taken to place the country under such political, administrative and economic conditions as will secure the establishment of the national home of the Jewish people ? What are the effects of these measures ?

(2) What measures have been taken to place the country under such political, administrative, and economic conditions as will secure the development of self-governing institutions ? What are the effects of these measures ?

Consequently, in the view of the Mandates Commission, during its early years, at the time when it drafted the list of questions, this problem of self-government was one element or part of the important issue of the establishment of the Jewish National Home. Self-governing institutions were to be developed within the National Home. A Jewish National Home, in short, with self-governing institutions, was taken—in full accordance with the intentions of the authors of the Balfour Declaration—as the final aim to be attained after an intervening period of development—self-governing institutions in which minority groups would, of course, have their due share as guaranteed minorities.

<sup>1</sup> See page 153 ff..

Putting on one side for the moment all that happened later, it must be admitted that the Mandates Commission, when it drafted the list of questions, was giving effect to the initial ideas and intentions of the authors of the Balfour Declaration.

On page 42 of its report, the Royal Commission stated that "the forcible conversion of Palestine into a Jewish State against the will of the Arabs" was quite another thing from fostering Jewish immigration in the hope that it might lead to the creation of a Jewish majority and the establishment of a Jewish State. By those words, the Royal Commission had introduced into its discussion of the mandate and of the policy of the mandatory Power the element of the consent of the native population—that was to say, of the Arabs; whereas the purpose of the mandate, as he understood it from the Balfour Declaration, was, on the contrary, to impose on the territory known as Palestine such conditions as would promote the establishment of the Jewish National Home and, ultimately, of the Jewish State, irrespective of the feelings of the indigenous inhabitants of the country.

On page 39 of its report, the Royal Commission stated—and it did so nowhere else in clear and unmistakable language—that "the *primary purpose* of the mandate as expressed in its preamble and its articles is to promote the establishment of the Jewish National Home".

This primary purpose, if taken in its full meaning, must affect all the articles of the mandate and all the measures to be taken thereunder. A *primary* purpose, in fact, excluded the idea of a double obligation of *equal weight*.

It was in 1924—if M. van Asbeck rightly understood the Minutes of the Mandates Commission—that the idea of a double obligation was first mooted. However, the term "of equal weight" was not then used. Later, in 1930, the accredited representative of the United Kingdom Government referred to a statement made by the then Prime Minister, Mr. MacDonald, in the House of Commons on April 3rd, 1930, which gave that dual obligation a more concrete and definite form.<sup>1</sup> It was at that extraordinary session of the Mandates Commission on the 1929 disturbances that the idea of two obligations of *equal weight* assumed its present form; and that statement by the Mandates Commission was accepted with satisfaction in the Passfield White Paper of October 1930. Since that time, public opinion and legal interpretations had attached still further meaning to that formula.

If the application and continuation of the mandate were to be discussed, the meaning to be attached to the mandate must first be ascertained. Was that meaning to be the one it had in 1917, the meaning given to it by the original author of the Balfour Declaration—namely, a Jewish self-governing State? Or was it to be that other meaning, the conception, that was to say, of the mandate as involving two obligations of equal weight? The latter conception was based mainly on Article 2 of the mandate. The now prevalent idea was that on the one hand, as regards the Jews, there was the obligation to establish the Jewish National Home, while on the other hand, as regards the Arabs, there was the equal obligation to promote self-governing institutions.

M. van Asbeck apologised for going back to a subject which had already been discussed at a time when he was not a member of the Mandates Commission; but there seemed to him to be an inherent contradiction in this argument in regard to two obligations of equal weight. There was no need for him to say any more about that inherent contradiction, because it was the main theme of the Royal Commission's report. That report insisted time after time, and in connection with every subject it touched, that there was a two-fold obligation which involved a contradiction. That contradiction, it explained, was particularly conspicuous in connection with the proposal to endow the country with autonomous institutions, because, if the Legislative Council had an Arab majority, that meant the end of the Jewish National Home, while, if it had a Jewish majority, that meant the end of Arab aspirations to self-government in the sense they attributed to paragraph 4 of Article 22 of the Covenant.

If therefore the meaning of the mandate, as accepted since 1930 by all the parties concerned (except the Arabs)—namely, as containing a double obligation of equal weight—was to be adhered to, the mandate was, he thought, unworkable. It could not be continued for the reason that the mandatory Power could not be asked to ignore the unbridgeable conflict between Jews and Arabs, of which there was ample evidence in the petitions addressed to the Mandates Commission in 1929 and 1930, as well as after the disturbances and after 1930, and especially in the latest petitions of 1936 and 1937.

But if, on the contrary, the League of Nations were to revert to the concept of the mandate held in 1917 and the following years, then the mandate would appear to be workable, provided, however, that a strong government was imposed on the country and the necessary action taken and force, if necessary, applied. And that situation would, on account of the fierce opposition of the Arabs and the unsettled state of the country, have to last for some decades! Antagonism between Jews and Arabs seemed so deep and strong that it could not be overcome by persuasion or reconciliation, but could only be removed in the long run, the very long run, by a common authority imposed from outside.

One could not help thinking in that connection of the evolution of India. There, also, two races, two world religions, two civilisations had come to confront each other, and the British authorities had found incumbent upon them the task of imposing peace and order. Under the ægis of British rule, an Indian nation had evolved only after a slow process of political development extending over centuries. After far more than a century of British rule, an Indian nation had gradually evolved, and was now about to make the first real step on the road towards self-government. Nevertheless, it was noticeable that, within the framework even of

<sup>1</sup> See Minutes of the Seventeenth Session of the Commission, page 121.

the recent Organic Law of 1935, certain functions, certain exceptional powers, were reserved to the British Governors in times of emergency, in order to enable them to safeguard peace and order, to impose them if necessary.

In Palestine, at this initial stage, the mandate, if it should have to continue, must be a B—and not an A—mandate. What in India by now had become exceptional powers of the British executive would, in the event of the mandate being continued, have to be the normal British mandatory powers; the Government could not be one “by consent” of the governed, but was still to be imposed. The mandate was to be carried out by an authority acting in virtue of its superior powers—that was to say, its superior material and military means—even without regard to any evolution that might be proceeding in the Arab countries adjoining Palestine. In that way, there could, perhaps, develop in the long run, by force of circumstances, a Palestinian citizenship.

If, therefore, the League reverted to the mandate as it was conceived of in 1917 and the following years, it would be deciding for a policy of “de-arabisation” of the country. There would, in the end, be a Jewish majority capable of administering a Jewish State, with an Arab minority guaranteed within the framework of the League of Nations. The attainment of that end would require government by force, which would have to last until, by gradual evolution, a Palestinian nation had come into being.

In M. van Asbeck's view, the vital question was, first, whether the League would be willing to approve of a government of the colonial type to convert Palestine into a B mandated country in the fullest sense of the term—the “mandate charter” would have to be modified—and, secondly, whether the United Kingdom, as the mandatory Power, was prepared to accept a mandate of that type, and to proceed to inaugurate a period of colonial government, such as was imposed at the present time in territories under B mandate, in Kenya and elsewhere, and had been imposed during the previous century in India?

If so, if the League and the mandatory Government accepted this form of administration, and by implication the final aim of such administration and the specific means to the attainment of that aim, the mandate must be regarded as workable. If not, the present mandate should give place to a new dispensation. Otherwise, if the interpretation of two obligations of equal weight were maintained, there would remain an intrinsic conflict in the terms of the mandate itself, the effect of which would be enhanced by the natural and age-old antagonism between Jews and Arabs. In that case, it must be admitted that the mandate was no longer workable and that there could be no question of its continuance.

M. GIRAUD thought that the Commission was faced with a very definite situation. The Council of the League had referred to it a request by the United Kingdom Government. The first step therefore was to ascertain what that Government expected from the Council's request for an opinion.

At the meeting of the Commission on July 31st, Mr. Ormsby-Gore made a long statement on the United Kingdom Government's view of the Council's request. He made it quite clear that the Mandates Commission was not asked to submit a solution at the present session; that was left to a later stage.

Having regard again to what Lord Hailey had said, on the previous day, M. Giraud concluded that the United Kingdom Government was merely applying to the Mandates Commission for authority to seek a solution outside the mandate. That seemed to simplify the question. The Commission need not examine a variety of solutions (partition, cantonisation, parity, etc.); it need only consider whether the mandate was workable under present conditions in Palestine as described by the Royal Commission.

It would therefore be very interesting to know whether the United Kingdom Government considered that the mandate was unworkable, even with amendments in the light of the new ideas put forward by that Government.

If the United Kingdom Government's reply was categorical, if it refused to employ force because to do so would arouse the opposition of public opinion throughout the world, and if, in its opinion, the mandate could not be maintained without the use of force, it would be difficult for the Commission to do otherwise than face the situation thereby indicated.

If the mandatory Power considered that the mandate could not continue, even with amendments embodying the detailed recommendations which the Royal Commission put forward in Chapter XIX—at the same time describing them as palliatives which might calm the grievances of the Jews and Arabs for a time, but would never avail to solve the question—it would be difficult for the Commission not to accept the position. M. Giraud was of opinion that the United Kingdom Government, with over fifteen years' experience of the mandate behind it, was better qualified than the Commission to say whether the mandate, even with amendments, was workable or not. It was a question of fact and not of theory. The question was whether the mandate was, in fact, applicable. If the United Kingdom Government, after studying the Royal Commission's report and examining all possible means of remedying the evils of the present situation, took the view that the mandate could not in any circumstances be continued, the Mandates Commission could not do otherwise than conclude that a solution must be sought outside the terms of the mandate.

M. RAPPARD said that, as he had been entrusted with drafting the report, in conjunction with Count de Penha Garcia and M. Sakenobe, he would rather hear first the opinion of the other members of the Commission.<sup>1</sup> But he felt that the moment had not come to

<sup>1</sup> See page 108.



draw conclusions. It was clear that what the members of the Commission were saying now was not their last word; the question would be open for discussion after they had heard Mr. Ormsby-Gore.

The CHAIRMAN said he had submitted to Mr. Ormsby-Gore in writing a question which, in his opinion, was of great importance—namely, whether the mandatory Power still considered itself morally in a position to administer Palestine under the existing mandate. If Mr. Ormsby-Gore's reply were not that which the Chairman expected, the latter might be led to modify his view.

For the moment it seemed to him that the problem might be summarised as follows: At the point to which matters had been brought—less perhaps by the effect of the terms of the mandate than by the way in which its provisions had been applied—the maintenance of the mandate would necessitate the indefinite postponement of the establishment of "self-governing institutions" provided for in Article 2 and would hinder the execution of the other essential obligation of the mandate—namely, the promotion of the development of the Jewish National Home. The maintenance of the mandate in its existing form would make Palestine a permanent scene of disturbances and perhaps of a violent conflict between the two elements of the population, which, as was known, were still armed. In those circumstances, the mandate could be carried out only under a permanent threat of resort to force by the mandatory Power. That was the first conclusion that seemed to follow, not merely from the disturbances of 1936, but even more from the experience of previous years.

Further, the very definite position adopted by the mandatory Power in its Statement of Policy seemed to have dealt a mortal blow at the mandate in its present form. Having associated itself unreservedly with the Royal Commission's demonstration of the impossibility of operating the mandate, the mandatory Power could no longer continue to carry out obligations that it had declared to be impracticable, with the minimum of faith in the virtues of the mandate necessary for its successful application. Such a conviction could be shown only by another Mandatory, and there was no question of changing the Mandatory.

If it were shown to be impossible to apply any other solution to the Palestine imbroglio, the Chairman would admit that, for want of a better alternative, it was necessary to continue the application of the existing mandate. But if that had to be, he would apply to the decision the judgment passed by Mr. Winston Churchill on the partition scheme, and would say that the maintenance of the existing mandate would be a solution of despair.

The Chairman wished to point out that he himself by no means precluded the possibility of maintaining the mandatory regime in Palestine under a mandate charter modified in the light of the lessons learnt from events.

Mlle. DANNEVIG had always based her opinion of the mandate on the text as it was conceived in 1917 and 1922, and as it was then understood throughout the world. The conception of the mandate had, however, been modified to a certain extent in 1930, as a result of the attitude of the United Kingdom Government, but also as a result of what was accepted at that time by the Mandates Commission.

She concluded that the very difficult position in which the mandatory Power now found itself was due to several reasons. One of them, as had been suggested, might be that the mandatory Power had been too lenient in its efforts to promote agreement between the two peoples in Palestine. Another reason was that the wording of the Balfour Declaration and the mandate was ambiguous. To her, the main meaning of these documents seemed clear; but it supposed co-operation between Arabs and Jews, which had utterly failed. She could not but note that the promise to the Jews was put in a principal clause, and the guarantee to the Arabs in a subordinate clause. But she saw that the whole issue had now become a question of high politics; and the application of the mandate was dependent, not only on what was going on in Palestine, but on what was going on in other countries, and on the political situation of the United Kingdom Government.

Mlle. Dannevig would not venture, under those circumstances, to express a definite opinion as to whether it was possible for the mandatory Government to carry out its policy in Palestine in conformity with the mandate or not. The considerations which presented themselves to her were the following: She would be absolutely opposed to any policy which implied a resort to warlike military measures. She had believed in the mandate. She would be very sorry if the mandate, which had given so much hope to millions of suffering people, were to put the Jews in such a position that they would be in danger of forfeiting the results of all the admirable work they had been doing for the last fifteen years under the mandate. In her opinion, an important question in case of partition was whether the Jews would be better defended in the small State which was to be given to them under partition than they were under the mandate. Would they be able to hold their own in such a small State? Would partition facilitate future agreements between Arabs and Jews? Her views on the subject had been somewhat changed by what had taken place at Zurich. If the promise given in the mandate could be kept, by negotiations in regard to a partition scheme, in a way that satisfied the Jews themselves, that was a consideration to be taken into account.

When Mlle. Dannevig began to study these questions, her natural sympathy was with the Arabs, as a people whose country had been thrown open to the immigration of aliens. Jews and Arabs were cousins; but they had a very different history behind them, and had developed on

very different lines. Having studied the problem in the Mandates Commission, she had come to see how, after the war, the Arab aspirations for liberty and self-government had been largely fulfilled by the foundation of a number of self-governing Arab States, whereas the National Home which had been promised to the Jews was in danger. And she had come to the conclusion that it was the Jews who had suffered most. The Arabs of Palestine, who always represented themselves as part of the great Arab nation, had not, after all, in her opinion, been subjected to as great an injustice as might at first appear. The principal thing now was to find a solution which might bring peace and satisfaction to all the inhabitants of the Holy Land, because that solution was as impartial and just as possible under the circumstances, and taking into account the desperate position of millions of Jews.

Lord HAILEY said that his position was difficult because, with every desire to show that perfect detachment which became a member of the Mandates Commission, he could not forget he was himself a member of that public which would have to stand the consequences of any decision the Council and the United Kingdom Government might take between them in regard to the future government of Palestine. As a member of that public, he might be compelled for many years to submit to the irritation of criticisms, such as had been heard before, of the conduct of affairs in Palestine. He might have to share in that loss of prestige which would arise from the attempt to carry on what the United Kingdom Government itself had now found was an impossible task.

He personally did not attach much importance to the fact that at one time the United Kingdom Government believed it was in a position to carry out the mandate as it originally interpreted it, or that various British statesmen did not foresee the incompatibilities now seen to be inherent in the mandate, with the consequence that they had now had to confess themselves mistaken. The great affairs of life were not settled by desires and intentions, but by the dynamic force of circumstances; and countries would be the losers, if their statesmen were unwilling to yield to the argument of experience.

It might seem to some that the confession of the United Kingdom Government of its inability to carry out its original intentions involved in itself a loss of prestige. But that confession was a characteristically British declaration; they were a big enough people to be able to face the fact that a policy to which they had committed themselves must be modified. It was not the first time in the history of the British Empire that the United Kingdom Government had had to confess that the course it had set was leading itself and others into such difficulties that it was compelled to abandon it, and had said so openly and without hesitation.

Lord Hailey thought most of the British public, if they came to the conclusion that the task they had undertaken was one they could not honestly carry out, would prefer to face any loss of prestige that might be involved in confessing that fact rather than attempt the task of hanging on to a course which they knew to be undesirable and bound to bring unhappiness alike to themselves and to a large number of other people.

If he had ventured to speak as a member of the British public, it was because he felt that, whatever might be the resolutions of the League of Nations, they must be such as to carry conviction to the British public; the ultimate decision must, in fact, be bilateral.

Lord Hailey then passed to the particular question asked by the Chairman, whether the continuance of the mandate in its present form was feasible or not. The answer to that question depended at bottom on a decision whether the objective of the mandate was to be understood as the establishment of self-government in Palestine on the ordinary principles of self-government—namely, popular representation and Ministries responsible to a majority. Most people in Great Britain had taken that objective as being implicit in the terms of the mandate; and he believed that the greatest contribution which the Mandates Commission and the Council could now make to the very vexed and troublesome issues with which they were faced would be a clear declaration on that point. Hitherto, the point had never been clearly stated; and much of the trouble that had arisen was due to the prevailing uncertainty as to whether that was, or was not, the ultimate—and, if possible, the early—objective of the mandate. If that really were the objective, it might, no doubt, be attainable by means of a policy of what M. van Asbeck had himself described as “Crown Colony” government maintained, until such time as the mandatory Power was satisfied—it might be, after a century of rule, as in the case of India—that conditions had arisen in which self-government could be introduced.

But what would such a policy mean? It would inevitably mean yielding to the force of Jewish claims, and to what was perhaps the very natural ambition of the Jewish people, to the extent of interpreting self-government as meaning government by a majority of Jews—in other words, as M. van Asbeck had said, the de-arabisation of Palestine. Lord Hailey did not think that this was compatible with the Churchill Declaration of 1922, and he doubted whether it was compatible with the terms of the agreement reached by the Mandates Commission in 1930. He was not, however, concerned with questions of interpretation, but with a question of substance: was it likely that the United Kingdom Government would undertake any such task? That, after all, was the dynamic fact. Whatever the Mandates Commission or the Council said, was it likely that the British people would agree to undertake the task of holding



Palestine down, until there was such a majority of Jews that they could entirely overcome any Arab political opposition? Personally, he did not think so.

There was, of course, the suggested alternative of parity: but, having had many years experience in a province where Hindus and Mohammedans were almost equally balanced in numbers, he was aware of the great difficulty involved in that alternative. The "parity" alternative was, in fact, almost a contradiction in terms, inasmuch as it would inevitably imply the existence of some third party to solve the difficulties of the two "paritative" elements: in other words, it would amount to permanent continuance of the mandate or some analogous form of government.

Some form of proportional representation might perhaps be tried within the terms of the mandate. India was well accustomed to a system of communal representation designed to reflect either the actual proportions of the voters or the assumed proportions of the interests concerned. But there were obvious difficulties to such an arrangement in Palestine. He could see no circumstances in which it would be accepted either by the Jews or by the Arabs: and the continuance of a State under a system of communal representation, where the two parties were so radically antagonistic, presupposed the presence of a third party, if not in complete and everyday control, at least with large reserved powers.

It was when one looked at the problem, not so much as a problem of day-to-day administration, or even as a problem involving perplexing and difficult questions in the maintenance of order, but rather as a problem of the future political development of the country, that one was forced to the conclusion that what had been assumed to be the objective of the mandate was in fact unattainable. Lord Hailey did not want at the present juncture to indicate what particular modifications of the mandate he would suggest. That was not the question at present before the Commission. His feeling was that it should be left to the mandatory Power to explore the various possibilities. But this much Lord Hailey could say: that he regarded the mandate as unworkable, not merely because of recent experiences, not merely because there had been riots and disturbances, but because the future political development of the country was essentially and intrinsically impossible on the lines which appeared to be implicit in the mandate.

The CHAIRMAN noted that all the members of the Commission had expressed their opinion except M. Sakenobe, who was temporarily absent. M. Sakenobe would be invited to communicate his view on his return to Geneva.

The Chairman added, as indeed had already been said during the exchange of views, that each member of the Commission reserved the right to change his point of view after having heard Mr. Ormsby-Gore.

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## TWENTY-FIRST MEETING.

*Held on Thursday, August 12th, 1937, at 5 p.m.*

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### **Palestine: Replies by Mr. Ormsby-Gore to the Supplementary Questions put in Writing by the Members of the Mandates Commission.**

Mr. Ormsby-Gore and Mr. Hall came to the table of the Commission.

POSSIBILITY OF CONTINUING TO ADMINISTER PALESTINE UNDER THE EXISTING MANDATE (*continuation*): APPLICATION OF THE PALESTINE DEFENCE ORDER-IN-COUNCIL OF 1931: POSSIBILITY OF AN UNDERSTANDING BETWEEN THE VARIOUS ELEMENTS IN PALESTINE: PLAN OF PARTITION OF THE TERRITORY (*continuation*): PETITIONS.

The CHAIRMAN said that the Mandates Commission had felt some hesitation in asking Mr. Ormsby-Gore to return to Geneva. He hoped that, when he left, Mr. Ormsby-Gore would take with him the impression that his presence at Geneva was really necessary for the satisfactory accomplishment of the Commission's work.

Mr. ORMSBY-GORE replied that, when leaving Geneva, he had undertaken to return if the Commission so desired. He fully realised that the double fact that the Mandates Commission was meeting so soon after the publication of the Royal Commission's report and that such far-reaching issues had been raised both in that report and in his statements at previous meetings doubtless explained why the Commission was reluctant to adopt decisions without asking him further questions.

The CHAIRMAN explained that, as decided at a previous meeting,<sup>1</sup> several members of the Commission had put in writing certain questions which they proposed to ask Mr. Ormsby-Gore and had communicated them to him in order to be of assistance to him.

Mr. ORMSBY-GORE proposed to deal first with the most fundamental question asked—namely, M. Orts' third question—taking with it also one of M. van Asbeck's questions and M. Rappard's first question.

The Chairman's third question read :

“ Paragraph 3 of the Statement of Policy (Cmd. 5513) says :

“ ‘ In the light of experience and of the arguments adduced by the Commission . . . ’

“ His Majesty's Government ‘ are driven to the conclusion that there is an irreconcilable conflict between the aspirations of Arabs and Jews in Palestine, that these aspirations cannot be satisfied under the terms of the present mandate, and that a scheme of partition on the general lines recommended by the Commission represents the best and most hopeful solution of the deadlock.’

“ In view of this declaration, does the mandatory Power think it would still be morally possible for it to administer Palestine under the present mandate in the event of the League of Nations taking the view, after consideration, that the mandate should continue ? ”

M. van Asbeck's first question was :

“ As late as September 7th, 1936, the United Kingdom Government declared that a solution of the dispute must be sought for in the execution of the mandate. What events have led to the abandonment of these views and the adoption of the negative opinions on this subject of the Royal Commission ? Or is the Commission's report itself to be regarded as the decisive reason ? ”

M. Rappard's first question was :

“ The Royal Commission tends to consider that the maintenance in force of the present mandate would necessarily entail ‘ constant repression ’ (page 373) and even ‘ perpetual hatred, strife and bloodshed ’ (page 375). The dilemma would therefore be such a policy or one of partition.

“ Does the mandatory Power adopt this view ?

“ Or does it admit that an administration of the present mandate in a spirit that would leave no doubt in the minds of the Arabs as to the sincerity of ‘ the British determination to implement the Balfour declaration ’ (Chapter XIX, paragraph 1 in fine, page 363) would be workable without ‘ constant repression ’ ?

“ Or, if not, does it consider that such an administration would have been workable, if set up and maintained since 1920 ? ”

The CHAIRMAN wished to explain what he had meant in his third question by the words “ morally possible ”. He had meant to say : “ Could the mandatory Power, after its declarations, still administer Palestine in accordance with the present mandate with sufficient conviction to ensure the success of an administration on the basis of the mandate ? ”

Mr. ORMSBY-GORE appreciated the Chairman's explanation, and would answer accordingly.

It was his belief that, in view of the actual wording of the Royal Commission's report, and in view of the mandatory Power's declaration that a deadlock had arisen and that its hopes of seeing Palestine evolve into a self-governing State where Jews and Arabs would have reconciled their differences had not been fulfilled, and in view of the fact that neighbouring Arab States had intervened, and in view of all the efforts sincerely made to work the mandate as drafted, he was satisfied that no British Government could administer Palestine on the basis of the existing mandate without considerable alterations.

He was not speaking solely for the Government. No British House of Commons, he believed, would, in the long run, support the Government of the day, however composed, in a continued policy of repression, having regard to the facts set out by the Royal Commission and the declared intention of the present Government to seek from the League authority to change the mandate. There would not, in his view, be any prolonged conviction or authority, political or moral, behind any policy relying solely on the existing mandate.

Mr. Ormsby-Gore wished to point out in that connection that, hitherto, certain fundamental questions had been left vague—for example, as regards the interpretation to be placed on the Balfour Declaration itself. The first attempt to define it had been made in Mr. Churchill's White Paper of 1922. The next attempt was that made by the Labour Government in 1930 (the Passfield White Paper). In that year, the United Kingdom Government decided (and conveyed its decision through the Mandates Commission to the League) that the proper interpretation—which had possibly been assumed before, but had not till then been defined—

<sup>1</sup> See page 160.

of the Balfour Declaration was that it constituted a dual obligation to the Jews on the one hand and to the Arabs on the other, and that those obligations were of equal weight. The effect of the Royal Commission's report had been to bring out the fact that the Balfour Declaration itself was a compromise, that there were people like Mr. Balfour, who were pre-Declaration Zionists who had always envisaged the creation in Palestine of a Jewish State. Once the question of a Jewish State, as an interpretation of the Balfour Declaration, had become clear to the world, then all possible vaguenesses had to be set aside, and one was faced with the fact that the mandate had to be interpreted in the sense that the object of the mandate had been and still was to develop, first, a Jewish National Home with the idea of it eventually becoming a Jewish national self-governing State. That had emerged, and emerged clearly, into the light of day for the first time, and the fact was now known to both Jews and Arabs. Mr. Ormsby-Gore therefore did not think that it was possible to return either to the position as it was immediately after the issue of the mandate in 1922 and the interpretations as then advanced or to the interpretation of 1930. As he had already said, the Mandate had now to be reconsidered in relation to Article 22 of the Covenant. What was the aim, the "avenir" in Palestine? That was the question raised, and, once raised, it had to be answered. He was quite sure, however, that, within the articles of the mandate as at present drafted, there was no such answer unless it could be said to be found in Article 2 of the mandate, which imposed upon the mandatory Power the duty of developing self-governing institutions other than municipal. That being the fundamental fact, it seemed to him impossible to return to a position where either the mandatory Power or the League could say: "We stand on the text as drafted in 1920".

The Royal Commission had used a very striking phrase in this connection on page 2 of its report, where it said that the conflict between Jews and Arabs was not a conflict between right and wrong but a conflict between two rights. That fact having been stated, it was essential, in the view of the mandatory Power, to solve the problem thereby created.

Before passing to M. van Asbeck's question on that point, there was perhaps one thing he should add. For better or worse, the people of Great Britain were a liberal and democratic people, and when they were told, and when a Government agreed, that the conflict was between right and right and not between wrong and right, the British people could not for long be persuaded to use military force to settle a conflict between right and right. As he had told the Mandates Commission at an earlier stage, two forces operated on public opinion in England in such matters: on the one hand, there was the desire to help the suffering Jews of Europe, and, on the other hand, there was a considerable volume of opinion, formerly represented mainly by the Liberal Party but now shared by all, which stood for the inherent rights of an indigenous native population. The growth of that opinion in relation to Africa, to India, and elsewhere—wherever the British Empire was in contact with non-British people—was steady, and therefore the military repression of either Jews or Arabs was not likely to prove acceptable to Great Britain and the United Kingdom Parliament. Accordingly, a political solution of what was essentially a political problem had got to be found.

To deal more particularly with M. van Asbeck's question, Mr. Ormsby-Gore had just said that the British were a liberal and a democratic people. They were also, in political matters, a practical people, and no considerations of prestige or the like deterred them from changing their views. They had often done it before; they had had prolonged political controversies about it, but when they were convinced that a policy drawn up with the best intentions twenty years ago, or even fifteen years ago, was working very badly—very badly from the point of view of Great Britain, badly from the point of view of the Jews and badly from the point of view of the Arabs—they did not hesitate to say so and to seek to change that policy.

M. van Asbeck had asked Mr. Ormsby-Gore why he had said in the House of Commons last September, and why the Cabinet, in issuing its Statement of Policy when it sent the division out to Palestine to deal with the disturbances, had said that a solution must be sought for in the execution of the mandate. That was then the view of His Majesty's Government; but, even if it had not been its view, it was dealing with an actual revolt, and it would have been impossible to go on suppressing that revolt and to add another division of troops and to prepare for martial law and then to have admitted that it was wrong. It was quite obvious that, even if the United Kingdom Government had then been convinced, by successive Arab risings in Palestine and by all that had happened last year, by what the Shaw Commission had said, by the difficulties that it had had in Palestine from the beginning in its sincere endeavour to implement the mandate, that was certainly not the moment, when law and order had to be restored, to admit failure.

Excellent as the intention had been, the mandate as now drafted had failed as a political instrument either to satisfy Jewish or Arab aspirations or the mandatory Power's hopes, and it was now the considered view of His Majesty's Government that it was desirable, in the interests of all three and, more than that, in the interests of the whole of the Near East, that a solution of the Palestine problem, in the light of present knowledge, should be found.

The first part of M. Rappard's question was answered by what Mr. Ormsby-Gore had already said. M. Rappard put it in this way: "The dilemma would therefore be such a policy

(of repression) or one of partition. Does the mandatory Power adopt this view?" Mr. Ormsby-Gore's answer to that was "Yes", with the qualification, which he had made clear throughout, that the United Kingdom Government had never said that partition was the only conceivable solution; it had said that, in its opinion, and in the light of the Royal Commission's report, partition represented "the best and most hopeful solution". The United Kingdom Government did not wish to explore other solutions unless and until it had been shown that a policy of partition was, for one reason or another, impracticable.

The second part of M. Rappard's question read: "Or does it admit that an administration of the present mandate in a spirit that would leave no doubt in the minds of the Arabs as to the sincerity of 'the British determination to implement the Balfour Declaration' would be workable without 'constant repression'?" Mr. Ormsby-Gore was confident that, if the Mandates Commission decided not to explore a political solution of the deadlock and to continue the administration of the present mandate—even assuming that British public opinion supported that view—not only would it involve constant repression but all the difficulties experienced in recent years would be intensified.

M. Rappard's question continued: "Or, if not, does it consider that such an administration would have been workable, if set up and maintained since 1920?" Mr. Ormsby-Gore did not admit that successive Governments of the United Kingdom had not tried their best to implement the existing mandate.

M. RAPPARD pointed out that the wording of his question was quoted from the Royal Commission's report.

Mr. ORMSBY-GORE reiterated his firm conviction that successive Governments of the United Kingdom had tried to administer the mandate. From 1922 to 1930, they had tried to carry it out as defined in the Churchill White Paper. Since 1930, they had tried to carry it out on the basis of the dual obligation of equal weight. It should be clearly realised that no United Kingdom Government, at any time since the mandate was issued, had ever agreed to the policy of creating a Jewish National Home without regard to the civil and religious rights of the non-Jewish inhabitants, and that the mandate had never, in the opinion of the United Kingdom Government, been merely an instruction to impose a Jewish political government on the non-Jewish population of Palestine. That might have been done in the beginning, in time of war; but, given freedom of criticism and of discussion, and the fact that it was a temporary mandate preparing for a self-governing State or States, Mr. Ormsby-Gore did not believe that any country could have made a better job of the mandate than had the United Kingdom. He admitted that it had not been successful; but he believed that any other country, faced with the forces at work in Palestine and throughout the world—in Central Europe as far as the Jews were concerned and in the Arab world owing to the latter's evolution from the regime of dependency to a regime of freedom—would have found its administration, however organised, faced by the same impasse as that experienced by the present mandatory Power last year.

M. VAN ASBECK asked if he had rightly understood Mr. Ormsby-Gore to mean that the difficulties were due to efforts to impose Jewish government on an Arab population.

Mr. ORMSBY-GORE said he had meant the imposition of Jewish government over the whole of Palestine, where the Arabs were in an overwhelming majority. He was sure that if the mandatory Power had attempted, in the early years of the mandate, to propose the solution of Jewish political rule and the early termination of the mandate, there would have been an Arab rising even more extensive than that which took place in 1936.

M. RAPPARD wished to explain his question, as he realised that it might perhaps have seemed unduly impertinent considering the position of the Mandates Commission in relation to the United Kingdom Government. For that reason, he had based his question on a declaration of the Royal Commission, which, given in full, was the following (page 363):

"This uncertainty has aggravated all the difficulties of the situation and, in particular, has (a) stimulated the Jewish desire to expand and consolidate their position in Palestine as quickly as possible and (b) made it possible for the Arabs to interpret the conciliatory policy of the Palestine Government and the sympathetic attitude of some of its officials as showing that the British determination to implement the Balfour Declaration is not sincere."

M. Rappard had not meant to say that it was not sincere; his question had been designed to discover if that feeling could have been overcome by a different administration of the present mandate.

Mr. ORMSBY-GORE proposed to deal next with the Chairman's first question, reading :

“ From the explanations given by Mr. Ormsby-Gore at the eighth and ninth meetings, it appears that among the circumstances which prevented the disturbances from being put down more promptly was the fact that the Palestine Defence Order-in-Council of 1931 conferring extraordinary powers on the High Commissioner left intact the power of the courts to judge the legality of the Emergency Regulations issued by the High Commissioner and the application of those Regulations. The Order-in-Council of 1931 was amended on September 26th, 1936, by the introduction of two new articles for the purpose of removing this difficulty by stipulating that the measures taken in virtue of the Order-in-Council of 1931 could no longer be challenged in the courts. As the application of martial law appeared to be the most effective means of restoring order, why did the Government wait until the end of September—five months after the outbreak of the disturbances—before issuing the Order-in-Council amending that of 1931 ? ”

Referring to the last sentence of the first question, Mr. Ormsby-Gore wished to make it quite clear that the reference was not to the Palestine Administration but to the action of the Government in London. As he had taken over responsibility about six weeks after the outbreak, he could not discuss what had been in the mind of the Government before that date ; but in June and July, it certainly had been the Government's policy to avoid, if possible, the use of martial law and to avoid the kind of military repression which, in its opinion, would have left a long-lasting feeling of bitterness among the Arabs of Palestine both against the United Kingdom and against the Jews.

The Mandates Commission had heard from Mr. Hall an account of the successive phases of the revolt of the previous year. Mr. Ormsby-Gore remembered that, during the first few days after he had taken office, he had been encouraged to hope that the Government had within its powers, within the number of troops in Palestine and within the steps that were being taken by the High Commissioner and the military authorities on the spot, the necessary authority and force for dealing with that phase of the revolt, which affected towns and means of communication. In fact, during the summer, the Government had felt that it was gradually mastering that phase of the revolt. It was not until the summer had advanced that active revolt, including the appearance of organised bands, mainly Palestinian it was true, but also containing Arabs from outside Palestine, and based upon the villages and the mountains in the north, the centre and the south of the country, had become the characteristic feature of the rebellion. Therefore, at the end of August or beginning of September, the members of the Cabinet were called back from holiday and Mr. Ormsby-Gore reported on the situation and, in view of the character which the revolt was assuming, advocated the establishment of martial law and the adoption of more repressive measures. That was agreed to, after the necessary consultation with the General Staff, which had advised the Government that nothing short of the despatch of a complete division would be sufficient to deal with the disorders and to replace the civil by a military administration.

The decision to send a division to Palestine, announced on September 6th or 7th, had meant preparing and working out the necessary schemes for martial law. It was after that decision was taken that Mr. Ormsby-Gore's legal adviser pointed out to him that, owing to the provisions of the British Constitution and its special safeguards against martial law, and in view of the independence of the judiciary and various other considerations that Mr. Ormsby-Gore had already explained to the Mandates Commission, the imposition of martial law would probably be challenged in the courts, first in Palestine, and possibly on appeal to the Privy Council in London. Therefore, if martial law were the policy of the United Kingdom Government, it would be necessary, for constitutional reasons, to amend the 1931 Order-in-Council and to remove the constitutional safeguards existing in the British Empire against the use of martial law. That had been done. Of course, the Order-in-Council had had to be drafted, and formalities had had to be gone through. Mr. Ormsby-Gore had had to go to Balmoral to meet the King, whose presence was necessary for the issue of an Order-in-Council. All that had been done as quickly as possible.

Mr. Ormsby-Gore hoped that the Commission would not think that the Government had been actuated or much influenced by the fact that remarks had been made by judges in Palestine. That was not the point. The real point was that until the revolt had spread to the bulk of the Arab villages in Palestine and to the hill country, the Government had not considered it either good policy or essential, in handling the disturbances in their earlier phase, to have martial law. When the Government had considered that necessary—namely, at the end of August—it had made all the preparations for martial law, including the elimination of the right of the courts to intervene.

M. Orts' second question read as follows :

“ Does the official information received from Palestine support the credibility of telegrams which have appeared in the Press—e.g., in *The Times*—to the effect that the Arabs and Jews in Palestine, in common opposition to the idea of partition, are tending to get together with a view to an understanding between the two elements ? ”

“ More generally, what is the state of public opinion in Palestine since the publication of the Royal Commission’s report and the Statement of Policy by His Majesty’s Government? What is the feeling in Jewish circles as well as in Mohammedan and Christian circles?”

“ What observations does the mandatory Power desire to make on the recent petitions from the Husseini Party, the Nashashibi Party, and the Committee for the Defence of the Israelites (an idea of the Round Table Conference)? ”

Mr. Ormsby-Gore had had no confirmation either from London or Palestine that the Jews and Arabs were getting together in Palestine, and he thought it unlikely, certainly at the present stage, that the telegrams appearing in the Press on that subject had any substantial foundation. It was only a few weeks since the report of the Royal Commission and the Statement of Policy had been issued, and, in a country so politically-minded as Palestine, he doubted very much whether either Jews or Arabs were at present prepared to burn their boats either for or against partition or any other acceptable solution of the problem. There was one illusion—as he saw it—which was cherished by the Jews. It was that there was a number of Arabs who were friendly disposed to the Jewish National Home and to Jewish political aims, and who would readily be their friends. That was a particularly illusory hope when all the tragic events of the previous year were still so fresh in people’s minds and would require the healing effect of time. It might be that some Jews and some few Arabs—neither carrying any substantial weight in the country—were discussing the matter together. Dr. Magnes, of the Hebrew University in Jerusalem—who unfortunately had very little following among the Jews in Palestine—had laudably been working for that object for a long time past and had redoubled his efforts lately, but, so far as Mr. Ormsby-Gore knew, with little success.

As to the second part of the question, it was difficult to say what was the present state of public opinion in Palestine. The proposals of the Royal Commission were so far-reaching and so novel that one could not expect long views to be taken about them yet. Mr. Ormsby-Gore was afraid that, inevitably, both Jews and Arabs, and even many members of the House of Commons, as recent debates had shown, had concentrated on specific details in the illustrative plan of the Royal Commission. They were busy discussing the map. That was the position as he saw it at present.

If, after the Moslem States had had an opportunity of stating their case to the League Assembly and after the Council had received and considered the report of the Mandates Commission, the deliberations of the various League organs in the next two months resulted in opening the door to partition as being the most hopeful solution of the problem, as something that was considered and was likely to be practical politics—not only the policy of the United Kingdom Government, but a policy which in broad lines commended itself to other League Powers—views in Palestine might change, and the tactical position of saying “ No ” might be abandoned in favour of the tactical position of submitting detailed demands.

As to Jewish feeling, Mr. Ormsby-Gore understood that the Zionist Congress had just concluded its first examination of the general position. The resolutions of the Congress were critical, but, taken in conjunction with the speeches made in support of the majority, it was clear that, while the Congress wanted this, that and the other, and while it complained about the past—as it had continuously done for years—Zionists did not reject a solution on the lines of partition, and were thinking constructively about the possibilities of a Jewish State in the near future.

With regard to the Mohammedans, Mr. Ormsby-Gore had every reason to believe that, for natural and possibly other reasons, the Arabs in Trans-Jordan—not only the Amir Abdullah, who had come out in favour of it—would like a larger State, would like independence, and regarded the proposal favourably.

He believed that many Arabs in Palestine would welcome that solution, and still more Arabs would accept it as a *fait accompli*, or some approach to a *fait accompli*. Some Arabs in Palestine would, of course, always be *intransigent*.

The Christians had made common cause with the Arabs against the Jews, but it was clear that a great many of them—probably more than in any other section of the community—would like to see the continuation of some definite form of control, especially where they lived, either by the League direct or by the United Kingdom. The Christians, numbering 100,000, were the smallest minority, against over 800,000 Moslems and 400,000 Jews. The attitude of the Christians might well depend on how many of them were left in the proposed British mandatory enclaves and what rights were given to them as minorities in the two States; small they would certainly be, if Bethlehem, Jerusalem and Nazareth were excluded from both the Jewish and the Arab States.

The Chairman had asked: “ What observations does the mandatory Power desire to make on the recent petitions from the Husseini party, the Nashashibi Party and the Committee for the Defence of the Israelites? ” The Husseini party—the Mufti’s party—was now, as it had always been from the beginning of the mandate, hostile to the mandate itself, to the Balfour Declaration, and to the continued presence of any mandatory Power in Palestine, and adopted the line that there were too many Jews in Palestine already. That was a consistent attitude of *intransigence*. The Nashashibi party demanded that Jewish immigration be limited to



the proportions already existing between the various races in Palestine. It was less extreme, less *intransigent*, on all issues ; but could not at the present moment, whatever its real feelings, be expected to come out in favour of a solution by partition. As regards the idea of a Round Table Conference and the well-meaning aspirations conveyed in the Godart petition, Mr. Ormsby-Gore did not believe that these ideas had the support of any Jews or Arabs in Palestine. While he did not rule it out for all time, he did not believe that a Round Table Conference was practical politics at present, and he did not think that the detailed solution proposed was in the least likely to commend itself to anybody in Palestine at this moment.

As to the question of political parity, where did it lead ? Political parity was something stationary, apparently, for all time. It meant that neither the one nor the other party was to have any effective responsibility. It did not lead to self-government. It sterilised the whole situation in Palestine, and anything which sterilised the whole situation in Palestine would, in the light of events, be fraught with inevitable disaster. Only a policy which was capable of evolution towards a known end would enable both Jews and Arabs to know exactly where they would ultimately arrive, and the mandatory Power likewise. Those people who were anxious to bring Jews and Arabs together undoubtedly meant well but, in the present state of Palestine and the neighbouring countries, the task was impracticable at the moment.

Mr. Ormsby-Gore had told the Commission how efforts had repeatedly been made, particularly by the present High Commissioner, Sir Arthur Wauchope, with the same idea of conciliation, of bringing Arab and Jew together, how British officers had been asked to get Jews and Arabs to meet in their houses, how attempts had been made to associate Jews and Arabs in the same Government departments with British officers, and how tragic had been the failure of that policy. One could wish that it were otherwise ; but one must take the facts as they were. As the mandatory Power saw them to-day, such well-meant efforts were likely to lead to no practical result.

This reply, he thought, answered M. Rappard's second question reading :

“ Is the mandatory Power aware of the proposals for an Arab-Jewish reconciliation on the basis suggested by the Comité pour la défense des droits des Israélites en Europe centrale et orientale ?

“ Does it consider the solution proposed by this body to be acceptable, if practicable ?

“ Would it welcome and encourage the conversations between Arabs and Jews recommended in these proposals ? ”

Mr. Ormsby-Gore would, however, like to say a word or two on the last paragraph. He thought that conversations between the Arabs and the Jews would be welcomed and encouraged when both of them knew what attitude the League was likely to take. He saw no use in trying to encourage them at the present stage. The eyes of both Arabs and Jews were at present quite as much on the Assembly, the Council and the Mandates Commission of the League as they were on the United Kingdom Government and, when the decisions and recommendations of the Council on the report of the Mandates Commission and on anything that arose out of the debates on the Palestine question in the Assembly were known, possibly the problem would enter into a new phase, and it might then be well worth while encouraging Jews and Arabs to see if they could come to a compromise. But, for reasons already stated, that process could not be accelerated. Only when it was clear that some solution other than the rigid maintenance of the existing mandate was regarded as feasible and worth discussing, would it be possible to open useful conversations between leading Arabs and leading Jews.

Mr. Ormsby-Gore passed on to M. van Asbeck's question reading :

“ Is it possible to imagine a solution which would not have to be imposed, both as regards the execution of a plan of partition in general and as regards the transfer of populations ? (See the contradiction between paragraph 87, sub-paragraph 2, on page 248 and paragraph 41 on pages 390 and 391 of the Royal Commission's report.) Can the imposition of a new solution be expected to necessitate less compulsion than the continuation of the existing mandate, even with a few modifications ? ”

That question opened up a new subject. The first enquiry : “ Is it possible to imagine a solution which would not have to be imposed ? ” could be answered in the affirmative, by which Mr. Ormsby-Gore meant that a solution could be found which would receive sufficient assent from both Jews and Arabs. There would be a minority of both races who would not like it, but sufficient assent could be obtained to enable a solution on the lines of partition to become practical politics. He would deal with the rest of the question later.

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TWENTY-SECOND MEETING.

*Held on Friday, August 13th, 1937, at 10.30 a.m.*

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**Palestine : Replies by Mr. Ormsby-Gore to the Supplementary Questions put in Writing by the Members of the Mandates Commission (continuation).**

Mr. Ormsby-Gore and Mr. Hall came to the table of the Commission.

PLAN OF PARTITION OF THE TERRITORY (*continuation*) : TRANSFER OF POPULATIONS : JEWISH IMMIGRATION : QUESTION OF THE SETTLEMENT OF JEWS IN ARAB TERRITORIES : BALFOUR DECLARATION : QUESTION OF THE FULFILMENT BY THE PROPOSED TWO NEW STATES OF THE CONDITIONS PRECEDENT TO THE TERMINATION OF A MANDATE.

*Question by M. van Asbeck.*

“ Is it possible to imagine a solution which would not have to be imposed ? Both as regards the execution of a plan of partition in general and as regards the transfer of populations ? (See the contradiction between paragraph 87, sub-paragraph 2, on page 248 and paragraph 41 on pages 390 and 391 of the Royal Commission’s report.) Can the enforcement of a new solution be expected to necessitate less compulsion than the continuance of the existing mandate, even with a few modifications ? ”

*Question by Mlle. Dannevig.*

“ It is said in the report of the Royal Commission (page 391) that, in case their partition scheme is to be carried on, it is an essential element for success, as regards the possibility of increasing Jewish immigration, that there should be a transfer of Arabs from the proposed Jewish State which is already densely populated.

“ May I ask how such a transfer can take place without prejudicing ‘ the civil and religious rights of existing non-Jewish communities in Palestine ’ ? ”

*Questions by M. Rappard.*

“ The Royal Commission holds that ‘ In the hills (of Palestine) there is no more room for further close settlement by Jews ; in the plains it should only be allowed under certain restrictions ’ (Chapter XIX, paragraph 3, page 364). Also it recommends that Jewish immigration should be drastically curtailed, being fixed at 12,000 ‘ Jews of every category ’ a year for the next five years.

“ These proposals are made in view of the mandate remaining in force.

“ Is it the opinion of the mandatory Power that, in case of partition, the part of Palestine allotted to the Jews would absorb a much greater Jewish immigration than that considered possible by the Royal Commission in case the whole of Palestine should remain open under the existing mandate, with its provisions regarding immigration to be facilitated by the mandatory Power ?

“ Could the mandatory Power, at least as a rough estimate, give an indication of the numerical importance of Jewish immigration into the Jewish State in case of partition which it considers possible and desirable ?

“ In order to attempt such an estimate one would of course have to assume that the pressure of Jews clamoring to return to Palestine and the resources of the Jewish organisations remain as they are to-day.”

“ Advocates of partition tend to assume that the establishment of a Jewish State would facilitate the settlement of Jews in the neighbouring Arab territories.

“ In so far as the new Arab State is concerned, the Royal Commission does not seem to share this view (Chapter XXII, paragraph 37, page 389).

“ What is the opinion of the mandatory Power on this point ?

“ The importance of this question, combined with that raised under V above, is of course fundamental, as the relative merits of the two solutions—mandate or Jewish State—will be widely judged according to their respective ‘ absorptive capacities ’.”



Mr. ORMSBY-GORE said that M. van Asbeck's question dealt with the problem of imposition or consent. He did not think he could add very much to what he had already said<sup>1</sup> in regard to imposition. A definite plan of partition, and all that it would involve, had not yet been worked out; and, until it was worked out, it was extremely difficult to say how far either the Jews or the Arabs would consent to it. Further, until a definite solution of a geographical character involving the establishment of two independent States had been worked out, it was very difficult to talk about imposition. But he was quite sure, not to put it any more strongly, there was a hope of consent.

But, if that failed, under what conditions could imposition be attempted? By imposition he meant, not so much imposition by force of arms, as imposition by the express determination both of the United Kingdom and of the League that a solution had been arrived at which was fair, just and practicable. In that connection, he would repeat what he had said the previous week.<sup>1</sup> A definite solution had not yet been reached. Before it was seen what the solution was likely to be, it was very difficult to answer the question. Until it had been ascertained whether there was a chance of either the Jews or the Arabs of Trans-Jordan and Palestine accepting some solution, and until the matter had been explored in the conciliatory spirit of the League, Mr. Ormsby-Gore did not think it proper to talk of imposition. But if finally, in the light of actual events, the League and the mandatory Power were satisfied that a given solution was just and ought to be applied, he thought that solution could be applied. After all, the territory was administered on behalf of the League; and, until the League was satisfied that a solution on the broad lines proposed was the proper solution, he did not think either the mandatory Power could be expected to enforce it or the Jews and Arabs to accept it.

There was an appeal from the mandatory Power to the League; and the United Kingdom could not act without the League's approval. In the last resort, therefore, it was only if a solution had the backing, not only of the United Kingdom, but also of the League, that there would be sufficient moral and political force behind it to enable it to be imposed. There was, in his opinion, more hope of such a solution being achieved without violence than of a continuation of the present mandate.

But, referring to the last part of M. van Asbeck's question, Mr. Ormsby-Gore did not think a "few modifications" would meet the case. There were only two modifications of the existing mandate which would prevent a recurrence of Arab hostility. These two essential modifications, demanded by the Arabs as the price of peace under anything like the existing mandate, were, first, a definite decision by the League as to the ultimate destiny of Palestine and, secondly, a definite statement as to the limits of Jewish immigration. Uncertainty regarding the ultimate destiny of Palestine lay at the root of the problem. So long as the Arabs of Trans-Jordan and Palestine feared that the whole country was to evolve into a Jewish State, they would go on agitating and adopting a policy of continuous hostility.

It was for the same reason that the Arabs feared Jewish immigration. They feared that under the pressure of Jewish propaganda, under the impact of Jewish influence, Jewish immigration would be such in the course of years as to enable the Jews to acquire such a hold throughout Palestine—and it must be remembered that the Jews had never given up their claim to extend into Trans-Jordan—that there would be no future for the Arabs other than as a minority under Jewish domination.

Any amendment of the mandate which was to ensure peace in Palestine must take into account the deep-rooted fears of the overwhelming mass of the native population that it was to be reduced to the status of a minority under Jewish domination and under a Jewish Government over the whole country. Tinkering with the mandate would give no finality, and certainly would not give peace. Therefore, if it came ultimately to imposition, it would be far better, and more likely to avoid successive periods of bloodshed, to have a scheme based upon partition than the continuance of the existing mandate, either with small or—what was infinitely more probable—large modifications.

That led Mr. Ormsby-Gore immediately to the consideration of the fifth question by M. Rappard. He was quite satisfied—and he could quote Lord Samuel's speech in the House of Lords in support of the view—that the Royal Commission had been right in saying that, if the existing mandate was to continue, the only hope of peace and good government in Palestine necessarily involved such a curtailment of Jewish immigration as to rule out, in effect, Palestine being the principal solution of the problem of Jewish suffering in Central Europe.

That statement, both by Lord Samuel and by the Royal Commission, was based upon political considerations, the most important of which was that the intense hostility of the Arabs to Jewish immigration was the one thing that was certain to continue. The Royal Commission had also had in mind, as had the mandatory Power, that, if the mandate was to continue, they were bound by the inevitable implications of the decisions of 1930 regarding "equal weight". The consideration of equal weight, apart from the political considerations,

<sup>1</sup> See page 26.

also involved necessarily a drastic limitation of Jewish immigration : for, if there was not that limitation, there would be, not only further disturbances, but pressure by the Jews to acquire more land and dispossess more Arabs and pressure against the employment of Arab labour. The inevitable result would be that large numbers of Arabs in Palestine would in fact become unemployed and a landless proletariat.

What would be the position under partition ? If the Jews had a sovereign independent State, without the limitations of " equal weight " and without the mandatory Power being responsible for " equal weight ", was there a hope that, both in the Jewish State and outside it, there would be a reasonable prospect of much larger Jewish immigration ? Mr. Ormsby-Gore had already told the Commission that that was his view.<sup>1</sup> The Jews put their figures very high indeed. They said that, if they had control over anything like the country proposed, and still more if they could get a little bit more here and there, they could get very large numbers indeed into that area.

How did they propose to do that ? In three ways. First and foremost they proposed to do it by intensive industrialisation. They believed, rightly or wrongly, that with their technical and commercial skill, coupled with the fact that in the Eastern Mediterranean there was comparatively little industry and they were in a position to import raw materials, work them up and sell them throughout the Eastern Mediterranean, they could establish manufactures.

Secondly, they said—and he thought there was truth in what they said—that given a definite Jewish State and an exchange of lands outside that State which they had already acquired in what was proposed as the Arab State against land belonging to Arabs in the Jewish State, they could get considerable numbers on the land.

The third means was transference. In the light of their experience of the last fifteen years, the Jews estimated that on any given area of land they could, by their scientific methods, enable at least three Jews to earn a livelihood for every one Arab who was displaced. There was some truth in that. Hitherto, Jewish scientific effort—and they had some very able scientific officers—had been concentrated upon a type of cultivation suitable to the plains. Hitherto they had acquired very little land on the hillsides ; and the problem of making the hillsides of Palestine more fruitful than they were at present had hardly been tackled. In so far as it had been tackled, it had been by the British agricultural advisers for the purpose of assisting the Arabs to make better use of the land ; but admittedly the process was a slow one.

Undoubtedly, the highlands of Palestine had been cultivated in the past. At the present time, the water ran off the bare hillsides and carried with it the detritus that formed every year. If that could be altered by afforestation and terracing, there would be room for a great many more people in the hills, particularly in Galilee, where the hills were well watered, there being the highest rainfall there in the whole of Palestine. It was entirely a question of water conservation and scientific soil conservation.

Mr. Ormsby-Gore thought the Jews were right on that point. Given the concentration of Jewish brains, money and effort, even in a part of Palestine, and given a complete absence of restrictions, political or otherwise, on Jewish immigration into that part, they could undoubtedly get in a very large number of Jews.

In that connection, however, he would like to take up Mlle. Dannevig's point. The civil and religious rights of the Arab population were guaranteed under the mandate. What those rights were had never been very clearly defined ; but he readily appreciated that, even though some specific obligation of that kind would be operative in the Jewish State, it would be fatal to the political, if not also to the economic, success of the Jewish State for the Jews to make a ruthless or over-speedy attempt to get the Arabs in that State out of it. In fact, the rights of the native population, whether guaranteed or not, were, certainly according to British ideas, inherent. They were what in English were called natural rights ; and for that very reason, as he had already told the Commission, he did not like talk about compulsory transfer. Mr. Ormsby-Gore believed, as he had said at the previous meeting,<sup>2</sup> that quite a number of Arabs, faced with the *fait accompli* of a Jewish State, would seek to leave that State for sentimental reasons rather than remain under a Jewish Government, and would seek to live—he was not sure that they would want to live under a mandatory Power—in an Arab atmosphere under an Arab government with Arab ways of life. There would be, in short, a good deal of voluntary transfer as a result of the operation of political factors, provided always there was a genuine Arab State and a genuine Jewish State.

Further on the question of transfer, as he had already said, the reluctance which the Government and people of Trans-Jordan had hitherto shown to take steps for the economic development of their country had been entirely due to the fear that Trans-Jordan, too, was to be regarded as an area of Jewish settlement. Their attitude was : " We would rather be poorer without Jews than richer with Jews ". The Arab dislike of the Jews was fundamental. Once the fear of Jewish settlement in Trans-Jordan was finally disposed of, once Jewish

<sup>1</sup> See page 18.

<sup>2</sup> See page 173.

settlement in Trans-Jordan as the advance guard of Jewish aspirations for political power was eliminated, and once the development of Trans-Jordan by and for the Arabs was established, the whole picture would change. Mr. Ormsby-Gore believed there was ground for saying that in Trans-Jordan there was room for the settlement of considerable numbers of people on the land capable of earning a better livelihood than that which they could at present scratch from the hills of Palestine. He therefore believed that, given the requisite political conditions and a final political solution, the problem of Jewish immigration would assume an entirely new aspect.

The Royal Commission, possibly in the light of the conditions it found prevailing in Palestine just after the disturbances and the acute political tension, were inclined to think that Jews would not be allowed to settle in the area proposed for the Arab State or, if they did so, would do so at the peril of their lives. Mr. Ormsby-Gore took a longer view, based upon history. In the past, and certainly in the great days of the Arabs, they had not shown themselves, when they had their own government, to be an intolerant people. It might be that, after centuries under the Turk and more recent experiences, the post-war upsets, uncertainties and frictions, it would take time. But, once a final political settlement of the Palestine problem was achieved, he believed the Arabs would be not unfriendly to the settlement of Jews in the Arab State, provided they were satisfied that settlement was not the first step towards the extension of Jewish political dominion.

The development of the Negeb Desert, south of Beersheba, would require, owing to the low rainfall, vast expenditure (far beyond the capacity of the Arabs) on water conservation. He saw no reason, provided it was clear that that country, now entirely inhabited by Arabs, remained Arab, why the Arabs should not welcome the assistance—on terms to be decided by themselves and not by the mandatory Power—of the Jews in the development of a part of the country which they could not themselves develop. But the position of any Jews given contractual concessions in that connection would be that of a minority. Everything depended on the future political relations between the Jewish State and the larger, but more backward, Arab State. Once political finality had been arrived at, he thought the present atmosphere of mutual hostility would change; and there was a reasonable hope that, as a result of the change, the relations between Islam and Jewry, which had been good in past centuries, would again improve.

These considerations applied to other Arab States as well as to the Arab State in Palestine. The position of the Jews in Egypt, in Iraq and in Syria had been seriously prejudiced, and was to-day seriously prejudiced, because of the political situation in Palestine. He thought their position would be changed for the better if and when a final settlement of the Palestine problem was attained.

The CHAIRMAN asked if Mr. Ormsby-Gore had really said that there might be some doubt as the exact meaning of the terms "civil and religious rights" which occurred in Article 2 of the mandate.

Mr. ORMSBY-GORE said the mandatory Power had always adopted Mr. Churchill's definition of 1922 and the 1930 definition of "equal weight". These were obviously interpretations; but, apart from them, he did not think there had been any fundamental or authoritative statement by the mandatory Power or the League as to the exact nature of the dual obligation—namely, what was meant exactly by the civil rights of the indigenous inhabitants. The situation was complicated by the fact that those civil rights must be taken in conjunction with the paragraph in Article 22 of the Covenant dealing with Palestine, which stated that those civil rights included the hope of self-government, and not merely the right to possess property, to live and make a living. It might perhaps raise the question which was at the bottom of half the trouble for the Jews in Central Europe—was it, or was it not, a civil right of the Jews, by virtue of their superior ability, virtually to monopolise the higher professions. That question was at the basis of the *numerus clausus* system, the system of limiting the number of Jews allowed to attend the higher schools and universities in Germany and Poland.

The whole problem had to be considered in the light, not only of the spirit, but of the letter, of Article 22 of the Covenant, under which Palestine was declared to be one of those countries in which the mandatory Power provided temporary assistance with a view to ultimate self-government. It was for that reason that so many Arabs and Jews had been taken into the Palestine Administration; it was for that reason that the attempt had been made to establish a Legislative Council; it was for that reason that the United Kingdom Government had been satisfied that civil rights included political rights, and had accordingly tried to carry on for a long time on the 1930 basis of "equal weight". But to carry on that system indefinitely was bound to provoke reactions.

The Balfour Declaration, in itself a compromise document, was not expressed in definitive political terms. It was a gesture, the expression of a hope then existing that the Jews and Arabs would compose their differences and eventually coalesce into a single commonwealth united in Palestinian citizenship. That evolution had not taken place, and was not likely

to take place ; and it was therefore necessary to go back to fundamentals. By that he meant that the Balfour Declaration must itself disappear and be replaced, if there was to be peace, progress and good government in Palestine, by a Jewish State in one part of Palestine, an Arab State in the other part, and a special regime for the Holy Places.

The CHAIRMAN had understood that the question put by Mlle. Dannevig had a more limited scope than that attributed to it by Mr. Ormsby-Gore. She was referring to the reference in Article 2 of the mandate to the safeguarding of the civil and religious rights of the non-Jewish population of Palestine ; and her question was put in connection with the proposal to transfer the Arab populations to a new Arab State, a transfer which, according to the Royal Commission, might possibly lead to compulsory surrender of immovable property—for example, by means of expropriation. The Chairman understood Mlle. Dannevig's question to be, " was the scheme in conformity with the obligation to safeguard civil rights, in particular, the right of ownership of the Arabs in the area concerned ? "

Mlle. DANNEVIG said she had not meant only the protection of property but also the protection of persons.

Mr. ORMSBY-GORE thought that question could best be answered by an approach to the very important question put by the Chairman on the subject of the conditions under which the two States could enter the League. It was obvious that, as part of any Constitution of the Jewish State, not only would there have to be express conditions regarding the treatment of minorities and the protection of civil and religious rights for non-Jewish subjects, but the League must be satisfied that the Jewish State, in the words framed by the Chairman, must possess laws and a judicial organisation which would afford equal and regular justice to all. He could not imagine the League approving of a Jewish State, unless it was satisfied that the Jews would treat the Arab minority in such a way as to guarantee its rights of property. Those guarantees would be an inherent part of the Constitution, without which the State would not be set up or recognised by the League.

Mr. Ormsby-Gore added, for greater clearness, that the mandatory Power had not accepted, and did not now accept, the proposal for compulsory transfer contained in the report of the Royal Commission.

The CHAIRMAN asked if any members wished Mr. Ormsby-Gore to throw further light on any of the points he had dealt with in his last replies.

M. PALACIOS said he agreed with the accredited representative regarding his interpretation of " civil rights ". He only wished to lay stress on certain other statements by Mr. Ormsby-Gore which seemed to him of fundamental importance for forming an opinion on the proposed solution. It seemed clear to all that the mandatory Power thought it impossible to continue to apply the mandate. The facts and reasons on which that decision was based were quite clearly set out in the Royal Commission's report. At one time, M. Palacios had thought that, despite the risk that the Balfour Declaration might disappear at the same time as the existing mandate, a vigorous effort would be made to maintain it ; but he had learnt, on the contrary, that there was a question of " annulling " it. It was true that the intention was to substitute for it a Jewish State which, though doubtless small, would be independent. In those circumstances, it was necessary to know what probability there was of ensuring the future peace of Palestine—in so far as it had been found impossible so to do under the terms of the Balfour Declaration—by the creation of a Jewish State which, in addition to the disadvantages of its immediate proximity, would mean a loss of territory for the Arabs. Would it be possible, with the new method, to achieve conciliation and the establishment of harmonious relations ?

M. Palacios agreed with Mr. Ormsby-Gore as to the necessity of taking into account the aspirations of the Jews. He agreed with him also that the doors must be opened as wide as possible to emigration from Central and Eastern Europe. He also recognised that Jews and Arabs lived in peace and harmony in countries such as Iraq, Egypt and Syria and indeed also in Palestine itself, particularly before the mandate, and in the Jewish communities that had existed prior to the advent of Zionism. Would the proposed solution strengthen those good relationships ? It must not be forgotten that, in view of the smallness of the Jewish State, it would obviously not provide a settlement of the whole problem. Even if it were intended, in peopling that State, to make the utmost possible use of industrial and agricultural scientific resources, not more than two million persons could live there.

On the other hand, would the fundamental problem of the Arabs' opposition to the " Statute " be solved ? Was it possible to reconcile with the proposed solution the principle of Arab unity to which such prominence was given in the Royal Commission's report (see, for example, on pages 181 to 184 the suggestion as to the creation of an enlarged Arab Agency) and that of " sovereignty " (the report states on page 394 that " the Arabs must acquiesce in the exclusion from their sovereignty of a piece of territory long occupied and once ruled by them " ? If satisfaction were not given to the Arabs on a point which the representative of

the mandatory Power himself considered essential—namely, the Statute ; a problem that was undoubtedly more important to them than immigration—was there not a danger that the conflict between the two elements would be intensified rather than mitigated, and also that the situation of the Jews would be made worse through the reawakening of anti-Semite or irredentist movements where such movements had never existed or had fortunately disappeared ?

Mr. ORMSBY-GORE agreed with M. Palacios that the territory proposed for the Jewish State was small. With any other people in any other conditions, it might *prima facie* be said that the territory was so small as to amount to very little. But, small as the territory might be, they had to recognise what the Jewish people were. Scattered throughout the world, they were a people with immense financial resources, a people with a remarkable intensity of purpose, a people who for generations had been intensively educated and had shown remarkable skill in economic activities of every kind. More important than all, every Jew throughout the world had an interest in Palestine.

There was no analogy therefore with the case of British migration to Canada or to Australia. The Jews were a homeless wandering people, seeking to leave some of the countries in which they now dwelt, and concentrating their minds and their eyes towards the fullest intensification of their development in Palestine. Parallels with what had happened elsewhere, and at other times, in history would not help very much. He was confident that, given a Jewish State, there would be most intense endeavour inside that State, however small it might be, and a very large increase in the Jewish population.

Mr. Ormsby-Gore entirely agreed with M. Palacios that the fundamental question was that of status. That was more important than anything else. It was the dream of the Jews—the same dream that they had had in the days of Cyrus, when they were in exile in Babylon—to get back to Palestine and to found once again, not merely a National Home, but a Jewish State. They wished to be, not a minority, but a majority in that State, and to show that, in addition to providing other countries, such as Great Britain, with able administrators, Governors and the like, they could also do the same for themselves. Therefore, from the Jewish point of view, status was all important.

Equally, from the Arab point of view, status was all important. What was the feeling of Arabs throughout the Arab world ? Why had they risen against the Turks in the war ? It was because they desired to re-create their independence. They believed in their past and in their future as a race and as a civilisation. Therefore, they concentrated on status. He did not think the Arabs would like being the subjects of any mandatory Power, with or without the Jews. From time to time, Trans-Jordan sought to emancipate itself from the mandatory system. Syria was on the point of being emancipated. Iraq had been emancipated. Egypt, not strictly an Arab State, but an Arabic-speaking State, was now a Member of the League. It was the dream of every Arab to have independence.

M. Palacios' next question was whether the little Jewish State would be a focus of irredentist ideas among the Arabs. Would they desire to extinguish the Jewish State once it was set up ? Mr. Ormsby-Gore did not think they would. He believed that the Arabs realised in their heart of hearts, though they would not admit it, that the pressure of Jewry throughout the world on Palestine was such that, quite apart from any question of international right, the Arabs would inevitably have to deal with the facts as they existed at the present time, and recognise that the Jews would never give up their hope to found a State in Palestine. Consequently, he thought that the Arabs would make the best of what from their point of view might be a bad job, and would settle down to work together. But they would not work together now under a Mandatory.

He believed that in the early years, quite apart from British responsibility for the Holy Places, and for her continuing responsibilities as a mandatory Power in Palestine, the United Kingdom would have to have sufficient force in Palestine to make the treaties with the new States effective. But above all, there would have to be the definite acceptance by the League of Nations as a whole of the plan as a final settlement. If all the countries in the League of Nations accepted it as a final settlement, he believed that final settlement could be assured.

M. Palacios had referred to what he called the disappearance of the Balfour Declaration. What, after all, was the Balfour Declaration ? Was it not a series of sentences, a declaration, designed to make a beginning and not an end ? Was it not a declaration, made in special circumstances, of a policy that was to begin ? The Balfour Declaration in itself was not a final settlement or a final solution. In His Majesty's Government's view, the mere fact that the Royal Commission had reported as it had done, giving prominence to the possibility of a Jewish State at an early date, transformed the Balfour Declaration from a Declaration regarding the beginning of a policy into a policy of which they could see the end—namely, the establishment of an independent sovereign Jewish State. That, certainly, was the conception in Lord Balfour's mind—it was challenged by others, it is true—at the time—and the Balfour Declaration was the reflection of that conception as far as it could then be carried.

Mlle. DANNEVIG said that, having listened to the eloquent and optimistic statement of Mr. Ormsby-Gore, she wished she could share his optimistic views of what would happen after the political difficulties had been overcome by the partition scheme : but some years previously,

she had listened to an equally optimistic statement by the accredited representative regarding the protection of the minorities in Iraq, when the question of the emancipation of that territory was discussed at the twenty-first session of the Mandates Commission.

She had one small question to ask. Was there any hope that Arabs would wish to leave the Jewish State, where they would have a better chance of livelihood than as settlers in a poor country, which would have to be developed with all the toil and difficulty which fell to the lot of settlers in new countries ?

Mr. ORMSBY-GORE said that, if he had been over-optimistic, he was only giving his opinion. Perhaps he was wrong. He had given the reasons for his opinion and must leave it at that. He could not prophesy : he could not give guarantees.

With regard to the transfer question, nothing was more remarkable in the history of the last few years in Palestine than the complete confounding of all those who took what might be called the economic interpretation of history. Undoubtedly, Jews had poured millions of money into Palestine. They had benefited not only themselves but the Arabs economically ; and yet, in spite of the Arabs having better economic conditions than they had ever had before, their intensity of hostile feeling had increased rather than diminished. As he had said before, the Arabs would rather be poor without the Jews than rich with them. He had always taken the view that men sacrificed their lives and rose in rebellion and engaged in war, not for economic reasons but for reasons of race, of sentiment, of religion, and that those passions in the human heart were far more powerful than economic interests. They always had been, and always would be. Men aspired to political liberty, to freedom, to the development of their own civilisation, to the conservation of their position in the world ; and they fought for those things, and not for a better material life.

That was the fundamental fact in Palestine to-day.

As to transfer, Mr. Ormsby-Gore quite agreed that, if it were a case of moving the Arabs long distances to a strange country, transfer would indeed be difficult. But these people had not hitherto regarded themselves as " Palestinians ", but as part of Syria as a whole, as part of the Arab world. They would be going literally only a comparatively few miles away to a people with the same language, the same civilisation, the same religion ; and therefore the problem of transfer geographically and practically was easier even than the interchanges of Greeks and Turks between Asia Minor and the Balkans. He was quite satisfied that not all the Arabs would wish to leave the Jewish State : some would realise that they would have opportunities in the Jewish State. But that some would want to leave on grounds of sentiment, he equally had no doubt ; and, if homesteads were provided and land was prepared for their reception not too far from their existing homes, he was confident that many would make use of that opportunity. It would be one of the first duties of the mandatory Power, if the League approved of its proceeding with that plan, to make an intensive survey of Trans-Jordan with a view to ascertaining how much it would cost, and where such homesteads could be provided.

M. RAPPARD said he had listened with great satisfaction, but with no surprise, to Mr. Ormsby-Gore's eloquence, which he had had opportunities of admiring at other places at the League, and which went far to explain the electoral fidelity of Mr. Ormsby-Gore's constituency ! But, if he might be allowed to do so, he would like to elicit from Mr. Ormsby-Gore some, perhaps less eloquent, but more precise, answers to a specific question which struck him as of the utmost importance in connection with the duty which the Mandates Commission had before it.

The Commission had been told that the mandate had become unworkable mainly because the majority of the population objected to what the Royal Commission had declared to be its primary purpose. The Mandates Commission was now told that the Balfour Declaration must also go, and that in the place of the past regime a Jewish State was to be set up, if the League, with its political and moral force, should entrust the mandatory Power with the task of establishing such a Jewish State. The moral and political force of a decision by the League to that effect depended, he imagined, on its being unanimous. But there were several Moslem Members of the League, of which one already declared that it was absolutely opposed to the establishment of a Jewish State. Furthermore, Turkey was represented on the Council of the League. So that, if there was one thing that could be looked upon as practically certain, it was that there would be disagreement.

Moreover, if it were now publicly stated that the Balfour Declaration was dead or moribund, the Arabs of Palestine would turn to the mandatory Power and say : " But then, why are you molesting us, either by establishing a National Home in Palestine or by attempting to set up a Jewish State in a part of Palestine ? " The only answer, as far as M. Rappard could make out, which the mandatory Power had given to those very natural protests in the pact was : " We are bound by the Balfour Declaration ". If now the Balfour Declaration were no longer binding, the only possible justification for either the mandate or a Jewish State disappeared.

M. Rappard's question, therefore, was this : What under these circumstances were those " obligations " of which the Royal Commission spoke, to which any solution, to be acceptable, must conform ? What was the " justice due to the Jews " ? (He was again quoting the Royal Commission's report, page 380, paragraph 3.) He thought that nothing could be more dangerous at the present stage, before the Jewish State had been set up, than the publication of statements



which might lead to a breakdown of any scheme of adjustment of rival claims in Palestine. He would be very grateful if Mr. Ormsby-Gore could reassure him, because he must say that he was rather terrified by what he had heard that morning.

Mr. ORMSBY-GORE thought M. Rappard had misunderstood him. He had certainly had no intention of conveying the impression that the Balfour Declaration was not still a binding obligation on both the League and the United Kingdom. Obviously, like the mandate, it was still a binding obligation, and would remain so until replaced by an independent Jewish State. It was only if the suggested plan of partition were accepted, and eventuated in the creation of a Jewish State, that the Balfour Declaration would reach its fruition and cease to be binding. Similarly, the mandate was binding until it was replaced by another regime in Palestine.

He hoped the members of the Mandates Commission would not think the United Kingdom was attempting to hasten the pace. Partition was obviously going to be a long and difficult process. It was true that at the moment Iraq was opposed. Iraq had not yet been heard in the Assembly. Obviously, before the scheme could reach its final fruition, it would be necessary for the Assembly to approve by the necessary majority the admission of the Jewish and Arab States. The Jews would have nothing to do with the idea of a Jewish State, unless and until it was recognised as a really independent sovereign State Member of the League. Until that point was reached, the Balfour Declaration and the mandate remained in force.

As to the Council, Turkey had not declared its views. It would obviously be a matter for early consideration and decision by the Council as to whether the mandatory Power should negotiate with both Jews and Arabs with a view to providing the League with a definite scheme on those lines. If the Council did not unanimously agree on that, the whole scheme—and, with it, all that it had been hoped to obtain on the basis of the Royal Commission's report and the mandatory Power's present policy—fell to the ground, and an attempt would have to be made to find some other inferior solution.

The mandatory Power's present view was that partition was the best and most hopeful solution. It did not say there was no other solution, but only that it could think of no other solution with the supreme merit of eliminating the whole series of ambiguities which, operating in both Arab and Jewish minds, had resulted in a sad tale of loss of life, unrest, setbacks and disappointments.

M. RAPPARD was much obliged to the accredited representative for his statement. It had completely cleared up the misunderstanding, of which he had been the victim.

Could Mr. Ormsby-Gore now see his way to reply specifically to his third question, which was as follows :

“ In discussing the solutions entailing a modification of the present mandate, the Royal Commission states that they must ‘ conform to our obligations ’ and ‘ do justice to the Arabs and the Jews ’ (Chapter XXII, paragraph 3, page 380). Further, the Royal Commission speaks of the ‘ spirit of our obligations ’ (Chapter XXII, paragraph 18, page 383). The accredited representative has also stated that a solution to be acceptable must be in accordance with ‘ the spirit of the Covenant and of the Balfour Declaration ’. In view of the exceptional importance of these statements, which may be taken as defining the limits within which alone the Mandates Commission may consider any of the proposed solutions, it would be grateful for a more precise definition of these limits.”

Would it be a fair statement of Mr. Ormsby-Gore's view to say that the solution, to be acceptable, must conform to the justice due to the Arabs and to the Jews, which the mandate was intended to embody ?

Mr. ORMSBY-GORE replied in the affirmative. All his arguments were designed to support the view that a scheme of partition on the present lines would do justice equally to the mandatory Power's obligations to the Arabs, and to the Jews. The fundamental Article 22 of the Covenant and the intention of the Balfour Declaration must be carried out. He was sure that those were the limits within which a solution must be found.

M. RAPPARD thanked Mr. Ormsby-Gore for his statement.

The CHAIRMAN asked Mr. Ormsby-Gore whether he now wished to answer his last question. It was as follows :

“ According to the Statement of Policy (Cmd. 5513), the United Kingdom Government is supporting the solution of the Palestine problem by partition. In other words, it has declared in favour of the creation of an independent Jewish State in the fullest sense, and of the recognition of the complete independence of a Trans-Jordan State to include the greater part of Palestine.

“ Before taking up this position, the United Kingdom Government has doubtless not failed to consider whether either or both of these States arising out of the mandate would fulfil the conditions laid down by the Council as conditions precedent to the termination of the mandate in a territory placed under that regime.

“ I should be glad if Mr. Ormsby-Gore would be good enough to give some account of the reasons which have led to the conclusion that the new Jewish State and Trans-Jordan would fulfil all of these conditions as set out in the report of the Mandates Commission on the work of its twentieth session.”<sup>1</sup>

Mr. ORMSBY-GORE said that the question to which the Chairman had referred invited him to express an opinion as to whether either or both of the proposed States could fulfil the conditions which had been laid down as conditions precedent to the termination of the mandate. He had no reason to doubt that those conditions could be satisfied by both States. He was quite confident that the Jews would be able to establish a settled government and an administration capable of maintaining the regular operation of essential Government services. The question was, of course, more debatable in connection with the Arab State. But although the Arabs who had co-operated as officials in the Government of Palestine had admittedly never liked the policy, they had shown themselves quite capable officials who could carry on the work of administration. In fact, the actual regime in Trans-Jordan, as the Mandates Commission had heard before, had actually developed in that country something very like an Arab State. Again, it was impossible to argue that the Arabs were capable of self-government in Lebanon, Syria, Peninsular Arabia and Iraq, and at the same time to say that they were not capable of self-government in Palestine.

Obviously, before the Arab State of Palestine-Trans-Jordan could apply to the League for admission, it would have to make out a case to the Assembly. Its weak point would probably be that of finance, but until it was known what the Arab State was to include—for instance, whether it was to get the revenues of the port of Jaffa, whether it was to be granted free access through the port of Haifa, and whether it would have the taxable capacity to support a Government without subvention from the United Kingdom—it could not be known whether it would be financially sound. That could only be determined by an *ad hoc* Financial Commission; and such a commission could not be set up or function, until the geographical basis of the settlement was known.

The steps in the process, as Mr. Ormsby-Gore saw them, would be these. First, the Mandates Commission and the Council would have to decide whether the mandatory Power had the right to explore the proposed solution. After that would come negotiations for a geographical settlement of the three proposed divisions. It was only after the boundaries had been settled that further steps could be taken, such as the possible establishment of provisional Governments still controlled by the mandatory Power, followed by fact-finding commissions dealing with problems of finance, Customs and the like. After those commissions had reported, a definite scheme could be arrived at for submission first to the Council and ultimately to the Assembly of the League. It was too early to pronounce on the question as to how far the proposed two States would satisfy the obviously desirable and necessary conditions to enable them to be recognised as qualifying for membership of the League.

Mr. Ormsby-Gore added that he knew His Majesty's Government in the United Kingdom was quite satisfied that the scheme would involve the termination of any grant by the British taxpayer to Trans-Jordan. It felt that, in view of the nature of the problem to be dealt with, there would have to be one final capital grant in place of the continuing grant. No doubt there would be conditions as to how that grant should be expended, on development and the like: but it was clear that subventions from the British taxpayer must end before either of the States could be entitled to apply for membership of the League.

Moreover, he ought to add that undoubtedly the League, if and when it reached the final solution which the United Kingdom Government contemplated, would be faced with the problem of inter-State relations along the eastern shore of the Mediterranean from the frontier of Turkey to the frontier of Egypt. If the French proposals and the British proposals went through, there would be six separate regimes along that coast. There would be the State of Syria, the State of Lebanon, the special regime in Alexandretta, a Jewish State, an Arab State and a special area under permanent British mandatory control, with additional enclaves. Obviously that was a political complex involving fiscal, economic and political considerations which the League would have to envisage. The map might have to be looked at as a whole, and the resultant conclusions might have to be drawn. Some of these arrangements might have to be temporary, while others were of a permanent character. But, in Mr. Ormsby-Gore's view, that final stage was at least three years off. It need not be dealt with at the present time.

<sup>1</sup> See Minutes of the Twentieth Session of the Commission, page 228.



The CHAIRMAN said that, while he would not revert to the various general conditions laid down by the Council in 1930 which would have to be fulfilled before a mandate could be terminated, he wished to submit certain observations on the statements made by the accredited representative.

In the first place, as regards Trans-Jordan—not to speak of the Jewish State, which still had to be created from the beginning—it was not certain that the actual position of the country was such as to warrant the assumption that it had reached a stage of development at which it was capable of self-government. Trans-Jordan did not seem to be already in possession of “ a properly constituted Government and an administration capable of ensuring the regular operation of the essential Government services ” without the assistance of a Mandatory.

It was hoped that the time would come when that country would be in possession of “ financial resources sufficient to enable it to meet the normal needs of the State ”. That was what was hoped, but it was far from certain, and at all events it was not the case at present. But a country which was obliged to have regular recourse to subsidies from another country in order to meet normal administrative expenditure was not independent ; in general, such assistance was not granted unconditionally or without some control over the use made of the sums lent.

With regard to the Jewish State, the Chairman was by no means convinced that, within the general limits indicated by the Royal Commission and with the servitudes with which it would be burdened, that State would be “ capable of maintaining its territorial integrity and political independence ”, even if the former Mandatory became its ally. Moreover, in view of the political inexperience of the majority of the elements of which its population would be formed, it had by no means been shown that the Jewish State would be capable of governing itself at once, in view of the considerable difficulties that it would have to surmount at the outset.

It appeared from what the accredited representative had said that the existing mandatory regime was doomed ; but it was also clear that the solution proposed by the mandatory Power in place of the mandate could by no means be regarded with certainty as capable of being put into practical effect. In that respect, matters were still purely hypothetical. Thus, the plan outlined by the mandatory Power could only leave an impression of perplexity.

In order to prevent misunderstanding, the Chairman said that the observations he had made represented his own personal opinion. He had not spoken on behalf of the Commission, and he did not know what the views of his colleagues were.

Mr. ORMSBY-GORE said that certainty was not possible in connection with any great political change. It was the duty of statesmen, as distinct from administrators, to make changes in administrative systems, where desirable change was indicated. One could work only on probabilities and possibilities. He fully realised that with a document such as the mandate, there was some firm ground, and that the open, uncharted sea which he had ventured to suggest should be charted and explored could not, especially under present circumstances, be a *terra firma* like the mandate, if that could any longer be regarded as a *terra firma*.

One word about the Chairman's doubts concerning the Jews. The Mandates Commission had already heard some remarks about the Va'ad Leumi and the work of the Jewish Agency in Palestine. He thought Mr. Hall would bear him out that those bodies had shown remarkable administrative capacity. It might be that some of the Jewish refugees recently come from Eastern Europe had not had the opportunities in their recent past for developing the arts of government ; but the Mandates Commission knew the Jews as well as he did, and it was to his mind inconceivable that the Jews should be incapable of running an administration or a government. They would have their internal frictions, their parties. They were tremendous people for making speeches and for engaging in propaganda and the like : but that, when they had a State to run which realised their dream of centuries, they would fail in running it, he had no reason to suppose. That they had men already in Palestine of great capacity he had no doubt.

The Arab world was a difficult world. The Arabs were a difficult people. Both the Jews and the Arabs were two very difficult peoples for anybody else to govern. The Turks had not found them easy. They were not very easy for anybody, even of their own kind, to govern. That there would be no more difficulties, Mr. Ormsby-Gore did not, of course, pretend. That would be ultra-optimistic indeed ! All his Government said was that it had tried and done its best under the mandate, and what were the results ? The Jews bitterly complained of the mandatory Power, in season and out of season, not merely in the previous year but in every year. Whatever the composition of the United Kingdom Government or of the Administration in Palestine, the record was one of unending complaint on the part of the Jews, while on the part of the Arabs it was a case of gradually but steadily increasing hostility from the very beginning, culminating in the events of the previous year.

The idea that it would be open to the United Kingdom or any other Power to carry on the existing mandate was an idea in which he hoped the Mandates Commission would not take refuge. He said frankly, not speaking for himself but speaking on behalf of the United Kingdom Government, that the prospects of carrying on indefinitely on the terms of the existing mandate seemed to His Majesty's Government to be a commitment involving repression, involving continual friction and hostility between each of the two races on the one hand and the Administration on the other, as well as between the two races themselves, in a manner which

could not inure to the advantage of any one of the three parties concerned—or, for that matter, to the credit of the mandate system or of the League itself.

Mr. Ormsby-Gore was satisfied that a new solution—a political solution, as he had described it—of the problem of Palestine must be explored in the interests of the future peace of Palestine and, further, in the wider interest of the future relations between the Jews and the world of Islam, for the benefit of the suffering Jews in Europe as well as for the benefit of the peace of the world. It was in the light of these broad political considerations that he came before the Mandates Commission, not as an administrator, but quite frankly as a politician, to say that, in his opinion, and in the opinion of His Majesty's Government in the United Kingdom, it was essential that a solution of what they regarded quite definitely as a deadlock should be explored.

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### TWENTY-THIRD MEETING.

*Held on Friday, August 13th, 1937, at 3.30 p.m.*

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#### **Palestine : Replies by Mr. Ormsby-Gore to the Supplementary Questions put in Writing by the Members of the Mandates Commission (continuation).**

Mr. Ormsby-Gore and Mr. Hall, came to the table of the Commission.

PLAN OF PARTITION OF THE TERRITORY (*continuation*): ARAB-BRITISH RELATIONS: JEWISH IMMIGRATION (*continuation*): QUESTION OF THE DEVELOPMENT OF SELF-GOVERNING INSTITUTIONS: CANTONISATION: QUESTION OF THE NEGOTIATION OF TREATIES IN CONNECTION WITH THE TWO NEW STATES: TRANSFER OF POPULATIONS (*continuation*): PETITIONS (*continuation*).

M. RAPPARD asked the following question :

“ The scheme of partition as outlined by the Royal Commission provides for treaties and conventions with ‘ the Government of Trans-Jordan and representatives of the Arabs of Palestine ’ (Chapter XXII, paragraphs 4 *et seq.*, pages 381 *et seq.*). Moreover, the Royal Commission declares that the traditional friendship of the mandatory Power with the Arabs ‘ should not be impaired ’ (Chapter XX, paragraph 17, page 374).

“ On the other hand, the Mandates Commission has received several petitions from Palestine Arabs expressly and emphatically repudiating, not only the mandate and the Balfour Declaration, but also any scheme of partition.

“ If the authors of these petitions are not to be held to represent the main body of Palestine Arabs, are there any other representatives with whom the mandatory Power could and would engage conversations ?

“ If not, are these petitions susceptible of modifying its expressed views ?

“ If not, does the mandatory Power consider that any scheme of partition not based on British-Arab convention is practicable and compatible with the above-mentioned friendship ? ”

At the Commission's previous meeting, <sup>1</sup> Mr. Ormsby-Gore had said that the scheme of partition was conditioned by the moral and political support of the League, a unanimous decision of the Council and a two-thirds majority of the Assembly, as regarded the later admission to membership of the two proposed States. Was it another condition that the Arabs, or at least some representative group of Arabs, whose co-operation was indispensable in view of the treaties to be concluded, should accept the solution in such a spirit that it would not impair British-Arab friendship ?

M. Rappard hoped that the accredited representative would not think that the Mandates Commission was trying to create difficulties, for it was endeavouring to overcome them. When the Commission was asked to express its view of possible solutions, it must know exactly the attitude of the mandatory Power, for if solutions were put forward only under such conditions as there was every reason to believe, in the present state of affairs, would not be realised, there was not much use in discussing the advantages and disadvantages of such solutions. The members of the Commission had been told in emphatic terms by what M. Rappard had been informed were representative groups of Arabs that they would not consider

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<sup>1</sup> See page 182.

partition. In fact, the only more or less encouraging assurance that it had received so far was that some Arabs would, if not welcome the scheme, accept it. The reference was to the Emir of Trans-Jordan, who, of course, was in a special position, in that the scheme would mean an increase of his domains, and, secondly, in that his foreign relations were in the hands of the mandatory Power. If that were the only basis for supposing that there were Arabs who welcomed the plan, it struck M. Rappard as being very fragile.

Mr. ORMSBY-GORE wished to draw a very clear distinction between welcoming and accepting. He did not think that any Jews or any Arabs could at present be expected to welcome partition. After all, they had each hoped to govern the whole country. Mr. Ormsby-Gore had always taken the view that any attempt to rush the working-out of any scheme of partition was likely to have disadvantages outweighing the advantages. It was only when both Arabs and Jews realised that the mandatory Power was determined in its policy and that it had the backing of the League of Nations that they would come to consider whether the advantages of partition did not outweigh the disadvantages from the point of view of both sides.

He had told the Commission early in its proceedings<sup>1</sup> that he was quite sure that it was extremely difficult for any Jewish or any Arab leader to come out in favour either of the illustrative scheme of partition or any other scheme of partition at this stage. In the light of the events of 1936 and all that had led up to them, it was obviously difficult for either side to recede as it were from the position which it had always taken up.

Undoubtedly, on the first appearance of the Royal Commission's report there seemed to be a considerable amount of Arab support for the idea, more in fact, among the Arabs than among the Jews in Palestine. Then two things had happened. In the first place, there had been a loud outcry by the Jews against partition which led the Arabs to think that if the Jews did not want it, neither did they, and that if the Jews did not want it, there was a chance that Great Britain would drop the scheme. However, that event had probably had less important consequences than the intervention of Iraq, which, he told the Mandates Commission quite frankly, his Government had never expected would be so categorical. That intervention had certainly made the Arabs in Palestine think that they would have the support of Arabs outside if they stood firm against partition.

As to the future, he could not prophesy, but the more he and the more other people, including Arabs and Jews, had reflected on the inevitable consequences of a failure of a scheme on those general lines, the more they realised that, bad as that consequence would be for Great Britain, it would be very bad and would mean endless trouble for both Jews and Arabs. The Arabs might think that, if they persisted in their opposition, the British public and the League would relent, but Mr. Ormsby-Gore doubted it. He could not help thinking that the time would come when both sides would be ready to accept what he believed they would eventually realise was the most hopeful solution. But it was too early to prophesy. He would have been very surprised if the petitions had been worded differently. Neither side could be expected to welcome the plan of partition, but he believed that, in the long run, both sides would see sufficient advantages in it to accept it.

As to the quotation from the Royal Commission's report regarding Arab-British friendship at the moment, events in Palestine had very seriously prejudiced that friendship throughout the Arab world, and relations between the Arabs and Great Britain were very different from what they were at the end of the war. He had said in the House of Commons that he still believed that the Arabs would realise that they did owe Great Britain a debt, and that there were many thousand British graves in Iraq and in Palestine but for which the Arabs would be still under Turkish rule. It was because Great Britain had taken possibly optimistic chances that Iraq was now a State Member of the League. His Majesty's Government did not regret the part it had played in that respect; it thought it had been right. In addition, there had been many notable British travellers—Burton, Doughty, Palgrave—who had taken an interest in the Arabs, had sympathised with them and cherished hopes for their future. All those things ought to count, but at the moment, because of Palestine, the position of Great Britain throughout the Arab world was very seriously prejudiced. Possibly the word "condition" was not a very good word to use, but he thought it was desirable, in the interest of relations between East and West and not merely in Great Britain's interest, that that traditional friendship should be revived if at all possible.

Arabia was the historic, cultural and religious centre of Islam. When speaking recently in the House of Commons on the Palestine problem, Mr. Ormsby-Gore had said that it raised not only the issue between all Jewry and all Islam, but also the question of the whole relation between the Occident and the Orient, Arabia and the Eastern Mediterranean being the inevitable historical and geographical bridge between the Orient and the Occident. It was therefore desirable, in the interests of world peace and of the relations between the Occident and the Orient, not only that France and Syria should be on good terms, but that Great Britain

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<sup>1</sup> See page 21.

and the Arab world should be on good terms, regarding the question from the widest possible point of view. A settlement of the Palestine question, not welcome but acceptable to Arabs and Jews, not only in Palestine but throughout the world of Jewry, and throughout the Arab world, was, therefore, in the interests of the peace, harmony and good government of the world. To put it on the highest plane, on this question of Palestine—a country with a unique name, a unique history and a unique position—failure to achieve a political solution which would not make things worse in the world, and which might make things better, was a prospect which it was the duty of statesmanship to avoid.

Mr. Ormsby-Gore's view was that the evolution of the mandate for Palestine into two independent States was the event most likely to consummate the ideals and the policy which were in the interests, not only of Arabs and Jews, but also of the world at large.

M. RAPPARD regretted that he could not regard Mr. Ormsby-Gore's reply as completely satisfactory. It was, he agreed, a most significant and unchallengeable fact that Arab-British friendship was desirable from every point of view, and he had no wish to minimise its importance. His question was: Would Great Britain, if supported by the League, proceed with partition even if it tended further to strain that very desirable Arab-British friendship?

Mr. Ormsby-Gore had mentioned two events which had occurred since the United Kingdom Government's policy had been outlined. The first was that the Arabs, who at first seemed not disinclined to submit to the policy, had protested because the Jews had protested. M. Rappard would have expected rather that it would have been the other way round. On the other hand, the Jews, after first protesting, were now rather inclined to accept, which he again would have thought would have been a reason for the Arabs to protest. The second event was the attitude of Iraq. M. Rappard had always wondered whether the extremely conciliatory spirit which imbued the declarations of the accredited representative tended to make conciliation easier or more difficult. If Great Britain were to announce that she had a considered policy, which, if supported by the League, she would enforce at any cost, he imagined that the Arabs, while they could not be expected to welcome the proposal, would prove more amenable than if they were left in doubt by statements about the value of Arab-British friendship and Great Britain's unwillingness to do anything to prejudice it further. The latter policy would give Arab agitators the impression that the more violent they were the less chance there would be of Great Britain proceeding with her plan. He wondered, therefore, whether the admirable and humane policy of extreme conciliation was likely in fact to facilitate an agreed solution.

Mr. ORMSBY-GORE appreciated M. Rappard's idea that a forcible declaration of policy should be made by Great Britain. What deterred him from making any such declaration was the fact that Palestine was not a British possession, but a territory administered on behalf of the League. It would, in his view, be most improper for the mandatory Power to tell the Arabs, the Jews and the world in general that it proposed to adopt a certain policy and to carry it through before the League had had a free opportunity of expressing its views.

A little earlier M. Rappard had challenged Mr. Ormsby-Gore's use of the words "the spirit of the Covenant".<sup>1</sup> In a big political matter like the Palestine problem, Mr. Ormsby-Gore understood the spirit of the Covenant, and the whole conception of the League, to be that, before there was any talk of coercion and still more before any sanctions were threatened, argument, persuasion and conciliation should be used to the full. He was therefore not prepared at this stage to adopt the tactics suggested by M. Rappard even with the qualification "if the League approves". He believed that what M. Rappard called humane tactics were, in the long run, not only right in themselves but more likely to succeed. It was more in consonance with League ideas—and incidentally British ideas—to proceed step by step, to obtain the maximum possible goodwill before talking of carrying things through with a high hand even if that should prove necessary in the long run.

He was quite sure that it would be wrong for the United Kingdom Government, within a few weeks of such a revolutionary proposal as that made by the Royal Commission, to refuse to consider any alternatives and insist on the application of the Royal Commission's plan. The kind of approach which he had been suggesting during the last few days was, he thought, the wisest approach; people should not be rushed into conclusions of that sort. Any attempt to use "the big stick" would only cause more trouble and would be less likely to promote the aims which all had at heart than if a policy of conciliation and argument were adopted.

The CHAIRMAN observed that, at the previous meeting,<sup>2</sup> Mr. Ormsby-Gore had said incidentally that the mandate would continue so long as no other solution was found. It was inconceivable that, during the transition period between the present regime and the institution

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<sup>1</sup> See page 32.

<sup>2</sup> See page 182.

of a new regime, Palestine should be administered entirely at the pleasure of the former Mandatory. If the mandate disappeared before the adoption of some other international charter, Great Britain would have lost the title whereby it administered Palestine.

If the mandate continued, even as a transitional measure, it continued with all its obligations.

In that connection, the Chairman wished to submit to the accredited representatives for consideration a suggestion which had been put forward in Jewish circles. It had been said in these circles: "The mandate is, it is true, continuing, but the fact that Jewish immigration is already being reduced to a thousand immigrants per month, regardless of the economic absorptive capacity of the country, and therefore on the basis of another criterion which is probably a political one, is contrary to the mandate."

The argument was as follows: On July 1st, 1922, the United Kingdom Government had communicated to the Council of the League of Nations the Churchill White Paper and all the correspondence attached thereto. That document, which for the first time put forward the idea that Jewish immigration should be based on the economic absorptive capacity of the country, was the basis, according to those who maintained this view, on which the Council of the League of Nations had established the mandate, which it had actually approved on July 24th—that was to say, three weeks later. They concluded from that that the principle that immigration should be measured by the economic absorptive capacity of the country, although not expressly contained in the mandate, was nevertheless one of the foundations of the mandate.

What was the accredited representative's view of the matter?

Mr. ORMSBY-GORE said that the words of the Churchill White Paper of 1922 in regard to Jewish immigration were:

"This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden on the people of Palestine as a whole and that they should not deprive any section of the present population of their employment."

That meant that the economic absorptive capacity of the country, judged by the effect upon the existing population in relation to employment, should be the upper limit of immigration. He agreed that the MacDonal letter of 1930, qualifying the Labour Government White Paper, used some phrase to the effect that it should be the only consideration.

The phrase "economic absorptive capacity" was one of those fine-sounding phrases which tended to make people believe that they need not think any more. Yet the translation of "economic absorptive capacity", twice a year, into actual figures had always been an extremely difficult task. In discussing the matter with Jews, he had often pointed to an example in England of the kind of difficulty which the phrase presented to his mind. Glamorganshire used to be one of the richest parts of the United Kingdom. It still possessed vast resources in coal, etc., but the economic absorptive capacity of Glamorgan to-day was nil. It was one of the worst depressed areas. On the other hand, Middlesex had probably the highest economic absorptive capacity of any part of Great Britain. It was difficult to say why; partly, no doubt, it was due to the migration of capital and new industries to the outskirts of London.

The economic absorptive capacity of Palestine, which under present arrangements had to be re-assessed every six months, had to take into account literally individual cases of prospective employment. It had to take into account the numbers of Jews and Arabs employed in different occupations and the likelihood of those occupations expanding during the next six months. Mr. Ormsby-Gore could assure the Commission that the problem of the fair, right and just assessment each year, or twice a year as at present, of Jewish immigration was the most difficult administrative problem which the administration in Palestine had to face, and undoubtedly it had given the Jews the excuse for constant complaints of the mandatory Power's attitude. They liked the phrase "economic absorptive capacity", but they hated its practice. If there was not going to be an independent Jewish State, it would, in Mr. Ormsby-Gore's opinion, be essential to examine in detail whether the practice which had grown up in the course of years was fair to Jews and to Arabs and whether it should be continued in future.

The present was what might be called an interim or transitional period. No one knew whether the policy of partition would go through or not. The Government had not yet adopted the Royal Commission's suggestion that there should be an upper limit of 12,000 a year for five years. The only decision the Government had taken was that for the nine months beginning August 1st last, the figure should be 8,000. That interim decision had been taken in view of the fact that the immigration period, based on the sole criterion of economic absorptive capacity, terminated on July 31st. The decision held good only until March next; he could not say what decision would be taken after that time, for the Government had not considered the matter.

Speaking in the House of Lords, the Under-Secretary of State for the Colonies, Lord Dufferin, had said that it was an arbitrary decision, taken to cover the period while the whole situation was being examined. Mr. Ormsby-Gore hoped that by the following March the prospects of a political solution would be more definite.

If it became perfectly clear that the mandate was to continue unaltered indefinitely, this question, which next to that of status, was the most burning question dividing the Jews and Arabs of Palestine and making the government of Palestine difficult, would have to be examined *au fond*. On page 393 of its report, the Royal Commission, in dealing with its proposals for partition said :

“ Instead of the political ‘ high-level ’ recommended in Chapter X, paragraph 97, there should be a territorial restriction on Jewish immigration. No Jewish immigration into the Arab area should be permitted. Since it would therefore not affect the Arab Area and since the Jewish State would soon become responsible for its results, the volume of Jewish immigration should be determined by the economic absorptive capacity of Palestine less the Arab Area.”

For two reasons, the Government had not adopted that proposal forthwith. First, not knowing what the area of the Jewish State was to be it could not assess its economic absorptive capacity. Secondly, its economic absorptive capacity, under a Jewish Government, free from mandatory conditions and limitations, might be very different from its economic absorptive capacity under the mandate as it had been interpreted during past years. The Government had calculated that the present economic absorptive capacity of the area of the Jewish State, following immediately on the disturbances and general strike of the previous year, even taking the proposed map as a provisional basis of assessment, would give a figure of less than 8,000 for the nine months. In all the circumstances, however, the Government had felt it only fair to take the whole of Palestine west of the Jordan as the basis for assessing the economic absorptive capacity, and had accordingly adopted the provisional figure of 8,000 for the first nine months. If on examination during that period the economic absorptive capacity of the country as a whole were less than 8,000, that figure would have to be cut down.

Mr. Ormsby-Gore concluded by saying that, in the event of a continuation of the mandate, there were a great many points in Part II of the Royal Commission’s report on which consultation would have to be held not merely with the Jews, but between the mandatory Power and the Mandates Commission, before they were finally adopted. It was only because the Government felt that it would be driven back to Part II (the continuance of the mandate), failing the adoption of a broad political solution, that Mr. Ormsby-Gore had not brought before the Commission on the present occasion many of the proposals contained in Part II and the reasons for them.

M. RAPPARD pointed out that the mandate spoke of facilitating immigration. It had been found—and M. Rappard thought that everybody felt it to be reasonable—that that provision should be limited by the absorptive capacity. He admitted that “ absorptive capacity ” was an extraordinarily facile phrase which it was very difficult to interpret, especially in the present case, where immigration might very often increase the absorptive capacity, as it was immigration of capital as well as of labour. Admittedly, the phrase was elastic, but it described the policy that was inherent in the mandate.

The Royal Commission now recommended a new policy in the event of the mandate continuing. It was an entirely different policy, one which must be considered as entailing a modification of the mandate. It was somewhat of a contradiction in terms for the Royal Commission to say that, if the mandate was to continue, that change should be made in it, because it would mean not the continuance of the present mandate, but the introduction of an amended mandate in the event of the partition solution being ruled out.

M. ORMSBY-GORE observed that it would not be an amended mandate, but an amended interpretation of the mandate. There was no reference in the mandate to the economic absorptive capacity.

M. RAPPARD said that there was no provision in the mandate limiting immigration even to absorptive capacity.

M. HALL reminded M. Rappard that there was a reference to safeguarding the position of the Arabs.

M. RAPPARD explained that the question which he wanted to raise was the fundamental one of the interpretation of the dual obligation. There had been an exchange of views on that subject in 1930, and M. Rappard ventured to believe that if the Royal Commission had studied the Minutes of that session of the Mandates Commission as carefully as it had studied the Old Testament and other documents, it might not have been entirely waste of time. At that exchange of views,<sup>1</sup> M. Rappard had maintained that it was a fundamental rule of international law that no interpretation should be adopted which made the text interpreted meaningless. He had said that there were two obligations, (1) to secure the National Home for the Jews and (2) to secure the development of self-governing institutions. He had believed

<sup>1</sup> See Minutes of the Seventeenth (Extraordinary) Session of the Commission, page 49.



then, and still believed, that the mandate could only mean that the National Home was to be established, and self-governing institutions developed in so far as they did not prevent that Home being established. When the mandate was drafted, obviously the Arabs had been in a great majority and they had been absolutely opposed to the establishment of the National Home.

The position was similar to that of a father who promised his daughter to a suitor on condition that she should agree when he knew that she would not agree and loathed the suitor. Such a promise was no promise at all.

The alternative interpretation was not absurd, nor did it rule out the development of self-governing institutions. It was that the National Home should be established and that self-governing institutions should develop in so far as they were compatible with it. That did not necessarily imply waiting until the two obligations could easily be reconciled by the creation of a Jewish majority. It would also imply that self-governing institutions were to be developed by and for all Palestinian citizens who did not in principle oppose the policy of the National Home. M. Rappard was convinced that, if his interpretation had been adopted from the outset, many of the troubles which had occurred, in so far as they were of legal origin, would have been avoided.

Mr. ORMSBY-GORE, with further reference to what M. Rappard had said, wished to draw attention again to the following extract from the Statement of Policy issued by Mr. Churchill in June 1922 (document Cmd. 1700) :

“ Nor have they (*i.e.*, the British Government) at any time contemplated, as appears to be feared by the Arab delegation, the disappearance or subordination of the Arabic population, language or culture in Palestine.

“ They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded *in Palestine*. In this connection, it has been observed with satisfaction that at the meeting of the Zionist Congress, the supreme governing body of the Zionist Organisation, held at Carlsbad in September, 1921, a resolution was passed expressing as the official statement of Zionist aims ‘ the determination of the Jewish people to live with the Arab people on terms of unity and mutual respect and together with them to make the common home into a flourishing community, the upbuilding of which may assure to each of its peoples an undisturbed national development.’ ”

That had certainly been the early interpretation. It was because the hope then cherished by the Zionist Congress itself and by the United Kingdom Government had not in fact been realised, that the prospects of unity and of a unitary State for Jews and Arabs living together in a common home had not been realised, and that there had been a clash of national aims, that the whole policy had to be re-examined in the light of events.

M. RAPPARD pointed out that there was a very short chapter in the Royal Commission's report devoted to cantonisation (pages 377 to 379), dismissing, he thought rather summarily, the possibility of such a solution. Did His Majesty's Government absolutely exclude that solution even as a temporary measure ? He himself could conceive that the adoption of some such scheme of partition as at present contemplated would mean the temporary creation of two cantons under a federal government presided over by the mandatory Power until a complete system of self-government had been worked out for the two States. He could see certain advantages in such a period of mutual adjustment ; it would reassure the outside world, and probably help both Jews and Arabs to solve many of their problems. He was not personally enamoured of the suggestion as a permanent solution, but as an introduction to partition : it might obviate certain disadvantages, and he wished to know whether, in the opinion of His Majesty's Government, it was completely ruled out.

Mr. ORMSBY-GORE said that the matter had not been considered by the Government as a whole, but he was quite sure that the last two paragraphs of the Royal Commission's report on the subject of cantonisation, paragraphs 10 and 11 on page 379, were endorsed by the Government. If cantonisation was suggested as a preface to independence, it was not so open to objection, but he did not think that cantonisation by itself—that was to say, to put one part of Palestine under Jewish government and another under Arab government, with a United Kingdom Government over both of them—was a good solution : It seemed to have the disadvantages of partition without the advantages.

In the process of establishing the two independent States, after the boundaries had been decided and questions of finance and Customs settled, and such international problems as the protection of minorities, etc., had been reached, the United Kingdom Government would certainly contemplate that at such a stage it would be advisable to have provisional governments somewhat on cantonal lines, before the treaties which would then have to be negotiated with those provisional governments were drafted for submission to the League.

M. RAPPARD said that his conception differed from Mr. Ormsby-Gore's on one point only. In his view, cantonisation would precede the breaking-up of the Customs union. One of the advantages of the cantonal system would be that there would be a Customs union for a few years until each State took over full authority. He merely wished to ascertain whether the exploration of such a possibility was debarred.

Mr. ORMSBY-GORE replied that this possibility was not at all excluded as a step in the process.

The CHAIRMAN had another question to ask. It had been said that partition would necessitate two treaties. A treaty could quite conceivably be concluded with the Emir of Trans-Jordan assisted, as the Royal Commission's report said, by representatives of the Arabs of Palestine. But it was difficult to see what authority on the Jewish side would be sufficiently qualified to negotiate a treaty in the name of the future Jewish State. The above-mentioned report spoke of the Zionist Organisation (page 381, paragraph 6). Did that refer to the Organisation itself or more particularly to the Jewish Agency?

Mr. ORMSBY-GORE said that the same point had occurred to him when he first read the report of the Royal Commission. He thought that, by the time the final phase of treaty negotiation supervened, there might be in existence in part of Palestine a Jewish Provisional Government. But the question arose, what was the mandatory Power to do before then? With whom should it negotiate? The Royal Commission recommended the Zionist Organisation—that was to say, the body which had been meeting this year at Zurich. The Government was inclined to think that the Jewish Agency, which was specifically mentioned in the mandate itself, was probably the more appropriate body. The Zionist Organisation was a voluntary association of world Jewry, which supported Zionist aims. The Jewish Agency was the official Jewish body in Palestine, and, though predominately Zionist, it contained some non-Zionists as well. The United Kingdom Government was, therefore, inclined to think that the preliminary negotiations should be conducted with the Jewish Agency; but that was not a final decision.

Mr. Ormsby-Gore understood that, in the near future, the Jews might decide to set up a special committee for purposes of negotiation, but it remained to be seen whether such a committee would be acceptable to the Jewish Agency, or whether the Agency would ask for additions to be made to it. Therefore, the actual Jewish representative body for purposes of preliminary negotiation was not yet decided, and would depend on the representations made both by the Zionist Organisation and by the non-Zionist representatives on the Jewish Agency.

The CHAIRMAN stated that the Commission had received two Arab petitions, one from the President of the National Defence Party,<sup>1</sup> the other from the President of the Arab Higher Committee,<sup>2</sup> both accompanied by a letter from the United Kingdom Government, dated July 30th, 1937. As they had reached the mandatory Power too late, the latter had sent them to the Mandates Commission without observations and without stating whether the accredited representative would comment on them or not. In view of the importance of these two petitions, would Mr. Ormsby-Gore be prepared to make any observations on them?

M. PALACIOS supported the Chairman's request. The mandatory Power having intimated in its covering letter that it had not had time to examine the petitions, which were of very definite importance from the point of view of the attitude of the Palestine Arabs towards the settlement contemplated, M. Palacios would be glad if the accredited representative could give the Commission some information regarding them.

Mr. ORMSBY-GORE had already referred to the character of these petitions.<sup>3</sup> The Mandates Commission would see that the solution recommended by the Arab Higher Committee implied: first, the retention by the Arabs of the right to complete independence in their own land, which they described as the whole of Palestine; second, the cessation (whatever that meant) of the experiment of the Jewish National Home; third, the cessation of the British mandate and its replacement by a treaty similar to those existing between the United Kingdom and Iraq, the United Kingdom and Egypt, and France and Syria, constituting Palestine a sovereign State; and fourth, the immediate cessation of all Jewish immigration and of land sales to Jews pending the conclusion of the treaty. That solution, Mr. Ormsby-Gore wished to say quite frankly, was unacceptable to the United Kingdom Government if it were for the whole of Palestine.

M. VAN ASBECK said he had been struck by what the accredited representative had said that morning,<sup>4</sup> to the effect that it was not possible to take account only of economic motives and that there were other and deeper motives. The whole question of the transfer of Arabs

<sup>1</sup> Document C.P.M. 1923.

<sup>2</sup> Document C.P.M. 1922.

<sup>3</sup> See page 16.

<sup>4</sup> See page 181.



either to an Arab State in Palestine or to Trans-Jordan had so far been discussed only from the economic standpoint. He would ask the accredited representative whether there were no other motives to be taken into account when considering such transfers. In this connection, he referred to a letter of August 7th addressed to the Chairman and members of the Mandates Commission from the Arab side in which mention was made of certain religious foundations situated in the proposed Jewish State from which revenue now accrued to the Mosque of Omar and the Mosque of Hebron. The members of the Commission had also been told that the proposed new Jewish State would include two famous Holy Places of Moslem pilgrimage, a circumstance which was explained to be repellent to the Arabs. Lastly, it seemed that account had to be taken of the Arab graveyards to which Arab religious feeling always attached much importance. The question which presented itself to his mind was whether these religious considerations were not a great obstacle to the plan of partition.

Mr. ORMSBY-GORE said that M. van Asbeck's first point related to Waqf land, land which was set apart permanently for religious purposes and for providing funds for the maintenance of a mosque and its services. Under Koranic law such land could not be sold, but it could always be exchanged for land of equivalent value and such exchanges had been frequently effected all over the Moslem world. That was, therefore, hardly a very serious obstacle. On the other hand it was true that Moslem communities, like many others, had a very special sentiment for graves, and would not, undoubtedly, care to leave graves situated in a country to be ruled over by Jews. But there had always been a certain amount of migration inside the Arab world; many people from Trans-Jordan and even the Hauran had actually settled west of the Jordan in Palestine since the war and he did not think that this circumstance represented an insuperable obstacle. It was inevitable that such an argument should be raised, but he did not think the difficulty insuperable.

Lord HAILEY pointed out that in the letter referred to by M. van Asbeck, it was stated that Koranic law forbade not only the sale but also the exchange of Waqf land, and it would be important to know whether that statement was correct or not.

Mr. ORMSBY-GORE understood that exchanges of Waqf lands had frequently been effected.

Mr. HALL confirmed that this had been done in Iraq where, under the law, Waqf land could be exchanged for land of equal value. He had no personal knowledge of such transactions in Palestine, but thought it very unlikely that the Sharia law in Palestine would differ from the Sharia law in Iraq.

#### **Palestine and Transjordan : Close of the Hearing.**

The CHAIRMAN, after having ascertained that his colleagues had no further questions to ask, said that he thought there was no occasion to detain the accredited representatives any longer. He thanked them for the assistance they had given the Commission. It seemed to him not impossible that similar circumstances might again bring the representatives of the mandatory Power and the members of the Mandates Commission together around that table. Those personal contacts would leave a particularly happy memory with all of them if the work done in common should prove to have been a useful contribution towards the search for a just and lasting settlement of the Palestinian problem.

Mr. ORMSBY-GORE thanked the Chairman.

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### TWENTY-FOURTH MEETING.

*Held on Saturday, August 14th, 1937, at 10 a.m.*

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#### **Palestine : Possibility of continuing to administer the Territory under the Existing Mandate (continuation).**

The CHAIRMAN invited M. Sakenobe, who had unavoidably been absent during the exchange of views on this question, to express his opinion as to the possibility of maintaining the mandate in its present form.

M. SAKENOBE was very grateful for the opportunity to express his opinion on the question whether the mandate for Palestine, as instituted in 1922, was or was not applicable in itself. To answer that question, one was obliged to seek a solution in the mandate itself; and for

that purpose it was useful to go into the history of how the Palestine mandate came into existence and the special nature of that mandate as compared with other A mandates.

In April 1915, a secret treaty was concluded between Great Britain, France and Russia for the partition of the Turkish Empire at the conclusion of the war. Another treaty fixing the partition in a more detailed form was concluded at the beginning of 1916, by which Russia was to have Kurdistan, France the maritime territory of Syria and Adana, and Great Britain Mesopotamia, Acre and Haifa. A single Arab State or a federation of Arab States was to be established between the territories assigned to France and Great Britain.

With regard to Palestine, it was stipulated that, in order to secure the religious interest of the Allied Powers, Palestine should be separated from Turkey and placed under a special regime to be arranged between the three Powers already mentioned.

From that treaty, there were two things to be learned. The first was that, at the beginning of 1916, the idea was that Palestine should be separated from the Arab States to be established in the future. The second was that the reason Palestine was to be treated differently from other territories in Asia Minor was the safeguarding of Christian interests in the Holy Land.

From history he learned that the desire for Palestine had been entertained by two different elements in Europe. First, there was the desire of the Christians for the Holy Land dating from mediæval times, and secondly there was the desire of the Jews for a national State. But when the 1916 Treaty stipulated that Palestine should be put under a special regime, it did so for the first reason; the idea of the establishment of a Jewish National Home had not yet been mooted. In the meantime, Sir Henry McMahon, at that time High Commissioner for Egypt, had started negotiations with Hussein, Emir of the Hejaz, for a revolt against the Turks, and had offered to assist him in establishing Arab independent States. It was maintained by the Arabs that Sir Henry McMahon agreed to include Palestine in the territories to be made independent. M. Sakenobe did not propose to enlarge further upon the McMahon correspondence and the story of the Arab revolt; for they were well known.

In the meantime, another secret negotiation had been conducted between France and Great Britain and the Sykes-Picot Agreement had been signed. Under that Agreement, Palestine was to be put under international administration.

Then came the participation of the United States of America in the war on the allied side; and that altered the situation. The idea of annexation had to be given up. M. Sakenobe had said enough to show that, from the beginning of the great war, Palestine had been treated separately from other territories of the Turkish Empire.

Then came the Balfour Declaration, which was subsequently recognised by the principal Allied Powers; and, in April 1920, the Supreme Council at San Remo allotted the mandate for Mesopotamia and Palestine to Great Britain and the mandate for Syria and Lebanon to France. The Peace Treaty of Sèvres was signed by the Allied Powers and Turkey on August 10th, 1920; and it was interesting to compare Articles 94 and 95 of that Treaty. Article 94 stipulated that Mesopotamia and Syria should be provisionally recognised, in accordance with Article 22, paragraph 4, of the Covenant, as independent States, subject to the rendering of administrative advice and assistance by a Mandatory until such time as they were able to stand alone. In Article 95 it was agreed, in application of the provisions of Article 22 of the Covenant—no mention of paragraph 4—to entrust the administration of Palestine to a Mandatory who was to be responsible for putting into effect the Balfour Declaration made on November 2nd, 1917, by Great Britain and adopted by the other Allied Powers—then followed the text of the Balfour Declaration.

The comparison M. Sakenobe wished to make was between the different treatments accorded, in the two articles, to Mesopotamia and Syria on the one hand and Palestine on the other. In the first place, Mesopotamia and Syria were recognised as approaching the status of independent States with relations to the respective mandatory Powers similar to those of State under a Protectorate. In the case of Palestine, there was no expression to indicate the semi-independent nature of the territory. Therefore, it might be concluded that paragraph 4 of Article 22 of the Covenant applied only to Mesopotamia and Syria, and not to Palestine. The Palestine mandate was approved by the Council in September 1922. In Article 1, it was stipulated that full powers of legislation and administration were to be given to the mandatory Power. The Mandatory was placed under the obligation of encouraging the establishment of a Jewish National Home in a territory where an Arab majority already existed. It was clearly feared that, if extensive autonomy was given to the Arabs, the establishment of a Jewish National Home would encounter serious difficulties.

M. Sakenobe proposed to make a brief comparison of the mandates for Iraq, Syria and Palestine with a view to ascertaining what expectations they held out as to the future independence of those territories.

In the draft mandate for Iraq, it was stipulated that the Mandatory should use its efforts to enable Iraq to become a Member of the League of Nations as soon as possible and that, if and when Iraq became a Member, the mandate should terminate.

In the mandate for Syria, it was stipulated that the Government should be based on an organic law which must take account of the rights, interests and wishes of all inhabitants, and that the Mandatory should facilitate the progressive development of Syria and Lebanon as an independent State.

In the Palestine mandate, no similar article was to be found. Full legislative and administrative rights were vested in the Mandatory.

A detailed examination of the three mandates showed that Iraq was entitled to accredit diplomatic representatives to foreign countries with the assent of the Mandatory, whereas in the case of Syria no such right was recognised. Iraq could issue exequaturs to consuls ; but in Syria it was the mandatory Power that did so.

With regard to the termination of the mandates, in the case of Syria, the phrase was “ on the termination of the mandate ”, whereas in the case of Palestine it was “ in the event of the termination of the mandate ”.

He had the impression that there was a difference between the two phrases. “ On the termination ” was definite ; but “ in the event of the termination ” was quite indefinite. It suggested that the mandate might, or might not, be terminated.

It might safely, therefore, be said that in the case of Iraq the expectation of independence was strongest, while in the case of Palestine it was very remote, even as compared with Syria.

That brief comparison tended to show that the possibility of Palestine evolving into an independent State was very distant and remote. The Mandatory, with its full powers of legislation and administration, was intended to govern the territory as a *third party*. The mandate was framed with that specific purpose. The authors of the mandate knew very well that the Arabs in Palestine were as advanced as the Arabs in Syria and Iraq—more so, perhaps, because the people in maritime regions were generally more advanced than people in the hinterland. The authors of the mandate knew that the Arabs in Palestine desired independence as strongly as other Arabs in Asia Minor ; but they deliberately took no notice of those considerations. The duty of the Mandatory, as they laid it down, was to create such political, administrative and economic conditions as would secure the establishment of a Jewish National Home and the development of self-governing institutions—but not to establish an independent State. The Mandatory was to use every means to institute, and at the same time develop, self-governing institutions in Palestine. There might be at one time a Jewish majority, at another time an Arab majority ; but it was always the mandatory Power that was intended to preside, to supervise and to govern. The Mandatory was to use every possible means in its power to promote harmony between the two races. It was to resort to conciliation, persuasion, and even, on occasion, to force—the last, perhaps, most frequently, because the history of colonisation was a history of strife and bloodshed.

To avoid bloodshed as much as possible was the test of success in colonisation ; and in that respect M. Sakenobe thought the Mandatory had had a great success in Palestine. The presence of the mandatory Power had reduced bloodshed to a minimum.

The present situation, which represented one inevitable stage in the process of colonisation, could not alter the position in regard to the applicability of the mandate. The problem of Arab independence was a political question, which did not arise under the mandate—at any rate, at the present moment.

The above was his opinion, very briefly stated.

#### **Palestine: Exchange of Views between The Members of the Commission concerning Possible Solutions for the Future Administration of the Territory.**

The CHAIRMAN invited the members of the Commission to express in turn their views on the advantages and drawbacks of the various solutions—modification of the existing mandate, cantonisation, partition, and any other solution that might be contemplated.

M. SAKENOBE said he desired only to comment on the partition scheme in the Royal Commission's report. It did not seem to him a fair scheme. The just and equitable way of partition would be to divide the territory into two parts of equal magnitude. It would be extremely difficult to place even a part of the Jewish population of the world in the tiniest State in Palestine suggested by the Royal Commission ; and the difficulties now encountered by small States with over crowded populations all over the world would arise in Palestine as a result of the minuteness of the proposed Jewish State. To avoid as many of these difficulties as possible, at least half of the territory should be assigned to the Jews. He saw no reason why only a quarter or a third of the territory should be given to the Jewish people. The scheme of partition could only have a good effect, if the territory was divided into two parts of equal magnitude. On the other points, he had no comments to make.

M. RAPPARD asked if by “ parts of equal magnitude ” M. Sakenobe meant parts of equal area or equal absorptive capacity. Was 10,000 square miles of desert equal to 10,000 square miles of fertile country ?

Mr. SAKENOBE replied that he meant equal areas, having regard of course to the nature of the soil. If the territory of Palestine was divided in half by the enclave to be governed by the mandatory Power, and the northern half given to the Jews, that would be too favourable

to the Jews, because the northern part of the territory was much more fertile than the southern. But that was a matter of detail on which a reasonable adjustment could perhaps be reached by giving them part of the southern half.

M. VAN ASBECK proposed to deal first with the partition scheme, which was the most far-reaching of all the solutions.

If he remembered rightly, Mr. Ormsby-Gore had stated on at least two occasions during his later replies that the success of that solution depended on a good understanding between the Jews and the Arabs, as soon as partition was effected. That raised what was the crux of the question.

Viewing the partition scheme from that angle, it had to be admitted that, so far, this good understanding had not been forthcoming either in Palestine or, generally speaking, in Arab countries with a Jewish population of any size. At the present time there was, in Palestine, a supreme authority which in case of emergency could, as *ultima ratio*, enforce its policy, keep the peace, so far as that went, and impose its decisions. After partition had been effected, there would be two sovereign States without a supreme joint authority. Consequently, all the difficulties which had so far arisen in the mandated territory would become still more acute when there was no longer a supreme joint authority, but two sovereign States called upon to solve between themselves by negotiations and mutual concessions the joint problems that arose. Obviously, those two States would constantly be confronted with common problems for which they would have to find a solution. When the details of the partition scheme were examined, it would at once be seen that the solution of those common problems would necessitate good understanding between the parties. There would first of all be the all-important question of the transfer of the Arab population in Jewish territory.

In his replies, Mr. Ormsby-Gore had incidentally referred to the important question of the religious ties of the Arab population. M. van Asbeck had no desire to go into that matter again; but he must recall, in the first place, how little the Arab peasant, as all Eastern peasants, was inclined to leave his plot; secondly, how intimately Arab religious feeling was bound up with certain sites in the projected Jewish State; thirdly, that that State would include a series of Waqfs.

The two questions of Jaffa and the new Jerusalem would also arise. He did not know whether the requests made by the Jews would be taken into consideration. As regarded Jaffa, however, a large number of problems would arise, which could only be settled by agreement between the Jews and the Arabs.

Moreover, in the territory which it was proposed to place immediately under Jewish authority there would be an Arab majority; as against 250,000 Jews, there would be at least 300,000 Arabs. For that reason, it was proposed that the four towns should be placed under the temporary mandate of the present mandatory Power. If those four towns were detached from the territory of the new Jewish State, the number of Arabs would be reduced to 225,000, as stated in the Royal Commission's report (page 390). That state of affairs had probably been envisaged as a temporary solution; but, like other temporary solutions, it might become semi-permanent or even permanent. What, then, of the Jewish State?

There were also tariff difficulties. There again the Royal Commission, on page 387 of its report, admitted that a solution could only be found by agreement between the two new States. The suppression of smuggling and all matters connected with the economic regime could only be settled "if they could agree".

The question of defence and the capacity of the two new States had likewise to be considered. In the new Arab State, the vital question would be that of finance. The Jews, on the other hand, would be faced with the problem of how to create a stable Government composed of men who had already had practical experience. In such a heterogeneous country, there was no majority and no solid national *bloc*. There were two nationalities which nearly balanced one another. Vast experience and the utmost flexibility were needed to govern such a country. It should also be remembered that one of the two *blocs*—namely, the Jewish *bloc*—would not constitute a nation, but would consist of Jews coming from every part of Europe, all of whom had not reached the same stage of development. Mr. Leonard Stein, a prominent leader of Zionism, writing in the *Jewish Chronicle*, had not concealed this difficulty, nor his anxiety. He thought that the Jews would not at first be capable of governing themselves, and that the mandate would have to continue when the new State was established.

The obstacles M. van Asbeck had mentioned were so great that it was possible that partition would create more difficulties than it would settle. The only advantage it possessed was the moral advantage. The idea of partition had had from the beginning very great force. It gave "relief". But it involved a great danger—namely, to borrow the term once used by the Chairman,<sup>1</sup> that a new illusory state of affairs might be created, that one would pass from the "age of illusion" which had existed up to the present to yet another illusion. It all depended on whether hopes and expectations which had been held up before one's eyes could be realised. There was, it seemed, very little solid foundation on which such a scheme could be based. As regarded the new Jewish State, it might well be asked whether the continuation of the mandate system would not offer greater advantages than the granting of full sovereignty. As regarded the Arab State, it was rather doubtful whether it was capable of standing alone.

<sup>1</sup> See page 87.

Turning to the cantonisation scheme, he observed that this possessed various drawbacks to which the Royal Commission had itself drawn attention. The chief disadvantage of the scheme was the difficulty of framing a federal constitution—in itself, never an easy matter. Everyone knew that the English did not like written constitutions. Similar views had been expressed in regard to the constitution of India. Nevertheless, that difficulty could be overcome, as India showed.

In conclusion, M. van Asbeck wondered whether the time was ripe for a final solution. The partition scheme had been put forward as a final solution. Having regard to the existing state of affairs in Palestine and to the minimum interests of the population, it might well be asked whether, after fifteen years of government under mandate and internal conflict, it would not be better to endeavour to find an intermediate solution which would remedy the most pressing and most difficult problems of the moment, but would give the mandatory Power and the League of Nations time and opportunity to work out without undue haste a final solution which could be studied by both parties, avoiding the drawbacks of a precipitate solution.

M. PALACIOS had stated, at a previous meeting,<sup>1</sup> that, in his view, the question on which the Mandates Commission had been asked for an opinion might be considered under two heads: (a) the unworkability of the mandate and (b) the substitution for it of a scheme of partition.

He had already given his views on the first point. Mr. Ormsby-Gore's later declarations had merely confirmed his opinion. Occasionally, more especially following a question by the Chairman or M. Rappard, it might have seemed as if the mandate could be revived in the United Kingdom's proposals, but that illusion had been speedily dispelled. Worse still, the Balfour Declaration, for quite comprehensible reasons, would have to share the fate of the mandate, and was in fact sharing it. M. Palacios had therefore nothing to add to what he had already said.

The second point was quite a different matter. With no solid basis to work on, navigating, as the accredited representative had put it, on the high seas, holding a course between the interests, passions and necessities of world politics, everything could be discussed at length, and free rein be given to the imagination. That was doubtless why the United Kingdom Government, which seemed definitely resolved to abandon the mandate, merely asked for "freedom to give effect to a scheme of partition, to which they earnestly hope that it may be possible to secure an effective measure of consent on the part of the communities concerned."<sup>2</sup> The solution proposed to the Mandates Commission on that point was therefore an "embryo" scheme.

He believed, if the Commission was not to lose its way among the innumerable schemes which might be devised for solving the problem, the one on which it should express an opinion was that of the right to carry out partition; or at least that was the scheme on which the Commission's discussions should essentially be concentrated.

All the arguments and advantages enumerated by the United Kingdom Government in paragraph 7 of its Statement of Policy to prove that partition was "the best and most hopeful solution" seemed to M. Palacios theoretically correct and justified. One might discuss the dangers to peace involved in the co-existence of two new sovereign States—the Arab State and the Jewish State, to say nothing of several others under guardianship—in a tiny country, with corridors, detached towns, free ports with special transit facilities across foreign territories, exchanges of population, subsidies, protection of minorities and various commissions as depicted in the draft already published. One might contemplate, and the parties concerned might negotiate for, improvements in the original scheme, for advantages and compensations to be secured. It was nevertheless certain, in M. Palacios' view, that the real problem did not in practice lie there. It was still at the point where it was left by the Balfour Declaration—that was to say, the absolute incompatibility of Arab and Jewish nationalism—and there was no ground for believing that that nationalism could be attenuated sufficiently to allow of the territory being partitioned. If it should happen that details had to be discussed, it would mean that the problem of principle had been already solved. Unfortunately, he did not think that was yet the case. The ardent aspirations of the Zionists, which had made increasing headway since the war, would naturally tend to become more ambitious subsequently and would automatically conduce to strengthening in every way the irreconcilable opposition of the Arabs. The conflict was between rights of primogeniture and rights of status, and it was those rights which, in future—given the talent, wealth and influence of the Jews all over the world—would arouse the stubborn distrust and the hitherto insuperable resistance of Arab sovereignty and alleged Arab unity. The Arab representatives kept pointing out in their conversations with members of the Mandates Commission that they were fighting energetically in their country to-day in order that they might not have to fight harder still to-morrow, while the Jews, more particularly the younger generation, had told the Members of the Commission that they would leave nothing undone to achieve their ambitions. There was thus, unfortunately, no likelihood of agreement.

Moreover, it was often impossible to see the fire for the smoke; or the latter at least concealed the smouldering flames. The problem was not merely one between Arabs and Jews; or, if it were, there were many other interests also involved. Mr. Ormsby-Gore's declarations had more than once revealed the perspective of world politics. The Mandates Commission must not venture on that ground; if, however, it had been able to discern that aspect of the

<sup>1</sup> See page 141.

<sup>2</sup> See page 14.

question, it would be a mistake to disregard it when framing its preliminary opinion. That was tantamount to saying that those immense interests and rights, chief among which were the very legitimate interests of the British Empire, were being discussed in other quarters and, in one way or another, would have their repercussions in the League of Nations.

He felt, however, in view of those considerations, which were based on the facts and arguments laid before the Mandates Commission, that the latter should definitely find in favour of granting the mandatory Power the freedom which it requested for negotiating its scheme, and should also, if necessary, back it up with all the necessary authority required to make the scheme a success. The conciliatory methods and the persuasive attitude displayed by its accredited representative, who had repeatedly emphasised how difficult it would be to find the necessary support in the United Kingdom for using force in an undertaking on such a scale, served merely to emphasise the civilising influences of the Mandatory and must evoke the greatest sympathy. It was to be hoped that the mandatory Power would achieve its objective, and that should be the Mandates Commission's earnest wish.

Among the questions, however, which fell entirely within the province of the Mandates Commission, was one in respect of which its powers were based on Article 28 of the Palestine mandate, where it was stated that in the event of the mandate terminating, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14. Those were the articles dealing with religious peace and the Commission for the Holy Places. Article 14, which was still applicable, was based on Article 95 of the Treaty of Sèvres which, though not ratified, had been quoted by M. Sakenobe. The second paragraph of that article read as follows :

“ The Mandatory undertakes to appoint as soon as possible a special Commission to study and regulate all questions and claims relating to the different religious communities. In the composition of this Commission, the religious interests concerned will be taken into account. The Chairman of the Commission will be appointed by the Council of the League of Nations.”

That was not the only provision contained in Article 28 of the mandate ; it contained other instructions concerning finance, to which the Council's attention would also have to be directed, if necessary.

Another duty which unquestionably devolved on the Mandates Commission was the examination of the conditions with which new States would eventually have to comply in order to become self-governing. In the present case, of course, there was no complete analogy with the problem raised in the case of Iraq, and which might shortly be raised in the case of Syria. Mr. Ormsby-Gore's remarks as regards a decision by the League of Nations preliminary to the regrouping proper of the populations in their respective territories, seemed to M. Palacios, if he had heard aright, to invert the terms of the question, but he bowed to the wider experience of the accredited representative.

He did not propose to discuss the other schemes, though that did not mean that they should not be borne in mind when the time came to take a decision. He was so fully convinced of this that, in the list of questions which he had prepared, for studying the problem (document C.P.M.1928), he had been careful to enumerate the various schemes and to stress the main points which each of them raised. He would not discuss them at the moment, because he preferred to keep to what he felt was explicitly demanded from the Commission ; and because he felt that any intermediate or mixed scheme would deprive partition of the only condition which, considering the political opposition shown, might perhaps ensure its success—namely, speed and determination in execution. Obviously, speed should never preclude the necessary negotiations, but these would only be endangered by the announcement of an intermediate regime on indecisive and more or less temporary lines.

In conclusion, the League of Nations was being asked for a declaration to take the place of the historic Balfour Declaration. The moment was a solemn one. It was at least the Mandates Commission's privilege to prepare the way for a new policy.

Count DE PENHA GARCIA thought the situation was quite clear. The mandatory Power asked for the revision of the mandate for the simple reason that, after recent events in Palestine, it had come to the conclusion that the mandate was unworkable.

It did not, however, put forward any definite solution. It pointed to one solution—namely, the solution suggested in the Royal Commission's report ; but the accredited representative expressly said that the Mandatory did not adopt the Royal Commission's solution as its own. What then did the mandatory Power want from the League of Nations ?

In the first place, it wanted recognition of the principle of the need for revision of the mandate ; and, in the second place, it wanted authority to negotiate.

What was the explanation of the Mandatory's failure—and, incidentally, of its present demands, as the accredited representative had more than once made clear ? The explanation was the same as always : it was the opposition of the Arabs. It was logically certain that, unless that opposition could be mitigated in one manner or another, the failure would remain, however the mandate might be revised.

There was sufficient documentary evidence to show that the Arabs would oppose on principle any arrangement which did not preserve Arab independence and leave the Jews in a minority. The National Home to them was hedged with limitations. One limitation, indeed, there must always be to the realisation of the National Home—namely, the absorptive



capacity of the country. But that did not satisfy the Arabs. They wanted something more than that. They wanted to make the absorptive capacity of Palestine subject to the maintenance of the existing proportions between the two races.

The Jews, for their part, wanted the maintenance of the Balfour Declaration to its full extent; and it might be that, for this reason, they would not be altogether indisposed to accept some system of partition.

Such being the position of the parties, the mandatory Power came forward and said: "We propose to study a way out of the difficulty, and we want in the first place authority to negotiate". The mandatory Power's attitude was based on its clear comprehension of the fact that, without an agreement with the Arabs on one basis or another, the situation would remain as it now was. It was for the Mandates Commission under those circumstances to examine the arguments for and against the different solutions; but it could do so only with a great deal of reserve in view of the position of the mandatory Power, which could not without imprudence pronounce definitely on this or that formula, or this or that principle, where the advantages and disadvantages were so closely combined. But he might note that one personage, presumably a distinguished personage, the Rector of Jerusalem University, was still in favour of the policy of conciliation with time-limits (by which was meant a policy of agreements for successive stipulated periods) and believed that such a policy could be worked.

There were therefore plenty of possible solutions; but he himself proposed to say only that he thought partition would prove extremely difficult. Cantonisation was not much better than partition. As to the various forms of conciliation, there was something to be said for all of them. But any and every system would always be exposed to Arab opposition; and until some means was found of eliminating or mitigating that opposition he saw no way out of the deadlock.

Mlle. DANNEVIG said that she only wished to enumerate briefly some of the considerations which had seemed of importance to her as regards the advantages and disadvantages of the mandate and the proposed scheme of partition.

#### *Advantages of Mandate:*

- (1) British responsibility for the administration of the whole of Palestine. Technical help given by British experts for the development of the country.
- (2) Jewish economic resources profiting Arabs as well as Jews.
- (3) Educational, sanitary and social services can be kept upon a higher level than seems to be possible in case of partition, especially in the proposed Arab State.
- (4) Hope that a sense of Palestinian citizenship may ultimately be developed if the mandate is not prematurely abolished.
- (5) No necessity for one race politically to dominate the other.

#### *Disadvantages of Mandate.*

- (1) Danger of continued disturbances because of Arab disagreement as to the interpretation of the wording of the mandate.
- (2) Threatening necessity of keeping order by military means.

#### *Advantages of Partition.*

- (1) The promise of self-government can be made good both to Arabs and Jews.
- (2) The Jews, if they obtain a seat on the Assembly of the League of Nations, will have practical possibilities of making their voice heard on an international platform.
- (3) The United Kingdom Government will be relieved of its task of maintaining order in the country.
- (4) The fighting spirit of both races may, by being occupied by interior political questions, become less mutually aggressive.
- (5) A great number of Jewish immigrants in distress may obtain admission in the immediate future.

#### *Disadvantages of Partition.*

- (1) Palestine seems too small a country to be divided into two sovereign states.
- (2) Several towns and a central territory will have to remain under mandate so that the country will be further subdivided.
- (3) The small Jewish State will be difficult to defend.
- (4) Danger of neighbouring States interfering with the affairs of the two States.
- (5) Large Arab minority in the proposed Jewish State leading to the proposal for a transfer of population.

(6) Difficulties of Jewish State because many of its most important institutions may be situated without its territory.

(7) Some of the Arab places of worship and veneration will be situated within the domain of the other State.

(8) The probable poverty of the proposed Arab state will necessitate subsidies from abroad and thus prevent it from being wholly sovereign.

The difficulty of pronouncing a definite opinion on this complex question had been increasing since the Zionist Congress conceived the possibility of negotiation on the proposed partition scheme ; and Mlle. Dannevig thought it would be unwise to close the door to such negotiations. She hoped that direct negotiations would be opened between responsible Arab and Jewish leaders in order that they might themselves find a solution acceptable to both.

Lord HAILEY said that the Commission seemed to be involved in a maze of difficult considerations. For his own part, he could only apply to them the test one commonly applied to difficult proposals in everyday practical life ; and that was to consider, not how such proposals looked in themselves, but how they compared with other possible alternatives.

It was perhaps a peculiarly British characteristic to put political status above legal status in the scale of values. But it had been the experience of the British all over the world that the former, rather than any other consideration, was the ultimate and decisive argument in the eyes of peoples ; the history of the British throughout the world certainly went to show that considerations of political status were, not only a strong force, but very often an irresistible force, in human affairs. That was why he envisaged the problem of Palestine mainly as a problem of determining the future political constitution of Palestine.

The value of the report of the Royal Commission lay in this, that it had forced us at last to consider whether Arabs should be subordinate to Jews or Jews to Arabs. That issue had never been fairly faced before ; whatever our intentions may have been, we had wrapped them up in ambiguities, hoping perhaps that time would find a solution for a problem which we had not cared to face. The pressure due to anti-Semitic movements in Europe, and the growth of Arab nationalism in the East had now made it impossible to shut our eyes any longer to this issue. If the Jewish National Home meant anything, it meant a Jewish State, and the Jews could not be subordinate to the Arabs ; but Lord Hailey also felt, for his part, that the British public would never with any conviction support a scheme which involved the subordination of an indigenous Arab population to a new population largely consisting of Polish and German colonists.

The Mandates Commission must therefore envisage some solution which did not involve subordination either of Jews to Arabs or of Arabs to Jews ; and any solution on those lines postulated some form of partition.

He did not regard partition and cantonisation as two mutually exclusive alternatives. For his part, he was inclined to consider cantonisation as a possible preliminary to partition. The advantages and disadvantages of partition were obvious to all. He need not enumerate them. What the Mandates Commission should do was, he thought, to urge the mandatory Power to proceed, whether by negotiation or of its own initiative, to consider any schemes calculated to eliminate the greater part of the more obvious disadvantages—transfer of populations, the difficulty of maintaining mandatory control over certain of the towns, and the difficulty arising from the existence of the Waqf lands, and the like. He believed that, if the mandatory Power could produce some equitable scheme of partition—it need not necessarily be that of the Royal Commission—the advantages of such a scheme would greatly outweigh the disadvantages inherent in the continuance of the mandate in its present form.

It was largely a question of psychology. These two peoples, if parted, each with a definite political future of its own, would surely live on better terms than if they were perpetually engaged in a series of internecine and domestic quarrels. If they quarrelled in the future, their quarrels would be open : they would be the kind of quarrels which people could refer to a court, and not the kind which were fought out on the family hearth. There would be a loss to Arabs, though they undoubtedly would have a compensating gain in the certainty of their own political future. There would be a loss to Jews, who had already lost Trans-Jordan. But when they complained that partition would mean a great curtailment of the possibility of their expansion in Palestine, it must be remembered that their expansion must in any case be limited by the condition that it must not place the Arabs in subordination to them. That was a condition which the Zionist Organisation had accepted in 1922 when it agreed to the Churchill Declaration. Its acceptance actually preceded the drawing-up of the terms of the mandate.

Lord Hailey only wished, in conclusion, to say that in any calculation of the advantages and disadvantages it was essential to take into account not only the Jews and the Arabs but a third party also—namely, the United Kingdom itself. He must remind his colleagues—perhaps they did not need reminding, but there were others outside who seemingly did—that Great Britain was the one nation that had attempted to do anything substantial for the Jews. There



were other peoples, who had retained full liberty of criticism, but had not sacrificed men or money or reputation on behalf of the Jews. One of the chief arguments for partition was the fact that the British people would embark on such a scheme with some measure of conviction; and conviction was necessary if they were to continue to carry out their work for the Jews. It had been assumed that the British desired a change in the mandate because Arab resistance had made administration impossible. That did not seem to him the real truth. The truth was that they could not agree to carry on a regime which they now clearly saw must mean the complete subordination of the Arab population. They did not desire to cease to assist the Jews; but they could not continue to do so on these terms.

M. GIRAUD thought that, after the statements made by Mr. Ormsby-Gore and the replies given by him and Mr. Hall to the numerous questions put to them on the different aspects of the Palestine problem, it was possible to draw certain conclusions of value from their consideration of the case, which he stated as follows :

1. In the first place, though there may have been in the past instances of more or less close co-operation between Arabs and Jews, justifying the deduction that there is no question of any fundamental antagonism between the two races, it appears difficult to deny that, at the present day, the aspirations of the Arabs and Jews in *Palestine* in regard to the political future of the country, and in particular the views of the two parties on the two essential questions of Jewish immigration and the land, appear irreconcilable.

2. The mandatory Power in presence of this circumstance, the force of which has been painfully brought home in recent years by a number of demonstrations characterised by violence and bloodshed of which the Jews were the victims, affirms in the most emphatic manner that it cannot continue its responsibility for the execution of the mandate entrusted in 1922, inasmuch as the obligations inherent in the mandate presuppose the co-operation of the different elements of the population with a view to the establishment and development of self-governing institutions. The mandatory Power adds that the primary duty of every Government to maintain order and security of the person can no longer be performed by it except by the continuous use of force, resort to which is not only repugnant to British public opinion but is also calculated, in the judgment of the mandatory Power, to render still deeper the gap which recent years have created between Jews and Arabs.

3. Such being the situation with which the Mandates Commission is confronted, it appears difficult, in answer to the question put to it as to whether the 1922 mandate has become unworkable, to give any reply—on the basis of the material for judgment at the Commission's disposal—other than in accordance with the very definite view expressed by the mandatory Power.

4. The mandatory Power says it can no longer undertake the obligations of the mandate of 1922, and that some different arrangement must consequently be made for the administration of Palestine. Of the various solutions which admit of consideration, it prefers partition. The indisputable advantage of partition is that it enables the Jews and Arabs in their respective States to be the masters of their own destiny. But partition at the same time involves serious difficulties: determination of the frontiers between the new States; the fundamental difference in the economic structure of the two neighbours which is bound to complicate their commercial relations; the inadequate financial resources of the Arab State, and the presence in the Jewish State of minorities in considerable numbers, raising delicate problems of the transfer of populations.

5. The mandatory Power recognises that there are other solutions which may command support. It does not formally exclude such solutions, though it regards partition as the best way out of the deadlock. It must be admitted that all possible solutions, including partition, are imperfect and open to objections which it is unnecessary to recall. The only condition with which it would seem essential that the solution ultimately adopted should comply is that it should be supported by the majority of the Arabs and of the Jews. The mandatory Power proposes to realise this condition by negotiations with the qualified representatives of the Jewish and Arab populations, if authorised by the Council of the League of Nations to enquire into the possibilities of a system of government, outside the provisions of the mandate of 1922, which is able to make an end of current difficulties.

The CHAIRMAN thought that once it was necessary—as he himself felt it was—to abandon the hope that the Arab population of Palestine and a Jewish element which was continually increasing by immigration could form a community inspired by a spirit of toleration and showing mutual respect for the natural rights of all civilised beings, a community living in harmony, there arose a problem for which there was no solution which, side by side with possible advantages, did not involve definite disadvantages.

The task was not, therefore, to find the best solution, but the least unsatisfactory. That was the task of the League of Nations, in whose name Palestine was administered, and of the mandatory Power. In the solution of that problem the Council had invited the Mandates Commission to co-operate, taking into account the conclusions of the Royal Commission's report and the Statement of Policy of His Britannic Majesty's Government.

When reflecting upon the nature of the contribution which the Mandates Commission was expected to make towards that difficult task, it was clear that the Commission would be misinterpreting its rôle and its duty as a League of Nations organ if it did not reject at the

outset, as open to a fundamental objection, any solution not based in any way on Article 22 of the Covenant and on the mandate. These two instruments constituted the law, the application of which the Mandates Commission was called upon to supervise ; and if the force of circumstances—or, to put it another way, the misfortunes of the current situation—should compel the Commission to go outside the limits of those documents, it should do so, he felt, as little as possible. Article 22 of the Covenant and the mandate were still the titles to which the parties concerned in the problem of Palestine were justified in referring as the legal basis of their respective claims.

As the members of the Commission had had an opportunity of noting, that view of the position formed the basis of the statement made by the first accredited representative at his first hearing : <sup>1</sup> “ An endeavour must be made ”, Mr. Ormsby-Gore had said, “ to consider how best to formulate some scheme for the better government of Palestine, in accordance with the spirit of the Covenant of the League and of the Balfour Declaration ”.

Furthermore, the Mandates Commission must not at this moment lose sight of the fact that, as it had admitted at its seventeenth session, in agreement, moreover, with the mandatory Power, “ the obligations laid down by the mandate in regard to the two sections of the population are of equal weight ”. <sup>2</sup> The principle of a dual obligation had consistently dominated the application of the mandate ; now that there was a question of replacing the mandate by some other system, the solution adopted would only be admissible in so far as it also met—as far as might be possible—the undertakings entered into towards the Jews and towards the Arabs.

The Chairman proceeded to consider the different solutions proposed, one by one :

1. Any alteration of the mandate involving the maintenance of the established political entity of Palestine could not, he thought, but fail to settle the difficulty. Whatever the methods employed, a solution of that kind would leave the existing wounds of Palestine open and keep alive the conflict of moral and material interests. The opposition between the two obligations now recognised to be irreconcilable would continue unless one was sacrificed to the fulfilment of the other—in other words, unless one of the governing principles on which any solution must be based were disregarded. Lastly, it would not eliminate that cause of paralysis from which the Palestine administration had continually suffered and to which the accredited representative of the mandatory Power had alluded at the seventeenth session of the Commission in terms to which the experience of the last few years had lent full significance—namely : “ No Government can do good constructive work for the whole country while it has constantly to act as an umpire ”. <sup>3</sup>

2. Cantonisation would, the Chairman thought, be open to the same objections as the first-named solution. Those objections were stated by the Royal Commission on pages 378 and 379 of its report and were summarised in the following terms : “ Cantonisation, in sum, presents most, if not all, of the difficulties presented by partition without partition's one supreme advantage—the possibility it offers of eventual peace ”.

3. As to partition, the solution recommended by the mandatory Government, the Chairman himself recognised that it possessed the merit of granting each of the two sections of the population self-governing institutions which, if they remained together, would have the effect of enabling the existing majority to crush the minority ; it would, on the other hand, permit of the development of the Jewish National Home, though on a smaller territory, it was true, than the area originally open to Zionism. The strength of the proposal lay in the fact that it was in accordance with the spirit of the Covenant and of the Balfour Declaration and that it took account to some extent of the principle of the dual obligation.

But the Chairman would regard partition as a dangerous solution if it involved, as was proposed in the Royal Commission's report, the creation of two States, which would shortly be recognised as completely independent. It would be dangerous, because it would place those two States face to face without any transition period and at a time immediately following on a period of violence preceded by a long record of friction and disagreement, which had left behind a legacy of hatred and resentment.

The first preoccupation of the two new States would be, he feared, to prepare to defend themselves against the dark designs which each would attribute to the other. They would resort to armaments, each in the hope of winning the second round of the contest. That preoccupation would predominate just when all their efforts should be concentrated on the work of national construction, which would thereby suffer.

As a result of partition, the Jewish State would again be exposed to the odium inevitably attaching to the transfer of the Arab rural population, no matter how that transfer might be effected ; yet that transfer was an essential condition if the appeal to the spirit of the Balfour Declaration were not to be revealed as serving merely as a lure.

If carried out in the near future, partition would have to be conditional on the acceptance by the new Jewish State of certain international servitudes—such, for example, as the maintenance of the mandate over certain enclaves in its territory—which would weaken it appreciably.

Lastly, the Chairman did not think anyone would disagree that there was at present no reason, based on experience, to justify belief in the capacity of the Jewish State or the Arab State for immediate self-government without the assistance of a Mandatory.

<sup>1</sup> See page 13.

<sup>2</sup> See Minutes of the Seventeenth Session of the Commission, page 145.

<sup>3</sup> *Ibid.*, page 143.

4. That being so, what further solution could be contemplated? If each of the solutions put forward presented more disadvantages than advantages, the only thing to do, it seemed, was to leave matters as they were—to retain the present mandate in being, allowing it to work as best it could—in the face of general discontent, order being maintained under the perpetual menace of resort to force by the mandatory Power. That solution the Chairman had already described as a solution of despair. The accredited representative had said that the mandatory Power was prepared to revert to it, if there was no other solution to be found. Mr. Ormsby-Gore had, however, declared unequivocally that Great Britain considered it, as it were, morally impossible to go on administering Palestine under the terms of a mandate which it had proclaimed to be inapplicable.<sup>1</sup>

But it might be possible, it seemed, to consider yet another solution which would present more advantages than disadvantages and would at the same time be in conformity with the spirit of the Covenant and of the Balfour Declaration. The Chairman proposed merely to point out the advantages of the solution he had in mind, leaving it to others to point out the disadvantages.

The solution in question was to replace the present mandate for Palestine by two mandates for the two States whose "existence as independent nations can be provisionally recognised", to employ the terms of Article 22 of the Covenant: the Jewish State and the enlarged Trans-Jordan. The proposed mandates would be without a time-limit other than that applying to every mandate—that was to say, the time when these States exhibited a stage of development authorising the presumption that they could stand alone and that they fulfilled the conditions fixed by the Council in 1931 for the termination of a mandate. There would be no synchronisation of the two mandates, as no time-limit would be fixed for either. It was conceivable that, in the future, one might be terminated before the other, should the conditions in one State be such as to justify a recommendation for its emancipation, while the conditions in the other State were not such as to justify a similar recommendation on its behalf.

Both States might immediately be accorded self-government. The Jewish State would itself regulate Jewish immigration. By that means the mandatory Power would be relieved of the constant anxiety involved in the immigration problem, which was at the bottom of all the difficulties it had encountered up to the present.

That solution would have the advantage of allowing time for animosities to subside, of allowing the two States to organise themselves, to settle transient situations, and to do so in peace and quiet, with the benefit of the Mandatory's advice. As Trans-Jordan developed, it might be possible to eliminate the form of tribute which it was proposed by the Royal Commission in its report (pages 386 and 394) to impose on the Jewish State for the benefit of the enlarged Trans-Jordan. If the Jewish State gave proof of a sincere spirit of toleration, the maintenance of the mandate over the four towns would cease to be necessary, and another weakness of the present scheme of partition would thus be eliminated.

The fact of living together had an embittering effect on the character; it afforded daily openings for the clash of temperaments. The only way of establishing peace between hostile brothers was to separate them.

That solution, the Chairman thought, safeguarded the future. If opened the door to all eventualities, and, in particular, to the eventuality that, as time passed and memories faded into oblivion, a *rapprochement* might be brought about by the growth of a conviction, which was at present lacking, of the community of material and moral interests of both sections of the population, which undoubtedly existed.

Partition, whether with a view to the creation of two new States in the near future or the granting of complete independence conditional on the production of proofs, after a transitional period under the auspices of a Mandatory, would always be in the "spirit of the Covenant". In order to be in conformity also with the spirit of the Balfour Declaration, it must result in the creation of a Jewish State capable of setting up the Jewish National Home within its frontiers. A territory of the limited size defined in general terms in the Royal Commission's report would not fulfil that condition, particularly if the proposed transfer of the Arab rural population proved to be impracticable. The Chairman was afraid that once again it would be quite illusory to imagine that that population would willingly migrate to Trans-Jordan. Was there any known case of a whole population abandoning its country of origin, renouncing its customary habits and deserting the place where its ancestors were buried, with the object of settling in another country where a fresh start had to be made and the soil was not more fertile, simply by reason of a feeling of racial community and without any other compelling motive?

Tolerance towards those of other races would be incumbent on the new Jewish State in the interests of its own security and as a means of safeguarding the life of Jewish communities outside its frontiers. That being so, there was every reason to think that the mass of the Arab rural population would wish to share in the general prosperity which seemed likely to befall the Jewish State and that it would wish to remain where it was. It would be dangerous to play with the idea that an appreciable part of the land now occupied by the Arabs could be placed at the disposal of Jewish immigrants.

The worst error of all, the Chairman added, would be to create a Jewish State that could not live, and the worst mistake would be to constitute it in such a form that its creation would mark the end of the effects of the Balfour Declaration, which was confirmed by the mandate.

It was quite comprehensible that anything that might be done with the object of preventing either contingency would be keenly resented by the Arabs. In that connection,

<sup>1</sup> See page 169.

the Chairman would like, however, to refer to the excellent survey of the evolution of the Palestinian problem which M. Sakenobe had made at the beginning of the meeting. He had pointed out that, from the outset, Palestine had not been intended, on the termination of the mandate, to become an independent Arab State like Syria or Iraq. That line of argument had brought him to the logical conclusion that, in the event of partition, one-half of Palestine should revert to the Jewish State. Was not the same conclusion applicable if it were admitted that any solution designed to replace the mandate should be based on the principle of the dual obligation which had governed the enforcement of the mandate?—the principle that there were two undertakings which the mandatory Power, in the White Paper of 1930, had explicitly declared its intention of “carrying out, in the fullest sense”, and the scope of which had subsequently been emphasised by the Mandates Commission in the following terms: “the obligations laid down by the mandate in regard to the two sections of the population are of equal weight”.<sup>1</sup>

National independence was an advantage that must be paid for. When it was not the exclusive work of the nation itself, but was brought about with foreign assistance, the price of that benefit was always reflected in the sacrifice of aspirations, even the most commendable. It had been said that if there were Arab States to-day, it was because thousands of British graves were scattered over those countries. It might be added that if, for those Arab peoples who had never known freedom, the words “self-governing institutions” had now assumed a definite meaning and if those peoples now included a chosen few capable of administering such institutions, it was due to the fact that, since the end of the war, two great liberal Powers had, in the face of endless disillusionment and at the cost of heavy sacrifices to themselves, given them their elementary political training under the mandatory regime.

M. RAPPARD noted that no one was proposing that the League of Nations should deny the United Kingdom the authority for which the latter asked to explore solutions of her own for the problem of the mandate. That was a first point, in connection with which the attitude of the Mandates Commission was perfectly clear and unanimous.

In the second place he noted that, although all the members of the Commission had not said so in so many words, they would all nevertheless regret premature decisions of such a character as to prevent for all time and in all circumstances a reversion to what the Chairman had described as the “solution of despair”. It would certainly be imprudent to make recommendations in such terms as to preclude continuance of the existing system in the event of failure of all other negotiations.

Thirdly, he noted that the objections to any system of partition were realised by all, and that those objections would be even more serious, and perhaps decisive, in the event of any precipitate solution.

One arrived therefore at what might be regarded as the more positive element of the discussions: and, though all the members of the Commission had not expressed their views on the point, M. Rappard thought he was right in finding a striking convergence of opinion on the part of the different members of the Commission. That convergence of opinion was even more striking when it was remembered that the starting-points and the proposals of the different members of the Commission were not entirely identical. When Lord Hailey pronounced in favour of the principle of partition, using arguments, to the impressive character of which all the members of the Commission were alive, while at the same time M. Orts pronounced in favour of an extension of the mandate in the case of each of the separate States, there was a certain amount of common ground in the shape of what M. Rappard had described on the previous day as “provisional cantonisation”. The Commission need not go further: but, while it was anxious on the one hand to put a stop to the conflicts that had led to so much bloodshed in Palestine, it was at the same time reluctant to declare—and was not morally in a position to declare—that the two territories which it was proposed to separate were ripe for self-government. The Commission might decide in favour of the Chairman’s suggestion of two mandates side by side, with a mandatory Power to administer them. It might decide in favour of a mandate involving far-reaching autonomy for both cantons, with ultimate reunion within the territory as the aim of the Mandatory. The two suggestions were not so very different. The essential was that the proposed autonomy should give each element of the population the sense of complete independence in its own house.

The Chairman’s objection to cantonisation on financial grounds did not greatly impress M. Rappard. He was not sure that the financial argument did not tell rather in favour of cantonisation. Presumably, if there were provisional cantonisation, direct taxation would be reserved, as it ordinarily was in political organisations of this type, to the cantons, so that the proceeds of the direct taxes would be at the free disposal of the cantonal Governments. Indirect taxation, on the other hand, would be handed over to joint organisations under the guidance of the mandatory Power. It was probable that the revenue from indirect taxation would for a time exceed the joint expenditure requirements. But would not the surplus thus available afford a welcome means of solving such problems as the exchange of populations and the payment of compensation? M. Rappard was not in any case afraid of the central administration having too much revenue at its disposal under a system of provisional cantonisation, and the local administrations having too little. The obstacles in that connection were not insuperable, given a prudent financial administration. On the other hand, the financial

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<sup>1</sup> See Minutes of the Seventeenth Session of the Commission, page 145.

predominance remaining in the hands of the mandatory Power would constitute, he thought, at least as effective an element of influence as guns, and a much less disagreeable one.

He added that the Commission might conclude its preliminary opinion to the Council with a tribute, expressed in dignified and discreet, but convinced, terms to the mandatory Power. All the members appreciated the attitude which the latter had taken up in relation to the Mandates Commission. They could not have asked for franker or more candid co-operation. The fact of the first Empire of the world agreeing to send—and for intermittent periods at that—the Head of its Colonial Administration to confide its preoccupations to the Commission unquestionably constituted a situation which would shock imperialists of the conventional type.

Furthermore, the Commission could not fail to note that the troubles with which the United Kingdom was confronted in Palestine were due in part to the policy of other States; and, when the United Kingdom was blamed because it had been willing to devote its experience, its wisdom and its resources to healing wounds resulting from the policy pursued by others, that again was a situation to which an international and impartial organisation such as the Mandates Commission ought to draw attention.

There was no question, of course, of a panegyric in honour of the United Kingdom. The Commission would not compromise either its dignity or its independence. But he was sure that a word in this connection would be understood by everybody, and might at the same time facilitate future negotiations.

The CHAIRMAN entirely agreed with M. Rappard's last proposal.

He thought the Commission had made a considerable step forward: the Minutes of the meeting would furnish the Commission with all the particulars it required for the drafting of its opinion to the Council.

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#### TWENTY-FIFTH MEETING.

*Held on Saturday, August 14th, 1937, at 3.30 p.m.*

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#### **Palestine and Trans-Jordan : General and Special Observations of the Commission.**

After an exchange of views, *the Commission adopted at a first reading the text of its general and special observations on Palestine and Trans-Jordan.*

In the course of this examination, M. PALACIOS announced that he reserved the right, for the reasons stated on the previous day, to have a short declaration inserted in the Minutes at the time of the second reading of the observations.

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#### TWENTY-SIXTH MEETING.

*Held on Monday, August 16th, 1937, at 3 p.m.*

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#### **Palestine : General Observation of the Commission (continuation).**

After an exchange of views, *the Commission adopted at a second reading the text of its general observation concerning Palestine (Annex II, B).*

M. PALACIOS and M. GIRAUD said that they did not support, as drafted, the general observations relating to the repression of the disturbances and the question of the Arab officials. In their view, there was not sufficient justification for the text in question.

#### **Palestine and Trans-Jordan : Special Observations of the Commission (continuation).**

After an exchange of views, *the Commission adopted at a second reading the text of its special observations on Palestine and Trans-Jordan (Annex II, B).*

#### **Palestine : Examination of the Draft Preliminary Opinion formulated at the Request of the Council on the Report and Recommendations of the Royal Commission and on the United Kingdom Government's Statement of Policy.**

The Commission began its examination, at a first reading, of its draft preliminary opinion formulated at the request of the Council on the report and recommendations of the Royal Commission and on the United Kingdom Government's Statement of Policy.

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TWENTY-SEVENTH MEETING.

*Held on Tuesday, August 17th, 1937, at 10.30 a.m.*

**Palestine :** Letter, dated May 4th, 1937, from the President of the Jewish Agency for Palestine, accompanying a Memorandum on the Development of the Jewish National Home in Palestine in the Year 1936.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report* (Annex 8).

**Palestine :** Examination of the Draft Preliminary Opinion formulated at the Request of the Council on the Report and Recommendations of the Royal Commission and on the United Kingdom Government's Statement of Policy (continuation).

The Commission continued its examination, at a first reading, of its draft preliminary opinion formulated at the request of the Council on the report and recommendations of the Royal Commission and on the United Kingdom Government's Statement of Policy.

TWENTY-EIGHTH MEETING.

*Held on Tuesday, August 17th, 1937, at 3 p.m.*

**Palestine :** Examination of the Draft Preliminary Opinion formulated at the Request of the Council on the Report and Recommendations of the Royal Commission and on the United Kingdom Government's Statement of Policy (continuation).

The Commission continued and completed, at a first reading, its examination of its draft preliminary opinion formulated at the request of the Council on the report and recommendations of the Royal Commission and on the United Kingdom Government's Statement of Policy.

M. PALACIOS, referring to his previous statements recorded in the Minutes, maintained the doubts and reservations of principle which he had expressed.

**Palestine and Trans-Jordan :** Petitions : Report of the Sub-Committee.

After an exchange of views, *the Commission adopted the conclusions of the report submitted by the Sub-Committee* (Annex 4).

**Petition, dated April 17th, 1936, from M. Mosche Smilansky, President of the Jewish Farmers' Federation of Palestine, and M. Tolkowsky, General Manager of the Jaffa Citrus Exchange.**

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report* (Annex 6).

**Petition, dated February 14th, 1937, from M. E. Karwassarsky, Advocate, Tel-Aviv.**

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report* (Annex 7).

**Petition, dated March 6th, 1936, from M. Hagop Simonian, Jerusalem.**

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report* (Annex 5).

**Petition, dated May 3rd, 1937, from Chief Rabbi Abraham Schorr, Vaad Adath Ashkenazim, Jerusalem.**

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report* (Annex 9).

**Petitions rejected in virtue of Article 3 of the Rules of Procedure in respect of Petitions : Report by the Chairman.**

*The Commission noted the Chairman's report (Annex 3).*

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**TWENTY-NINTH MEETING.**

*Held on Wednesday, August 18th, 1937, at 10.30 a.m.*

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**Palestine : Examination and Adoption of the Preliminary Opinion formulated at the Request of the Council on the Report and Recommendations of the Royal Commission and on the United Kingdom Government's Statement of Policy (continuation).**

*After an exchange of views, the Commission adopted, at a second reading, the text of its preliminary opinion formulated at the request of the Council on the report and recommendations of the Royal Commission and on the United Kingdom Government's Statement of Policy (Annex II, A).*

**Palestine : Supplementary List of Communications from Private Sources received on the Occasion of the Extraordinary Session of the Commission (continuation).**

*The Commission noted the new list submitted by the Chairman (Annex 10(b)).*

**Palestine and Trans-Jordan : Adoption as a whole of the Report of the Commission to the Council.**

*After an exchange of views, the Commission adopted as a whole the text of its report to the Council on the work of its thirty-second (extraordinary) session (Annex II).*

**Palestine and Trans-Jordan : Adoption of the List of Annexes to the Minutes of the Session.**

*The list of annexes to the Minutes of the session was adopted.*

**Date of the Next Session of the Commission.**

*As several members could not be present earlier, the Commission decided, in principle, that its thirty-third session should open on Thursday, November 4th, 1937.*

**Close of the Session.**

The CHAIRMAN expressed the hope that the Commission had fully satisfied the Council's expectations. A perusal of the Preliminary Opinion certainly gave the impression that the Commission had understood its rôle and, if it were taken together with the Minutes of the extraordinary session, the two documents would be of considerable assistance to those who had to settle the Palestine problem.

After the customary thanks, the Chairman declared the session closed.

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C.P.M.1919(1).

ANNEX I.

LIST OF DOCUMENTS<sup>1</sup> FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWER SINCE THE LAST EXAMINATION OF THE REPORT ON THE ADMINISTRATION OF PALESTINE AND TRANS-JORDAN.

*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 1936.
2. Proclamations, Regulations, Rules, Orders and Notices; Annual Volume for 1935.
3. Ordinances, Regulations, Rules, Orders and Notices; Annual Volume for 1936.  
Volume I: Ordinances;  
Volumes II and III: Regulations, Rules, Orders and Notices.
4. The Laws of Palestine in force on the 31st day of December, 1933, in three volumes.
5. Legislation enacted in Transjordan during 1936 (English translation from the Arabic) (with Index for Years—1918/1936).
6. Customs Tariff Schedule (Appendix No. 1 to 1936 Transjordan Legislation).

*Various Official Publications.*

1. Report of the Palestine Royal Commission, July 1937 (Cmd. 5479).
2. Statement of Policy by His Majesty's Government in the United Kingdom, July 1937 (Cmd. 5513).
3. The Quarterly Report of the Department of Antiquities in Palestine<sup>2</sup>:  
Vol. V: 4,  
Vol. VI: 1, 2.
4. Agreement for the exchange of money orders between the Post Office of the countries of the Levant under French Mandate and the Post Office of Palestine.<sup>2</sup>
5. Department of Migration. Annual Report<sup>2</sup>:  
1935,  
1936.
6. Palestine Official Gazette.<sup>2</sup>

Various documents handed in by the accredited representative to the Commission at its thirteenth and fifteenth meetings of the thirty-second session on August 7th and 9th, 1937.<sup>2</sup>

1. (a) List of all Disturbances Cases tried by the District Court of Jaffa.  
(b) List of all Disturbances Cases tried by the District Court of Jerusalem.  
(c) List of all Disturbances Cases tried by the District Court of Nablus.  
(d) Return of Cases committed to the Court of Criminal Assize and arising out of the 1936 Disturbances.
2. Text of the Judgment rendered on March 12th, 1937, by the Supreme Court of Palestine sitting as a Court of Appeal, in the case of Sherif Esh-Shanti v. the Attorney General.

*Note by the Secretariat.* — The following two documents have been received after the closing of the session:

- (a) Palestine Royal Commission: Minutes of Evidence heard at Public Sessions (with Index) (Colonial No. 134).
- (b) Palestine Royal Commission: Memoranda prepared by the Government of Palestine (Colonial No. 133).

<sup>1</sup> The documents mentioned in this list have been sent to the Secretariat for the use of the Permanent Mandates Commission. Unless otherwise indicated, the Members of the Commission should have received a copy of all these documents.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

<sup>2</sup> Kept in the archives of the Secretariat.



ANNEX 2.

AGENDA OF THE THIRTY-SECOND SESSION (EXTRAORDINARY)  
OF THE PERMANENT MANDATES COMMISSION, DEVOTED TO PALESTINE.

I. OPENING OF THE SESSION.

Opening speech by the Chairman.

Statement by the Acting Director of the Mandates Section.

II. EXAMINATION OF THE DOCUMENTATION RECEIVED FROM THE MANDATORY.

1. Annual Report for 1935 :

At its twenty-ninth Session, the Commission, in view of existing circumstances, reserved the examination of certain aspects of the administration of Palestine during the year 1935 (see Minutes, pages 207-208).

2. Annual Report for 1936.

3. Report of the Palestine Royal Commission (Cmd. 5479).

4. Statement of Policy by the United Kingdom Government (Cmd. 5513).

III. PETITIONS.

A. *Petitions rejected by the Chairman as not deserving of the Commission's attention.* Report by the Chairman (document C.P.M. 1939 (1)).

B. *Petitions to be examined.*<sup>1</sup>

- (1) Petition dated April 12th, 1936, from Abdul Latif Bey Salah, President of the National League, Nablus, transmitted on June 12th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1810).
- (2) Petition (undated) from an Arab Committee of Nablus, transmitted on June 22nd, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1813).
- (3) Petitions dated May 27th, June 2nd, and June 11th, 1936, from Mr. Ihsan El Djabri, Geneva (document C.P.M. 1812).  
Observations by the United Kingdom Government, dated November 17th, 1936 (document C.P.M. 1875).
- (4) Petition dated June 8th, 1936, from the Committee of Exiles of Auja Hafir, transmitted on July 30th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1818).
- (5) Petitions (three in number) dated April 20th and 23rd, 1936, from the National Committee, Nablus, and April 21st, 1936, from Messrs. Taher Hannun, Farid Hamdallah, and others, Tulkarm transmitted on August 11th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1820).
- (6) Petition dated June 20th, 1936, from the Supreme Arab Committee, Jerusalem, transmitted on August 20th, 1936, by the Government of the United Kingdom, with its observations (document C.P.M. 1824).  
Additional observations by the Government of the United Kingdom, dated September 10th, 1936 (document C.P.M. 1837).
- (7) Petition (undated) from the Arab Women's Committee, Jerusalem, transmitted on August 27th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1826).
- (8) Petition dated June 27th, 1936, from the Supreme Arab Committee, Jerusalem, transmitted on August 20th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1830).

<sup>1</sup> Petitions 1 to 29 were entrusted, for examination, to a Sub-Committee composed of M. VAN ASBECK, M. PALACIOS and M. RAPPARD (see Minutes, pages 142-143, 205).

- 9) Petitions (three in number) :
- (a) (undated) from Said Said Sabbah and others, Telfit,
  - (b) (undated) from the Mukhtars of certain villages in the Nablus sub-district,
  - (c) dated May 6th, 1936, from the representatives of labourers of Baqa Gharibiya,
- transmitted on August 1st, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1831).
- (10) Petition dated June 27th, 1936, from the Supreme Arab Committee, Jerusalem, transmitted on September 11th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1836).
- The Government of the United Kingdom, in its letter of September 11th, refers to the observations it made in connection with the petition of June 20th (document C.P.M. 1824, referred to under (6) above), paragraph 7 of which observations deals with the same subject.
- (11) Petition dated July 15th, 1936, from the Supreme Arab Committee, Jerusalem, transmitted on September 10th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1838).
- The Government of the United Kingdom, in its covering letter, refers to the observations it made in respect of the petition from the same source dated June 20th (document C.P.M. 1824), referred to under (6) above.
- (12) Petition (undated) from the Supreme Arab Committee, Jerusalem, transmitted on July 3rd, 1936, by the Government of the United Kingdom (document C.P.M. 1816).
- (13) (a) Petition dated March 1936 from the World Union of Zionist Revisionists, London, transmitted on March 23rd, 1936, by Mr. Berchin, member of the Executive Committee of the Union (document C.P.M. 1761).
- Observations dated July 28th, 1936, from the Government of the United Kingdom (document C.P.M. 1817).
- (b) Letter dated February 12th, 1937, from the World Union of Zionist Revisionists, London, transmitting an Addendum dated February 1937 to the Petition of March 1936 (document C.P.M. 1889).
- Observations dated May 8th, 1937, from the Government of the United Kingdom (document C.P.M. 1894).
- (14) Petition dated May 28th, 1936, from the Executive Committee of the World Union of Zionist Revisionists, London (document C.P.M. 1811).
- Observations dated August 24th, 1936, from the Government of the United Kingdom (document C.P.M. 1825).
- (15) Petition dated April 29th, 1936, from Dr. Weinshall and other members of the New Zionist Organisation in Palestine, Tel-Aviv, transmitted on August 31st, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1829).
- (16) Petition dated September 1st, 1936, from Messrs. A. Asscher and Abel Herzberg, Amsterdam (document C.P.M. 1835).
- Observations dated December 5th, 1936, from the Government of the United Kingdom (document C.P.M. 1879).
- (17) Petition dated July 1936, from the Nessiut (Presidency) of the New Zionist Organisation, London, submitted by Dr. H. Levi, member of the Nessiut, by letter dated August 14th, 1936 (document C.P.M. 1839).
- Observations dated April 30th, 1937, from the Government of the United Kingdom (document C.P.M. 1892).
- (18) Petition dated July 20th, 1936, from Mr. Mohammad Amin Husseini, President of the Supreme Arab Committee, Jerusalem, transmitted on October 16th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1846).
- (19) Petition dated May 24th, 1936, from Mr. Abdul Qader Shibel, advocate, and Mr. Khuri Yakub Hanna, Secretaries of the First Arab Rural Congress, Acra, transmitted on November 7th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1874).
- (20) Petition dated August 11th, 1936, from Ahmed Hilmi Pasha, Chairman of the Board of Directors of the Arab Bank of Palestine, Jerusalem, transmitted on November 17th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1876).
- (21) Petition dated July 18th, 1936, from Mr. Khuri Nicola Khuri, Secretary of the Executive Committee of the Arab Orthodox Priests' Congress for Palestine and Trans-Jordan, Jerusalem, transmitted on December 4th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1880).

- (22) Petition dated July 25th, 1936, from Mrs. Zlikha Shihabi and others of the Arab Women's Committee of Jerusalem, transmitted on December 22nd, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1882).
- (23) Petition dated September 24th, 1936, from the Supreme Arab Committee in Palestine, transmitted on February 1st, 1937, by the Government of the United Kingdom with its observations (document C.P.M. 1885).
- (24) Petition dated September 20th, 1936, from Mr. Mahmud Ismail Hamdi, Mukhtar of the village of Kerbatha, transmitted on March 11th, 1937, by the Government of the United Kingdom with its observations (document C.P.M. 1887).
- (25) Petition dated August 6th, 1936, from Mr. Daniel Sirkis, President of the Committee of the Jewish Community of Jaffa and Tel-Aviv, transmitted on March 4th, 1937, by the Government of the United Kingdom with its observations (document C.P.M. 1888).
- (26) Petition, dated July 18th, 1937, from Mr. Chaim Weizmann, President of the Jewish Agency for Palestine, London, transmitted on July 27th, 1937, by the Government of the United Kingdom (document C.P.M. 1920).
- (27) Petition, dated July 23rd, 1937, from M. Moh. Amin Husseini, President of the Arab Higher Committee, Jerusalem, transmitted on July 30th, 1937, by the Government of the United Kingdom (document C.P.M. 1922).
- (28) Petition, dated July 21st, 1937, from Mr. Ragheb Nashashibi, President of the National Defence Party, Jerusalem, transmitted on July 30th, 1937, by the Government of the United Kingdom (document C.P.M. 1923).
- (29) Petition dated March 6th, 1936, from Mr. Hagop Simonian, Jerusalem, transmitted on September 30th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1843).  
Additional observations by the Government of the United Kingdom dated December 31st, 1936 (document C.P.M. 1883).  
(Rapporteur : M. Sakenobe.)
- (30) Petition dated April 17th, 1936, from Mr. Mosche Smilansky, President of the Jewish Farmers' Federation of Palestine, and from Mr. Tolkowsky, General Manager of the Jaffa Citrus Exchange, transmitted on October 16th, 1936, by the Government of the United Kingdom with its observations (document C.P.M. 1845).  
(Rapporteur : Count de Penha-Garcia.)
- (31) Petition dated February 14th, 1937, from Mr. E. Karwasarsky, advocate, Tel-Aviv, transmitted on May 24th, 1937, by the Government of the United Kingdom with its observations (document C.P.M. 1913).  
(Rapporteur : M. Sakenobe.)
- (32) Letter dated May 4th, 1937, from the President of the Jewish Agency for Palestine, transmitted by the Government of the United Kingdom (document C.P.M. 1914 and 1915).  
(Rapporteur : Count de Penha-Garcia.)
- (33) Petition, dated May 3rd, 1937, from Chief Rabbi Abraham Schorr, Waad Adath Ashkenazim, Jerusalem, transmitted on August 3rd, 1937, by the Government of the United Kingdom with its observations (document C.P.M. 1926).  
(Rapporteur : M. Palacios.)

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ANNEX 3.

C.P.M.1939(1).

PETITIONS REJECTED UNDER ARTICLE 3 OF THE RULES OF PROCEDURE  
IN RESPECT OF PETITIONS.

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REPORT BY THE CHAIRMAN.

I have the honour, in conformity with Article 3 of the Rules of Procedure, to submit the following report upon the petitions concerning Palestine, received since our thirtieth session, which I do not regard as admissible, on the grounds that they fail to comply with the requirements of the Rules of Procedure in respect of petitions concerning the territories under mandate.

- (a) *Petition, dated November 21st, 1936, from Mr. Jorge A. Aiad, President, and M. Issa Sallun, Secretary, Society of Arab-Palestine Youth, Sao Paulo.*

This communication entitled "Manifesto to the League of Nations by the Arabs of Brazil" chiefly protests against the establishment of the Jewish National Home in Palestine.

- (b) 1. *Petition, dated December 28th, 1936, from Mr. Zoudovitch, President of the "World-Wide Organisation of Jewish Youth 'Berit Trumpeldor'", Tientsin.*  
2. *Petition, dated December 28th, 1936, from the President of the New Zionist Organisation, Mukden.*  
3. *Petition, dated December 26th, 1936, from the President of the "World Union of Zionist-Revisionists", Harbin.*

These three communications contain, *inter alia*, resolutions framed in almost identical terms proposing measures for the solution of the Jewish problem in Palestine (creation of a Jewish majority, large-scale colonisation by Jews, etc.), questions which have already been dealt with in recent petitions and regarding which they do not adduce any important fresh material.

- (c) *Petition, dated February 4th, 1937, from Mr. A. Altabeb, former Rabbi, Sofia.*

The author of this petition asks for the application of the policy of the Jewish National Home to Trans-Jordan and the creation of a Jewish State, questions dealt with in other communications submitted to the Commission.

- (d) *Petition, dated March 17th, 1937, from the Central Committee of the New Zionist Organisation of Poland, Warsaw.*

This telegram concerns incidents alleged to have taken place in Palestine last March, but gives no details. In addition, it contains a request for the summoning of an extraordinary session of the Mandates Commission.

- (e) *Petition, dated June 23rd, 1937, from Mr. Max Currick, President of the "Central Conference of American Rabbis", Erie.*

This communication protests in general terms against the limitation of Jewish immigration into Palestine, a question dealt with in other communications made to the Commission.

- (f) *Petitions, dated March 24th, June 9th, July 17th and August 3rd, 1937, from Mr. Charles E. Kerney, Jr., Dayton.*

The chief purpose of these communications is to ask for the transfer of the Palestine mandate to the United States of America, and they are therefore outside the Commission's competence.

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C.P.M.1935(1).

ANNEX 4.

GENERAL REPORT BY THE SUB-COMMITTEE ON PETITIONS CONCERNING  
THE DISTURBANCES IN PALESTINE IN 1936 AND THE POLITICAL  
DEVELOPMENT AND FUTURE OF THAT COUNTRY.

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1. Petition, undated, from an Arab Committee of Nablus, transmitted on June 22nd, 1936, by the Government of the United Kingdom, with its observations.
  2. Petitions dated May 27th<sup>1</sup>, June 2nd and 11th, 1936, from Mr. Ishan El Djabri, Geneva.  
Observations by the Government of the United Kingdom, dated November 17th, 1936.
  3. Petition (undated), from the Arab Supreme Committee, Jerusalem, transmitted on July 3rd, 1936, by the Government of the United Kingdom.
  4. Petition, dated June 20th, 1936, from the Supreme Arab Committee, Jerusalem, transmitted on August 20th, 1936, by the Government of the United Kingdom, with its observations.  
Additional Observations by the Government of the United Kingdom, dated September 10th, 1936.

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<sup>1</sup> This petition has also been signed by Mr. Chekib Arslan.

5. Petition (undated), from the Arab Women's Committee, Jerusalem, transmitted on August 27th, 1936, by the Government of the United Kingdom with its observations.
6. Petition, dated June 27th, 1936, from the Arab Supreme Committee, Jerusalem, transmitted on September 11th, 1936, by the Government of the United Kingdom with its observations.
7. Petition, dated July 15th, 1936, from the Supreme Arab Committee, Jerusalem, transmitted on September 10th, 1936, by the Government of the United Kingdom with its observations.
8. Petition, dated July 25th, 1936, from Mrs. Zlikha Shihabi and others of the Arab Women's Committee of Jerusalem, transmitted on December 22nd, 1936, by the Government of the United Kingdom with its observations.
9. Petition, dated September 24th, 1936, from the Supreme Arab Committee, in Palestine, transmitted on February 1st, 1937, by the Government of the United Kingdom with its observations.
10. Petition, dated September 20th, 1936, from Mr. Mahmoud Ismail Hamdi, Mukhtar of village of Kerbatha, transmitted on March 11th, 1937, by the Government of the United Kingdom with its observations.
11. Petitions, three in number, dated April 20th, and 23rd, 1936, from the National Committee, Nablus, and April 21st, 1936, from Messrs. Taher Hannun, Farid Hamdallah, and others, Tulkarm, transmitted on August 11th, 1936, by the Government of the United Kingdom with its observations.
12. Petition, dated May 24th, 1936, from Mr. Abdul Qader Shibel, Advocate, and Mr. Khouri Yacoub Hanna, Secretaries of the First Arab Rural Congress, Acre, transmitted on November 7th, 1936, by the Government of the United Kingdom with its observations.
13. Petition, dated August 11th, 1936, from Ahmed Hilmi Pasha, Chairman of the Board of Directors of the Arab Bank of Palestine, Jerusalem, transmitted on November 17th, 1936, by the Government of the United Kingdom with its observations.
14. Petition, dated July 18th, 1936, from Mr. Khuri Nicola Khuri, Secretary of the Executive Committee of the Arab Orthodox Priests Congress for Palestine and Trans-Jordan, Jerusalem, forwarded on December 4th, 1936, by the Government of the United Kingdom with its observations.
15. Petition, dated April 29th, 1936, from Dr. Weinshall and other members of the New Zionist Organisation in Palestine, Tel-Aviv, transmitted on August 31st, 1936, by the Government of the United Kingdom with its observations.
16. Petition, dated July 20th, 1936, from Mr. Mohammad Amin Husseini, President of the Supreme Arab Committee, Jerusalem, transmitted on October 16th, 1936, by the Government of the United Kingdom with its observations.
17. Petition, dated August 6th, 1936, from Mr. Daniel Sirkis, President of the Committee of the Jewish Community of Jaffa and Tel-Aviv, transmitted on March 4th, 1937, by the Government of the United Kingdom with its observations.
18. Petition, dated July 18th, 1937, from Mr. Chaim Weizmann, President of the Jewish Agency for Palestine, London, transmitted on July 27th, 1937, by the Government of the United Kingdom. For observations by the Government of the United Kingdom, see Minutes of the thirty-second Session, pages 143-148.
19. Petition, dated June 8th, 1936, from the Committee of Exiles of Auja Hafir, transmitted on July 30th, 1936, by the Government of the United Kingdom with its observations.
20. Petitions (three in number) : (a) undated, from Said Said Sabbah and others, Telfit ; (b) undated, from the Mukhtars of certain villages in the Nablus sub-district ; (c) dated May 6th, 1936, from the Representatives of Labourers of Baqa Gharibiya, transmitted on August 1st, 1936, by the Government of the United Kingdom with its observations.
21. Petition, dated June 27th, 1936, from the Supreme Arab Committee, Jerusalem, transmitted on August 20th, 1936, by the Government of the United Kingdom with its observations.
22. Petition, dated September 1st, 1936, from Messrs. A. Asscher and Abel Herzberg, Amsterdam. Observations dated December 5th, 1936, from the Government of the United Kingdom.
23. Petition, dated July 1936, from the Nessiut (Presidency) New Zionist Organisation, London, submitted by Dr. H. Levy, member of the " Nessiut ", by letter dated August 14th, 1936. Observations, dated April 30th, 1937, from the Government of the United Kingdom.
24. Petition, dated July 23rd, 1937, from Mr. Moh. Amin Husseini, President of the Arab Higher Committee, Jerusalem, transmitted on July 30th, 1937, by the Government of the United Kingdom.
25. Petition, dated July 21st, 1937, from Mr. Ragheb Nashashibi, President of the National Defence Party, Jerusalem, transmitted on July 30th, 1937, by the Government of the United Kingdom.
26. Petition, dated July 27th, 1937, from Mr. Justin Godart, President of the Committee for the Defence of Jewish Rights in Central and Eastern Europe, Paris.<sup>1</sup>
27. Petition, dated April 12th, 1936, from Mr. Abdul Latif Bey Salah, President of the National League, Nablus, transmitted on June 12th, 1936, by the Government of the United Kingdom with its observations.
28. (a) Petition dated March 1936, from the World Union of Zionist-Revisionists, London, transmitted on March 23rd, 1936, by Mr. Berchin, Member of the Executive Committee of the Union. Observations, dated July 28th, 1936, from the Government of the United Kingdom.

<sup>1</sup> Concerning this petition, received after the opening of the session, see Minutes, pages 150-151.

(b) Letter dated February 12th, 1937, from the World Union of Zionist-Revisionists, London, transmitting an Addendum, dated February 1937.

Observations, dated May 8th, 1937, from the Government of the United Kingdom.

29. Petition, dated May 28th, 1936, from the Executive Committee of the World Union of Zionist-Revisionists, London.

Observations, dated August 24th, 1936, from the Government of the United Kingdom.

The Permanent Mandates Commission has found on its table a large number of petitions having a direct or indirect bearing on the subjects indicated above. We submit to our colleagues the following final report in which all these petitions are given the place which in our opinion they deserve.

In accordance with the preliminary indications given by us on August 10th, we shall deal with these petitions in the following order :

- A. Petitions concerning the repression of the disturbances ;
- B. Petitions affecting Article 22 of the Covenant, the terms of the Mandate for Palestine and the mandatory Power's policy ;
- C. Petitions discussing the scheme for a Legislative Council published in December 1935.

Several petitions, while protesting against the fundamental laws of the territory under mandate, contain complaints regarding the repression of the disturbances. They will therefore be mentioned both in the first and second parts of this report.

#### A. PETITIONS CONCERNING THE REPRESSION OF THE DISTURBANCES.

##### *Petition 1.*

The petitioners protest against the alleged attempt of the Jews to make of Tel-Aviv a fortified camp to serve as a base for attacks on Jaffa.

The mandatory Power refrains from submitting any observations.

The terms of the petition are very vague and it has lost all interest since the time when it was forwarded. We consider that it does not call for any observations on the part of the Council.

##### *Petitions 2 to 9.*

All these are petitions from the Higher Arab Committee, to which should be added petitions from the Arab Women Committee of Jerusalem (petitions 5 and 8) and from the Syro-Palestinian delegation at Geneva (petition 2). All these petitions protest against the repressive measures taken by the Palestinian Government and against the manner in which the police and the troops have acted in execution of these measures.

Petition 4 seems to us the most explicit ; the others, except petition 7, adduce as a rule facts similar to those related in petition 4.

The fullest observations by the mandatory Power are those that accompany petition 4.

For these reasons, we propose to discuss only petition 4 with the observations thereon and petition 7.

The complaints submitted by the different Committees relate to the following points :

1-2 The police and military operations were carried out with a severity and with a disregard of dignity which had the most unfortunate consequences. In the course of police operations, innocent people were beaten, killed and wounded, houses were pillaged, women and children were intimidated, furniture and other property of the inhabitants was damaged and the police, in their state of excitement and nervousness, behaved in a manner inconsistent with their duty to maintain public security and protect life and property.

3 Shots were fired at mosques and other Holy Places, and the Koran was insulted.

4 The emergency regulations issued were applied by the police in a manner insulting to the dignity of the Arabs.

5 Arab personalities, even of high social standing, were arrested and interned without sufficient reason. The authorities treated these persons in an offensive manner as if they were prisoners. They were even treated with less respect than prisoners under sentence are treated under the prison regulations ; they were insulted and sometimes were even struck with fists.

6 The District Authorities treated the Arab Press with great severity.

7 The demolition of houses at Jaffa under the pretext of proper alignment of streets, but in reality as measures of oppression and intimidation, created bitter resentment throughout the country.

8 Collective fines were imposed in a purely arbitrary manner on Arab villages and were levied with extraordinary injustice and brutality. Many villagers were forced to emigrate in consequence, whereas Jews guilty of attacks on Arab property have never suffered such penalties.

The mandatory Power prefaces its special observations by the general remark that every search of Arab premises was followed by accusations of theft, without such accusations ever having been corroborated by the disciplinary enquiries instituted by the military and police officers. The accusations made in the various paragraphs of petition 4 may be summarised as follows :

1-2. As far as could be ascertained, the accusations are devoid of foundation, as is shown, *inter alia*, by the statements of occupants of the houses searched that no household effects were damaged and that no women or children were intimidated. The United Kingdom Government remarks that, in the conditions prevailing in Palestine in 1936, it is quite possible that here and there innocent bystanders or travellers may have received blows or wounds.

3. The mandatory Power's explanations concerning direct and indirect attacks against Islam show that a mosque at Acre may have been hit when the police replied to shots fired into the police station from the Waqf office, which forms a wall of the Mosque compound. Damage caused to a mosque at Jaffa owing to demolitions has been or will be made good by an indemnity. It has never been proved that the Koran was deliberately insulted.

4. The mandatory Power considers it needless to traverse the suggestion that no emergency regulation has ever been enacted with the intention of trespassing on the dignity of the Arabs.

5. The mandatory Power disputes the allegations and states that, at the camp of internees at Sarafand, there was no lack of means for treating persons undergoing detention for purely administrative reasons in a suitable manner. A special incident concerning the transport in a prison van of two persons of high rank who were to be interned is explained in the letter from the mandatory Power.

6. The allegations regarding oppression of and discrimination against the Arab Press are emphatically denied.

7. The mandatory Power admits that the demolition of certain houses at Jaffa was ordered for two reasons : one, the necessity for establishing public security, the other in order to effect a long-overdue improvement within a congested and insanitary urban area. The immediate needs of the persons evacuated were attended to by the Palestine Administration, which proposed to pay compensation to the owners.

8. The arbitrary measures referred to by the petitioners have not been proved and the regulation on collective fines was carried out in accordance with the law. In some cases, villagers left their homes of their own accord in order to evade payment of their share of the collective fine imposed.

The mandatory Power's further observations on petition 4 confirm the explanations summarised above.

In petition 7 a new charge is brought—namely, that poison gas was used. During the examination<sup>1</sup> of the petitions, the Accredited Representative explained that in one case only tear gas was employed, after the public authorities had satisfied themselves that no unfortunate consequences need be feared.

A comparative study of the petitions and the mandatory Power's observations has led us to the following conclusions :

1. The repression of disturbances such as those that occurred in Palestine in 1936 necessarily entails damage to property and physical and moral suffering for the population concerned. In particular, the searching of houses is bound to be unpleasant for the inhabitants.

2. Nevertheless, the information furnished by the mandatory Power has given us the impression that efforts were made, so far as was compatible with the execution of the ungrateful and difficult task which the troops and police were called upon to perform, to reduce as much as possible the disagreeable consequences of the measures ordered. In particular, we cannot admit that Islam was insulted or that the Palestine Government failed to apply the Press law with complete impartiality.

3. There was only one unfortunate incident—namely, the transport of internees of high rank in a prison van.

#### *Petition 10.*

The petition of Mahmoud Ismail Hamdi comes within the same category as the petitions of the Arab Committees. It does not call for any special observations, except that the petitioner holds the office of Mukhtar and also that the mandatory Power states that he had succeeded in extracting financial contributions from the villagers for the support of gangs. This point throws light on the origin of the funds at the disposal of the strikers and brigands.

\* \* \*

<sup>1</sup> See page 148.

In conclusion, we do not consider that these petitions call for special observations to be submitted to the Council, in view of the fact that, in its general observations on the report for 1936, the Commission has already expressed its views concerning the repression of the disturbances.

*Petitions 11 to 14.*

These petitions have been received from sources other than the three committees mentioned under B above. Like the previous petitions, they complain in general of the system and measures adopted to put down the disturbances. Certain detailed incidents recounted therein are deserving of the Commission's attention.

(a) *Petition 11.* — The telegram referred to in (b) calls for an examination of the case of a child alleged to have been killed by shots fired by British soldiers.

(b) *Petition 12.* — The petition mentions an incident said to have occurred in the village of Zeeb during a search.

(c) *Petition 13.* — The petitioner complains of the arrest of one of the directors of the Arab Bank at Jerusalem.

(d) *Petition 14.* — On behalf of the Executive Committee of the Arab Orthodox Priests Congress, the petitioner, after making general complaints, draws attention to a special incident said to have occurred in the Church of the Nativity at Bethlehem.

The mandatory Power makes the following comments on these allegations :

(a) The boy was seriously wounded when the police fired after two warnings, and died of his wound on the following day. The Palestine authorities are satisfied that the police action was fully justified ; they point out that the place where the incident occurred is several kilometres distant from the quarter where the boy lived, and he had no reason to be there.

(b) The Zeeb incident occurred during a search for arms ; a man who had attacked a soldier was forcibly disarmed.

(c) During the examination<sup>1</sup> of the petitions with the assistance of the Accredited Representative, the latter stated that the director in question was arrested and sent to the Sarafand camp to put a stop to his terrorist activities and measures of intimidation.

(d) The Bethlehem incident occurred as follows : blows were exchanged as the result of an encounter between Christians and Jews, one of the latter having kept his head covered. The case was duly brought before the court.

The death of the boy which forms the subject of petition (a) is one of those unfortunate incidents that cannot always be avoided during the repression of disturbances.

For the rest, none of the petitions would appear to call for any observations to be submitted to the Council.

*Petition 15.*

Dr. Weinshall and other members of the New Zionist Organisation in Palestine protest against the views put forward by the Palestine Government on the disturbances which occurred between April 19th and 29th, 1936. They accuse the Government, which disregarded a warning telegram sent by Mr. Jabotinsky a few weeks before the Jaffa disturbances. In particular, they emphasise that the authorities, while knowing that disturbances were about to break out, took no preventive measures, that the Arab newspapers were allowed to publish false news and information, and that the authorities thought fit to receive visits from Arab agitators instead of immediately taking severe repressive measures. In general, the petitioners accuse the Palestine Government of having adopted a conciliating and benevolent attitude towards the Arabs who were guilty of the incidents and disturbances, while the Jews who were innocent were abandoned to their fate.

The mandatory Power submits a few comments on various points. During the examination of the report for 1936, some supplementary information was supplied by the Accredited Representative.

Since the Commission, in its general observations on the report for 1936, has already given its opinion on the prevention and repression of the disturbances, we do not think it necessary to submit to the Council any observation on this petition.

*Petition 16.*

This petition also comes from the Arab Higher Committee, which wished to protest against the Palestine Government's decision to arm Jewish supernumerary constables.

The mandatory Power states that this arming was necessary and proper in view of the circumstances prevailing in Palestine.

<sup>1</sup> See page 148.



We consider that the necessity for this measure was again proved by the Accredited Representatives during the examination of the annual report for 1936. We therefore propose that the Commission should decide not to take any action on this petition.

*Petition 17.*

The Committee of the Jewish Community at Jaffa and Tel-Aviv states that the Palestine Government's inaction with regard to the disturbances has now been explained by the memorandum submitted to the Government by the Arab officials. This inaction is alleged to be due to the fact that there are an excessive number of Arabs in the civil administration and the police. In addition, these officials are said to have taken an important part in the propaganda in favour of the Arab strike funds.

Several examples are then given of connivance by Arab police constables in the activities of Arab malefactors. These examples are intended to show how a Government is paralysed when its servants stray from their duty of impartiality.

Finally, the petitioner urges that the Government should take disciplinary proceedings against the signatories of the memorandum with a view to their dismissal; and he most emphatically protests against the transmission of the memorandum to the Colonial Office.

The mandatory Power did not submit any comments in writing, but its representatives were questioned at length by the Commission on the memorandum.

This discussion having been included in the Minutes<sup>1</sup>, we think it unnecessary to deal with this matter at any length, especially as, in the meantime, the Commission has given an opinion thereon in its general observations on the report for 1936.

In connection with the concrete examples of breach of discipline by Arab policemen, the mandatory Power has given explanations in a memorandum by the Deputy Inspector-General (Criminal Investigation Department), which was communicated with the petition. These tend to show that, for the most part, the facts alleged either did not occur at all or that the account of them given by the petitioner did not correspond to the facts.

Accordingly, this petition does not seem to call for any special observations.

*Petition 18.*

Finally, we wish to mention Dr. Weizmann's petition, in which he criticises in detail the manner in which the origin and course of the disturbances are described in the annual report for 1936. The petitioner takes the introduction to that report paragraph by paragraph, pointing out in each case the weaknesses and lack of impartiality he claims to perceive in it.

The mandatory Power's observations<sup>2</sup> on this petition were supplied in the course of the examination of the report for 1936 by the Accredited Representative, who sought to disprove point by point the affirmations of the petitioner.

We doubt whether, after the hearing of the Accredited Representative, any purpose would be served by submitting special observations to the Council.

B. PETITIONS INVOLVING ARTICLE 22 OF THE COVENANT, THE PALESTINE MANDATE AND THE MANDATORY POWER'S POLICY.

(a) *Petitions 19, 11, 5, 20, 12, 14* which are of Arab origin, do not contribute any fresh information in so far as they deal with general policy; they only contain statements of commonly expressed opinions more or less explicit and reasoned, on Jewish immigration, land sales, etc. All assert that British policy must be altered fundamentally so as to allow the emancipation of Palestine as an Arab country with a Jewish minority.

(b) *Petition 15* also demands a fundamental change, but in the opposite sense—*i.e.*, so as to further the interests of the Jewish National Home.

(c) *Petition 21* proceeds to a detailed criticism of the statement on general policy made by the United Kingdom Government in the House of Commons on June 19th, 1936. As a statement of the Arab case, it has more value than the petitions enumerated above. Its conclusions, however, once again put forward the old Arab demands.

(d) *Petition 2* urges that the Mandate for Palestine should be defined more precisely and that it should be recognised that a Jewish Home can be founded in Palestine provided that no prejudice is thereby caused to Arab interests.

(e) *Petition 22* contains protests by certain Jewish associations in the Netherlands that have been alarmed by rumours to the effect that the United Kingdom Government proposes to put a stop to Jewish immigration for the time being. The petitioners urge that the criterion of the economic absorptive capacity of Palestine should be adhered to without any modification.

<sup>1</sup> See pages 75 *et seq.*

<sup>2</sup> See pages 143-148.

(f) The *petition* of Dr. Levy (*No. 23*) expounds the views of the New Zionist organisation as to the scope of the Balfour Declaration, the mandate and the obligation of the mandatory Power to promote by every possible means the establishment of a Jewish State with an Arab minority.

(g) Lastly, *Petitions 24 and 25* communicate the views of the Arab Higher Committee on the one hand and the National Defence Party on the other on the Royal Commission's report and the future of Palestine. Finally, in *Petition 26*, the Committee for the Defence of Jewish Rights in Central and Eastern Europe requests that efforts should first be made to convene a Round Table Conference before a scheme of partition is examined.

The mandatory Power has deliberately refrained from any observations on the petitions or parts of petitions mentioned above under (a), (b), (d) and (e).

With reference to *Petition 21*, the mandatory Power has rectified certain errors in the presentation of the facts.

In its covering letter accompanying Dr. Levy's petition (*No. 23*), it promised to supply comments after studying the Royal Commission's report.

As regards the petitions under (g), several discussions<sup>1</sup> took place between the members of the Commission and the Accredited Representatives, we need only refer to these.

The Commission will remember that the question of the admissibility of all these petitions or parts of petitions was raised by our colleague, the Chairman of the Sub-Committee. The Commission considered that, in consequence of the Council's request to it to take into consideration the future status of Palestine, these petitions should be regarded as admissible.

These petitions, which are of a political nature, have helped the Commission to form an accurate idea of certain facts and situations affecting the future of Palestine. We do not think, however, that any of them call for special observations to be submitted to the Council, since, in view of their subjects and the arguments they present, these petitions come within the scope of the question dealt with by the Commission at this extraordinary session, on which it will submit a preliminary opinion to the Council.

#### C. PETITIONS DEALING WITH THE SCHEME FOR A LEGISLATIVE COUNCIL.

I. *Petition 27* refers to the statement made by Mr. Churchill in the House of Commons on the occasion of the debate on the Legislative Council in February 1936, that statement being compared with the White Paper of 1922. The petition is of some importance because it gives the Arab views on the institution of a Legislative Council.

*Petitions 28 and 29* express extreme Zionist opinion on the same subject. In principle, the petitioners have no objection to the Legislative Council in itself; they comment on the 1936 scheme, criticising the absence of any guarantee for essential Zionist interests. They discuss the attitude of the Jews both in 1922 and in 1937. They then enlarge upon the juridical aspects of the problem, pointing out that the mandate itself contains no obligation as to the establishment of a Legislative Council and that the political training obtained in Municipal Councils is too short for satisfactory results to be expected from the Central Council. They conclude by saying that the scheme deals an all but mortal blow at Jewish hopes.

The mandatory Power simply makes no observations on *Petition 27*. As regards *Petition 28*, it stated in its letter on the subject that it did not consider that any useful purpose would be served by making comments so long as the scheme remained in suspense.

Since this letter, the scheme has been dropped. Until a decision is taken regarding the future status of Palestine it seems to us a waste of time to consider these two petitions further. We propose to communicate this opinion to the Council.

\* \* \*

#### GENERAL CONCLUSION.

If our colleagues approve our proposals set forth above on each category of petitions, the Commission could adopt the following conclusion :

“ The Commission,

“ Having examined, in the light of the documentary information supplied by the mandatory Power, the petitions concerning (i) the repression of the disturbances, (ii) Article 22 of the Covenant, the terms of the mandate and the mandatory Power's policy and (iii) the scheme for a Legislative Council,

“ Considers,

“ As regards the petitions constituting group A, that none of these petitions calls for special recommendation to the Council; the Commission nevertheless draws the Council's attention to its general observations formulated on the occasion of the examination of the annual report on the administration of Palestine for 1936 ;

<sup>1</sup> See *i.e.* pages 149, 150.

“ As regards the petitions under group B (except the petition dated July 1936 from Dr. Levy and other members of the New Zionist Organisation in Palestine, on which the mandatory Power proposes to comment at a future date), that, similarly, none of these petitions calls for special recommendation to the Council, as, in view of their object and of the arguments they contain, they fall within the general scope of the main question on which the Commission is sending to the Council the preliminary opinion requested from it ;

“ As regards the petitions under group C, that no useful purpose would be served in studying these petitions until a decision has been taken concerning the future status of Palestine.”

C.P.M. 1937(1).

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ANNEX 5.

PALESTINE.

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PETITION, DATED MARCH 6TH, 1936, FROM M. HAGOP SIMONIAN, JERUSALEM.

REPORT BY M. N. SAKENOBE.

In this petition, Mr. H. Simonian reverts to complaints against the Palestine Government—which he had put forward in 1935, and which the Mandates Commission examined at its twenty-seventh session—for its refusal to grant a permit to import flour into Palestine.

On that occasion, the mandatory Power had stated, *inter alia*, that in Palestine the import of flour was regulated and controlled by means of import permits and that, in the petitioner's case, a permit was not granted because he had no business premises.

In his new petition, Mr. Simonian states that he has now opened a shop and wishes to obtain the permit through the League's intervention.

The mandatory Power, in its observations dated September 30th and December 31st, 1936, respectively, states that, although the petitioner now claims to have a shop, there are firms of long standing and with established business premises to which permits have nevertheless not been granted. Withholding of a permit does not prevent the applicant from dealing in flour through local mills or wholesale merchants.

It further states that the Jerusalem Chamber of Commerce to which, in accordance with practice, Mr. Simonian's application was referred, was unable to recommend the grant of a permit ; and the High Commissioner could see no reason to interfere with the Director of Customs' decision, which was taken upon the recommendation of the local Chamber of Commerce.

In these circumstances, I propose that the Commission should adopt the following conclusions on this petition :

“ The Commission,

“ Having examined the petition, dated March 6th, 1936, from Mr. H. Simonian, in the light of the observations of the mandatory Power contained in its letters of September 30th and December 31st, 1936, respectively ;

“ Considers that no special action need be taken on this petition.”

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ANNEX 6.

C.P.M. 1929(1).

PALESTINE.

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PETITION, DATED APRIL 17TH, 1936, FROM M. MOSCHE SMILANSKY, PRESIDENT OF THE JEWISH FARMERS' FEDERATION OF PALESTINE, AND M. TOLKOWSKY, GENERAL MANAGER OF THE JAFFA CITRUS EXCHANGE, TRANSMITTED ON OCTOBER 16TH, 1936, BY THE UNITED KINGDOM GOVERNMENT, WITH ITS OBSERVATIONS.

REPORT BY COUNT DE PENHA GARCIA.

On April 17th, 1936, M. Mosche Smilansky, President of the Jewish Farmers' Federation of Palestine, addressed to the High Commissioner a petition setting out the difficulties experienced by the export trade of Palestine as a result of the economic equality clause in the

mandate. The petitioner argued in particular, as regards the citrus trade, that the industry would soon be unable to find a market for the products of Palestine in view of the impossibility of negotiating with other countries special agreements, which were prohibited by the mandate. The petitioner also urged that the adverse trade balance would necessarily increase so long as the obligation to grant economic equality without reciprocity was maintained. He suggested the adoption, in regard to imports, of a tariff divided into maximum and minimum rates, and the introduction of a quota system.

The mandatory Power, in its observations, recognises the seriousness of the situation and points out that, in certain cases, it has been able to obtain advantages for the trade of Palestine; it is at present studying the problem with the Government of Palestine. Moreover, the mandatory Power declares that the modifications recommended by the petitioner are incompatible with the principle of economic equality as laid down in the mandate.

The Mandates Commission submitted to the Council in 1930 the following resolution :

“ The Permanent Mandates Commission, having taken note of the replies of the mandatory Powers to the questions which it raised at its fifteenth session, and having examined the Rapporteur’s report, decides to draw the attention of the Council to the desirability of inviting all States Members of the League of Nations to give favourable consideration to any requests which may be made to them by the mandatory Powers, with a view to obtaining for the nationals, or, at any rate, for the goods, of territories under A and B mandates advantages corresponding to those enjoyed by their own nationals and their own goods in the aforesaid territories.”

In these circumstances, the Permanent Mandates Commission can at present only draw the Council’s attention to this observation, which has lost nothing of its importance or its current interest.

I therefore propose the adoption of the following conclusion :

“ The Commission,

“ Having examined the petition dated April 17th, 1936, from M. Mosche Smilansky and the mandatory Power’s observations thereon ;

“ Wishes to draw attention to the special observation which it is submitting to the Council on the drawbacks of the absence of reciprocity in the system of economic equality.”

C.P.M.1938(1).

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ANNEX 7.

PALESTINE.

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PETITION, DATED FEBRUARY 14TH, 1937, FROM Mr. E. KARWASSARSKY,  
ADVOCATE, TEL-AVIV.

REPORT BY M. SAKENOBE.

The petitioner protests against the refusal of the Palestine Government to establish sub-accountant’s and cashier’s offices within the municipal area of Tel-Aviv, and asks the Mandates Commission to recommend to the mandatory Power to establish the aforesaid offices in the city of Tel-Aviv.

The petitioner states that, the offices of the sub-accountant and cashier being situated in Jaffa, great inconvenience is felt by the inhabitants of Tel-Aviv, who have to go to Jaffa for payments to and collections from the Government, and that it is disgraceful and unjust to make a large city like Tel-Aviv dependent in such a matter upon a town of much less importance. He annexes to his petition copies of correspondence (twelve letters in all) exchanged between the authorities of the Palestine administration and himself during 1936 on the subject. From these, it appears that on one occasion the petitioner himself suffered a delay of twenty-one days in obtaining payment by the sub-accountant’s office, Jaffa, while, on the other hand, certain measures seem to have been taken by the authorities with a view to minimising the inconveniences felt by the inhabitants of Tel-Aviv from the absence of such office in that city.

The mandatory Power, in its observations dated May 24th, 1937, states that the delay of twenty-one days which occurred between the petitioner’s application and payment have been proved, after investigation, to have nothing to do with the fact that the sub-accountant’s office was at Jaffa and not at Tel-Aviv, and that it is most unlikely that such a delay will occur again. It further states that at the time of the petitioner’s original complaint—April 1936—those who did not wish to go to Jaffa were allowed to hand in their cheques or cash, order forms to the district office at Tel-Aviv. Instead of receiving their money the next day as they would if they went to Jaffa, they received it one day later. Recently, however, arrangements have been made whereby all payment vouchers deposited at the district office

at Tel-Aviv before 10 a.m. are brought to Jaffa by special messenger (Saturdays and Sundays excepted) and payments are usually made at Tel-Aviv on the following day. Thus the lapse of time between application and payment is now the same at Tel-Aviv as at Jaffa. Moreover, in December 1936, the sub-accountant's office at Jaffa was removed nearer the Tel-Aviv boundary, within easy reach of the Jewish population.

The mandatory Power adds that, up to the present, the volume of work has not justified the opening of a second sub-accountant's office for Jaffa-Tel-Aviv at Tel-Aviv. If and when the volume of work so increases as to justify such a step, the matter will be reconsidered.

In the circumstances, I propose that the Commission adopt the following conclusions on this petition :

“ The Commission,

“ Having examined the petition dated February 14th, 1937, from M. E. Karwassarsky in the light of the observations of the mandatory Government dated May 24th, 1937 :  
“ Considers that no special action need be taken on this petition.”

C.P.M. 1933(1).

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ANNEX 8.

PALESTINE.

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LETTER, DATED MAY 4TH, 1937, FROM THE PRESIDENT OF THE JEWISH AGENCY  
FOR PALESTINE, ACCOMPANYING A MEMORANDUM (WITH ANNEX)  
ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE  
IN THE YEAR 1936.

REPORT BY COUNT DE PENHA GARCIA.

The Jewish Agency for Palestine has transmitted, as usual, to the League Secretariat through the mandatory Power for Palestine, its annual memorandum on the development of the Jewish National Home in the year 1936.

The covering letter is dated May 4th, 1937, and the observations of the mandatory Power on the letter in question are dated June 24th, 1937. The accredited representative has given the Commission further information on several points<sup>1</sup>. The memorandum is divided into nine chapters, as usual, but only a few lines of introduction and an addendum are devoted to the disturbances which occurred between April and October 1936.

The addendum contains an impressive list of the outrages suffered by the Jews of Palestine during this lengthy period of disturbances. The following extract from the introduction is also noteworthy : “ The report that follows bears witness at various points to the effects on the country's economic development of this period of unrest. It says much for the soundness and stability of the new economy that is being built up by the Jewish people in Palestine, that it has so far withstood the severe strain thus imposed upon it, and remains essentially unimpaired. In many respect, indeed, it will be seen that the Jewish community has shown marked powers of adaptability and has revealed unexpected reserves of strength, which have manifested themselves in a number of new and promising developments, some of which fall to be recorded below.”

According to the memorandum, the Jewish population had increased in 1936 by 29,000. The total Jewish population constitutes 30.6% of the population of Palestine. The average age of this population shows that it mainly consists of young people. Three-quarters live in the towns and one-quarter on the land. Only 15% of the Jewish population is dependent for its livelihood on agriculture, the remainder being engaged in industry, the liberal professions, commerce, the public services, etc. The two chapters dealing with immigration and agricultural colonisation show that, in spite of the disturbances, 29,720 Jews entered Palestine in 1935, of whom two-thirds came from Germany and Poland. During 1936, land purchases amounted to 18,145 dunums at a cost of £158,825. The work of colonisation has continued. Ten new settlements were established, with a population of 921 and an area of 13,090 dunums. Considerable progress has been made in developing the Emek Zebulun and a great deal has been done in certain villages and settlements. The Zionist organisations dealing with colonisation have again displayed great activity, and the technical establishments for agricultural improvement have continued their work. The economic organisations interested in the development of Jewish colonisation have also been very active. Some of them, such as the Thnuva and the Hamashbir-Hamerkari have increased their turnover to a remarkable extent.

Urban development has progressed, particularly at Tel-Aviv, Jerusalem and Haifa, and the value of Jewish building construction in 1936 is estimated at £5,000,000. In view of their

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<sup>1</sup> See pages 151-152.

lengthy duration, the disturbances have had an unfavourable effect on industry and commerce. Nevertheless, the seventh Levant Fair, which opened at Tel-Aviv on April 30th, was attended by 320,000 visitors. During 1936, 71 new industrial establishments were created and the Jewish co-operative societies displayed remarkable activity.

Palestine Potash, Ltd., recorded an increase in sales of 70% and stated that the disturbances did not in any way affect the good relations between Jewish and Arab workers, who continued to work together peacefully throughout 1936.

In the sphere of education, the information furnished by the Jewish Agency shows that, in spite of the disturbances, the number of Jewish children attending school increased by 9,000 and that the Jewish educational foundations have pursued their task most successfully.

The Jewish Agency still complains that Government assistance on behalf of Jewish education is inadequate.

The disturbances have imposed a heavy burden on Jewish health organisations, which were obliged to treat the wounded, to assist refugees, etc. Nevertheless, their constructive activities in the sphere of health have been steadily pursued.

The Jewish Agency regrets—and this sentiment is shared by the whole civilised world—the murder of two Jewish nurses attached to the Jaffa hospital and a Jewish physician resident in Beisan.

The economic repercussions of the disturbances have affected to some extent the progress of agricultural colonisation and industrial and urban development. In particular, they led to a fall in imports duties, to difficulties in the collection of taxes and to a decrease in the currency in circulation. On the other hand, banking statistics show relatively little change. The capital of the banks even increased. In spite of the disturbances, Jewish investments in 1936 amounted to approximately £7,000,000. The Jewish Agency carried out an enquiry into the contribution of the Jewish population to the revenue of the Palestine Government for the financial year 1934/35, which produced the following results: The Jewish section, which constitutes only 29% or 30% of the total population, contributed 63% of the total revenue of the State; the *per capita* contribution amounted to £12 per annum for the Jews and £2 6s. for the non-Jewish population.

The mandatory Power, in its observations, comments on only a few of the observations in the Jewish Agency's memorandum; as regards the disturbances, it refers to the statements in the report for 1936.

As regards the question of indemnity or compensation to Jewish victims of the disturbances, the Palestine Government has fixed this sum at £30,000; the question of compensation for damage to property is still under consideration. As regards immigration, the mandatory Power disputes the unemployment figures given by the Jewish Agency and states that it maintains the principle of economic absorptive capacity.

With reference to the completion of the port of Tel-Aviv and road construction, the mandatory Power signifies its intention of continuing the work so far as funds permit.

I therefore propose that the Commission should adopt the following conclusion:

“ The Commission,

“ Having examined the Memorandum of the Jewish Agency on the development of the Jewish National Home for 1936, the covering letter sent to the League of Nations and the observations of the mandatory Power,

“ stresses the importance of the information contained in these documents, but does not consider it necessary to make any special observations.”

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ANNEX 9.

C.P.M. 1936(1).

PALESTINE.

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PETITION DATED MAY 3RD, 1937, FROM CHIEF RABBI ABRAHAM SCHORR,  
WAAD ADATH ASHKENAZIM, JERUSALEM.

REPORT BY M. PALACIOS.

The Chief Rabbi Abraham Schorr has put forward, on behalf of the Waad Adath Ashkenazim, Jerusalem, a petition in which he asks:

- (1) That the “ Beth Din Hassidim ” court be given the same rights as the courts of the Va'ad Leumi, so far as its own members are concerned;
- (2) That the community of the Waad Adath Ashkenazim be recognised by the Government of Palestine with all its ancient privileges and rights;
- (3) That a definite number of immigration certificates be allotted annually to the Waad Adath Ashkenazim for distribution among Hassidim who desire to proceed to Palestine for religious or cultural reasons.

The petition was forwarded to the League of Nations in the proper form ; it is dated May 3rd, 1937, and was transmitted by the mandatory Power on August 3rd, 1937, with the latter's observations thereon.

The community had already sent petitions to the League of Nations, in 1933 and 1935. It appeals to history, to its essentially religious character, whereby it obeys exclusively the commandments of the Holy Torah and cannot share non-religious Zionist aspirations ; it further adduces its life as an independent community under Ottoman rule, and cites the cultural prejudice—with its legal repercussions in the courts and before administrative bodies—from which it has had to suffer, and which has often outraged its most intimate convictions and cherished customs.

The mandatory Power does not consider it necessary to comment at length on this petition, having already done so fully in connection with the earlier petitions. It refers, however, to the Palestine Marriage and Divorce (Registration) Ordinance, under which marriage and divorce registers have been issued to Rabbis of Jewish congregations, including the Waad Adath Ashkenazim and the Agudath Israel. Although the religious courts of these congregations do not enjoy jurisdiction in matters of divorce under the law, they make a practice of granting divorces and of issuing certificates of divorce which, in a number of cases, have been erroneously accepted by Departments of the Palestine Government as evidence that the divorce was valid. In the opinion of the mandatory Power, the law on this subject is, however, quite clear. Under the Palestine Order in Council of 1922, only the rabbinical courts of the recognised Jewish community have exclusive jurisdiction in matters of divorce, and the decisions of the religious court of the Waad Adath Ashkenazim in this matter require to be confirmed either by the civil courts or by the religious courts of the official Jewish community.

In my capacity as Rapporteur, and being interested both by the insistence of the petitioning community and by the arguments relied on, I have re-examined the files of the earlier discussions of the Mandates Commission, and gone so far as to submit the petitioners' case during the hearing of the accredited representative of the mandatory Power. The result was no more fortunate than in the case of the earlier petitions.

I therefore submit the following resolution :

“ The Commission,

“ Having examined the petition, dated May 3rd, 1937, from Chief Rabbi Abraham Schorr, presented on behalf of the Waad Adath Ashkenazim in Jerusalem, and the observations of the mandatory Power, together with the additional information supplied by the accredited representative of the latter :

“ Finds that it is not called upon to forward special observations to the Council in connection with this petition.”

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#### ANNEX 10.

### COMMUNICATIONS FROM PRIVATE SOURCES RECEIVED ON THE OCCASION OF THE EXTRAORDINARY SESSION OF THE PERMANENT MANDATES COMMISSION.

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#### NOTE BY THE CHAIRMAN.

The Secretariat has submitted to me a large number of communications from private—*i.e.*, non-governmental—sources, which relate to the proposals of the Royal Commission and the Statement of Policy of the mandatory Power.

These communications, a list of which is given below, are kept at the Secretariat, where they can be consulted by members of the Commission and the mandatory Power.

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C.P.M.1927.

(a) *First List.*

1. M. J. Oppenheimer, Darmstadt. — Letter, dated July 5th, 1937.
2. Sociedad Unión Musulmana, Santiago, Chile. — Telegram, dated July 9th, 1937.
3. Sociedad Juventud Palestina, Santiago, Chile. — Telegram, dated July 9th, 1937.
4. Palestina League, Tela, Honduras. — Telegram, dated July 10th, 1937.
5. Palestinian Colony, Puerto Cortes, Honduras. — Telegram, dated July 12th, 1937.
6. Mr. Abed Allia, Palestine Arab League of America, Boston. — Telegram, dated July 12th, 1937.
7. Mr. Eassa Ally, President, Arab American Banner Society of New England, Boston. — Telegram, dated July 12th, 1937.
8. M. Marchand, Veendam, Netherlands. — Letter, dated July 12th, 1937.

9. General Committee on behalf of People of Kuwait, Kuwait. — Telegram, dated July 13th, 1937.
10. Chambre de Commerce, Haifa. — Telegram, dated July 13th, 1937.
11. Colonia Palestina Arabe, San Pedro Sulas, Honduras. — Telegram, dated July 13th, 1937.
12. M. Ibrahim Elrawi, President, Islamic Guidance, Baghdad. — Telegram, dated July 14th, 1937.
13. Mr. Rasheed Amer, President, Arab American Society of New England, Springfield. — Telegram, dated July 14th, 1937.
14. M. Schmidli, Saint-Gall. — Letter, dated July 14th, 1937.
15. M. Gadeloff, Colón, R.P. — Letter, dated July 14th, 1937.
16. M. Paul Wasservogel, Tel-Aviv. — Letter, dated July 15th, 1937.
17. M. Salomon Barjum, President of the Union Juventud Arabe, Tegucigalpa, Honduras. — Letter, dated July 15th, 1937, transmitting the text of a petition addressed to the Government of the United Kingdom.
18. M. Hazan, Advocate, President of the New Zionist Organisation, Midan Tewfikieh, Cairo. — Telegram, dated July 16th, 1937.
19. Demonstration Committee, for the Demonstrators, Baghdad. — Telegram, dated July 16th, 1937.
20. Mlle. Andrée Sasson, Alexandria. — Letter, dated July 16th, 1937.
21. Palestine Arab League, Detroit (Michigan). — Telegram, dated July 17th, 1937.
22. President of the Meeting of the Jewish Population of Cernauti, Roumania. — Resolution, dated July 17th, 1937.
23. President of the Meeting of the Israelites of Silistra, Roumania. — Resolution, dated July 18th, 1937.
24. President of the Meeting of the Israelites of Dorohoi, Roumania. — Resolution, dated July 18th, 1937.
25. New Zionist Organisation, Codaësti. — Resolutions, dated July 17th and 18th, 1937.
26. Members of the Popular Meeting of Jews of Oradea, Roumania. — Resolution, dated July 18th, 1937.
27. Dr. Léon Welt, President of the Meeting of the Jewish Population of Storojineti, Roumania. — Resolution, dated July 18th, 1937.
28. M. Max Rosner, President of the Meeting of the Jewish Population of Putila, Roumania. — Resolution, dated July 18th, 1937.
29. Members of the Meeting of Israelite Citizens of Secureni, Roumania. — Resolution, dated July 18th, 1937.
30. Members of the Meeting of Jewish Citizens of Copalnic-Manastur, Roumania. — Resolution, dated July 18th, 1937.
31. Members of the Meeting of Jewish Citizens of Odorheiu. — Resolution, dated July 18th, 1937.
32. Members of the Meeting of Israelite Citizens of Husi. — Resolution, dated July 18th, 1937.
33. Central Consistory Highest Representative of Bulgarian Jewry, Sofia. — Telegram, dated July 19th, 1937.
34. Antonio Valech, President of the Círculo Arabe, Santiago, Chile. — Telegram, dated July 19th, 1937.
35. Arab Societies and Organisations, Detroit, Michigan. — Telegram, dated July 19th, 1937.
36. Jewish Community of Pazardjik, Bulgaria. — Letter, dated July 19th, 1937.
37. President and Members of the Committee of the Meeting of the Jewish Population of Vidin, Bulgaria. — Resolution, dated July 19th, 1937.
38. Zionist Federation of Greece, Salonika. — Letter dated July 20th, 1937, transmitting Resolutions from the Zionist Federation of Greece, the Radical Zionist Union and the Misrahi Federation of Greece.
39. A. Altabeb, former Rabbi, Sofia. — Letter, dated July 20th, 1937.
40. President of the Meeting of the Jewish Population of Burgas, Bulgaria. — Resolution, dated July 20th, 1937.
41. M. Cohen, President of the Meeting of the Jewish Population of Pleven, Bulgaria. — Resolution, dated July 20th, 1937.
42. Members of the Meeting of the Jewish Population of Beclean jud. Somes, Roumania. — Resolution, dated July 20th, 1937.
43. Ligue contre division Palestine, Alexandria. — Telegram, dated July 21st, 1937.
44. Ely Bassan, President of the Jewish Community, Sofia. — Telegram, dated July 21st, 1937.
45. Organisation sioniste, Nouvelle Union universelle jeunesse juive, Congrès mondial juif, Loge Israël Beneibrith Ortoze, Port-Said. — Telegram, dated July 21st, 1937.
46. President of the Jewish Confessional Community, Lodz. — Resolution, dated July 21st, 1937.
47. Consistoire central des Israélites en Bulgarie, Sofia. — Letters, dated June 27th and July 21st, 1937.
48. Acting President of the New Zionist Organisation, Amsterdam. — Letter, dated July 21st, 1937, transmitting a resolution, dated July 14th, 1937, adopted at a meeting of the Organisation.



49. M. M. Caleff, President of the Israelite Community of Rustchuk. — Letter, dated July 21st, 1937, transmitting the text of a resolution.
50. M. Attie Djouid, El Houlé. — Letter, dated July 21st, 1937.
51. Dr. Romano, Israelite Community, Plovdiv. — Telegram dated July 22nd, 1937.
52. President of the Council of the Jewish Ashkenazim Community, Sofia. — Resolution dated July 22nd, 1937.
53. Protestation Committee formed by all the Jewish Societies of Pazardjik, Bulgaria. — Letter, dated July 22nd, 1937.
54. Moslem Rose of Fraternity, United States, Cedar Rapids, Iowa. — Telegram, dated July 23rd, 1937.
55. Mr. J. L. Magnes, President of the Hebrew University of Jerusalem, Paris. — Letter, dated July 23rd, 1937, transmitting the text of a telegram, dated July 18th, 1937, to the *New York Times*.
56. M. Nadi Alirshad, Mr. Abdul Jalil, Baghdad. — Telegram, dated July 23rd, 1937.
57. Jewish Societies and Organisations of Burgas, Bulgaria. — Resolution, dated July 24th, 1937.
58. President of the Sociedad Sirio-Arabe, San Rafael, Mendoza. — Letter, dated July 24th, 1937.
59. Members of the Meeting of Jewish Citizens of Toplitza. — Resolution, dated July 25th, 1937.
60. Members of the Meeting of Jewish Citizens of Craiova, Roumania. — Resolution, dated July 25th, 1937.
61. M. Victor Mitrany, President of the Jewish Communal Council, Hascovo, Bulgaria. — Letter, dated July 26th, 1937.
62. Dr. Nathaniel Davis, Planetaryan President, Los Angeles. — Letter, dated July 26th, 1937.
63. Jewish Community of Mexico. — Telegram, dated July 27th, 1937.
64. M. Salah Farhat, Tunis. — Telegram, dated July 27th, 1937.
65. President of the Union of Austrian Jews, Vienna. — Letter, dated July 27th, 1937.
66. Mr. Markus Lewinsohn, Warsaw. — Letter, dated July 27th, 1937, transmitting a memorandum, dated July 26th, 1937.
67. Mr. Nezah Israel, Alexandria. — Telegram, dated July 29th, 1937.
68. Dr. Immanuel Velikovsky, Paris. — Letter, dated July 29th, 1937.
69. Punjab Provincial Muslim League, Lahore. — Letter, dated July 29th, 1937, transmitting the text of a resolution adopted on July 26th, 1937, and a statement by the President (Dr. Sir Mohammad Iqbal).
70. Cámara Comercio Palestino-Libanesa, San Salvador. — Telegram, dated July 30th, 1937.
71. M. D. Weintraub, Haifa. — Telegram, dated July 30th, 1937.
72. M. Nabih Azme, President of the Committee for the Defence of Palestine, Damas. — Telegram, dated July 30th, 1937.
73. M. Sabaj, Secretary, Comité Defensa Derechos Arabes, Palestina, Santiago, Chile. — Telegram, dated July 30th, 1937.
74. Delegates of the American Christian Conference, Washington. — Telegram, dated July 31st, 1937.
75. Mr. A. F. Futterer, Los Angeles. — Letter, dated August 1st, 1937.
76. M. Altman, President of the Jewish Meeting held at Tel-Aviv on July 30th, 1937. — Telegram, dated August 1st, 1937.
77. Jewish Community, Varna. — Telegram, dated August 1st, 1937.
78. "Jeunesse Siria" League, Buenos Aires. — Telegram, dated August 2nd, 1937.
79. M. Aouny Abdul Hadry, Délégation arabe de Palestine, Geneva. — Letters, dated July 29th and August 3rd, 1937.
80. Jacob Zabronsky, President, National Council Young Israel, New York. — Telegram, dated August 4th, 1937.
81. Mr. Harry Fromberg, President of the League of American Organisations for Defence of Jewish Rights in Palestine, New York. — Telegram, dated August 4th, 1937.
82. Arab National League, New York. — Telegram, dated August 5th, 1937.
83. President and Members of the Meeting of Jews of Sary Smokovec, Czechoslovakia. — Letter, undated.
84. Rabbi M. C. Blanc and Other Israelite Citizens of Bacau, Roumania. — Resolution, undated.
85. Dr. Mechel, Radautzi, Bukovina, Roumania. — Letter, undated.
86. Mr. Lester Weinberg, Labour Zionist Organisation, New York, U.S.A. — Letter, undated.
87. One hundred and forty-eight communications drawn up in identical terms from Jewish communities in various places in Poland.

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(C.P.M.1927(a.)).

(b) *Supplementary List.*

1. A. Altabeb, former Rabbi, Sofia. — Letters, dated July 20th and August 12th, 1937.
2. Federation of Orthodox Rabbis of America, New York. — Letter, dated August 1st, 1937.
3. Jamiat Shubban Al-Muslimeen, Bombay. — Letter, dated August 2nd, 1937.
4. Max Heyman, Warsaw. — Letter dated August 2nd, 1937.
5. Harry Zeigler, New York. — Letter and Petition, dated August 2nd, 1937.

6. Rachel Chaies, Geneva. — Letter, dated August 4th, 1937 (sends newspaper articles).
7. Jacob Zabronsky, President, National Council Young Israel, New York. — Telegram, dated August 4th, 1937.
8. League of American Organizations for Defence of Jewish Rights in Palestine (Harry G. Fromberg, President), New York. — Telegram, dated August 4th, 1937.
9. Rabbi L. Seltzer, Union of Orthodox Rabbis of U.S. and Canada. — Letter, dated August 4th, 1937.
10. Harold De Vahl Rubin, Stonehill, Horam, Sussex. — Letter and Memorandum, dated August 4th, 1937.
11. Mr. Levy, New Zionist Organisation, London (p.t. Geneva). — Letter dated August 4th, 1937.
12. Arab National League, New York. — Telegram, dated August 5th, 1937.
13. Luigi Stivanin, Milan. — Letter, dated August 6th, 1937.
14. Dr. Cowoeli, Zurich. — Letter, dated August 6th, 1937.
15. William Green, President, American Federation of Labor, Washington, — Telegram, dated August 7th, 1937.
16. Mrs. Pauline Cosow, Akron, Ohio. — Letter, dated August 7th, 1937.
17. Telegram from 2,000 persons (no signature) gathered at Oujdame, dated August 8th, 1937.
18. Mouvement national au Maroc, Port-Liautey. — Letter, dated August 9th, 1937.
19. Shlomo Gilutz, London. — Letter and Memorandum dated August 10th, 1937.
20. Dr. Kasim Bazirgan, the Arab Society in Great Britain, London. — Letter, dated August 11th, 1937.
21. Boris Gourévitch, Vice-President of the Comité pour la Défense des droits des israélites en Europe centrale et orientale, Paris-Geneva. — Letters, dated August 11th and 16th, 1937.
22. Messali Hadj, Parti du Peuple algérien, Alger. — Letter, dated August 12th, 1937.
23. Arab Higher Committee, Jerusalem. — Telegram, dated August 12th, 1937.
24. A. Sprecher, Chur. — Letter, dated August 12th, 1937.
25. Members of the United States Congress, Washington. — Telegram, dated August 13th, 1937.
26. Sociedad Palestina Arabe, Rosario, Santa Fé (Argentina). — Telegram, dated August 16th, 1937.
27. J. Herman, London. — Letter, dated August 16th, 1937.
28. Four communications from various Jewish communities in Poland drawn up in identical terms as those referred to in No. 87 above.

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## ANNEX II.

### I. REPORT TO THE COUNCIL ON THE WORK OF THE SESSION.

The Permanent Mandates Commission met at Geneva from July 30th to August 18th, 1937, in extraordinary session. This session was devoted entirely to Palestine. The Commission held twenty-nine meetings, of which only the first was public.

The Government of the United Kingdom, the mandatory Power, had appointed as its accredited representatives :

The Right Honourable W. ORMSBY-GORE, M.P., Secretary of State for the Colonies, and

Mr. J. Hathorn HALL, C.M.G., D.S.O., O.B.E., M.C., formerly Chief Secretary to the Government of Palestine.

The accredited representatives were accompanied by Mr. J. M. MARTIN, Secretary to the Royal Commission.

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### A. SPECIAL QUESTION.

#### PRELIMINARY OPINION FORMULATED AT THE REQUEST OF THE COUNCIL ON THE REPORT AND RECOMMENDATIONS OF THE ROYAL COMMISSION AND ON THE UNITED KINGDOM GOVERNMENT'S STATEMENT OF POLICY.

On July 8th, 1937, the Secretary-General of the League of Nations received from the Government of the United Kingdom the following letter (document C.300.1937.VI) :

“ London, July 6th, 1937.

“ I am directed by Mr. Secretary Eden to inform you that His Majesty's Government are communicating to the Permanent Mandates Commission copies of the Report of the Royal Commission on Palestine, which is to be published in this country on July 8th, together with copies of a statement of policy embodying the conclusions of His Majesty's

Government thereon. His Majesty's Government propose to raise this question before the Council of the League at its September meeting. They realise, however, that the Council will presumably wish to obtain the views of the Permanent Mandates Commission on the whole matter before reaching a final decision.

" 2. In view of the urgency of this question, His Majesty's Government are anxious that all possible steps should be taken to avoid any unnecessary delay in dealing with it. The fact that the Permanent Mandates Commission, at its impending session on July 30th, will have this report before it appears to offer a favourable opportunity for expediting the consideration of the matter.

" 3. I am therefore to express Mr. Eden's hope that the President of the Council of the League will — if necessary after consultation with his colleagues — request the Permanent Mandates Commission at once to take into consideration the report and recommendations of the Royal Commission, and the statement of policy of His Majesty's Government thereon, in order that it may be in a position to give the Council the benefit of its preliminary views at its September session. Such procedure would not exclude the possibility of a further reference to the Permanent Mandates Commission after the September Council meeting, should the Council consider this necessary or desirable.

(Signed) G. W. RENDEL. "

On July 19th (document C.306.1937.VI) the President of the Council of the League of Nations informed the Mandates Commission that :

" . . . as all the members of the Council, who, by July 17th, 1937, had replied to the consultation on the request contained in the United Kingdom Government's letter of July 6th, 1937, gave an affirmative answer, the President of the Council concluded that the Permanent Mandates Commission should be asked to take into consideration, at its extraordinary session opening on July 30th, the report and recommendations of the Royal Commission and the United Kingdom Government's statement of policy, in order that it might be in a position to give a preliminary opinion before the Council's session in September. "

By these communications, the Permanent Mandates Commission was given a task that was entirely new to it. It was no longer a question of " examining the annual reports of the Mandatories and advising the Council on all matters relating to the observance of the mandates ", as its mission is defined in the Covenant itself ; nor was it a duty such as that assigned to it by the Council in 1931, of determining whether a mandated territory had reached a degree of maturity justifying its emancipation.

The Commission's task to-day is to express a preliminary opinion on the intentions of a mandatory Power which proposes to the Council the termination of the mandate it has been carrying out for fifteen years, and which, in support of this proposal, adduces not so much the attainment of maturity by the ward as the difficulties of guardianship.

This opinion, it is true, was expressly requested by the Council and the mandatory Power itself. But the Commission could not turn for guidance either to the mandate, which had been challenged, or to the Covenant, which is wholly silent on this subject.

In the light of what principles, therefore, should it consider the question submitted to it ? And, first of all, what exactly was that question itself ?

In the course of the disturbances which again agitated Palestine in 1936, the United Kingdom Government appointed a Royal Commission with the following object :

" To ascertain the underlying causes of the disturbances which broke out in Palestine in the middle of April ; to enquire into the manner in which the mandate for Palestine is being implemented in relation to the obligations of the Mandatory towards the Arabs and the Jews respectively ; and to ascertain whether, upon a proper construction of the terms of the mandate, either the Arabs or the Jews have any legitimate grievances on account of the way in which the mandate has been or is being implemented ; and if the Commission is satisfied that any such grievances are well founded, to make recommendations for their removal and for the prevention of their recurrence. "

This Royal Commission, after a long and detailed enquiry, reported in July 1937 (Cmd. 5479). Its conclusions pointed to a radical transformation of the existing regime. Deeming that the application of the mandate had conducted the mandatory Administration to a deadlock, it proposed that either various provisions of the mandate and their interpretation should be amended, or that the mandate should be abrogated and replaced by an entirely new Statute. Of these two reforms, the second was the one really favoured by the Royal Commission the first being regarded as a mere palliative. This second reform, however, involved, besides the abrogation of the present mandate, the division of Palestine into three separate political units. Of these, one, to which the most extensive but least fertile territory would be allotted, would be attached to Trans-Jordan, the whole being made into an Arab State ; the second, with a smaller area but comprising the coastal region and the adjacent plain, in which the Jews have their principal agricultural settlements and industrial establishments, was also to be given independence and to be set up as a Jewish State ; and the third, within whose narrow frontiers lie Jerusalem and Bethlehem, would be connected to the sea by a corridor

and, with certain other enclaves, would remain, or would be placed once again, under British mandate.

As soon as the Royal Commission had published its report, the United Kingdom Government, by an official statement also issued in July 1937, announced that, in its opinion, a plan of partition on the general lines recommended by the Commission constituted "the best and most hopeful solution" of the problem (Cmd. 5513).

Such, in brief outline, are the data, the recommendations and the statement of policy on which the Permanent Mandates Commission has been asked to formulate "a preliminary opinion" for the Council.

The principles to be applied by the Commission were not defined by the Council; the texts quoted at the beginning of this report constituted its sole instructions. In the absence of any explicit indication on the subject, therefore, the Commission considered that it would have to deduce those principles from the problem itself.

Although the question at issue was its revision, the Palestine mandate remained the centre of the whole of the deliberations. The mandate defines the obligations assumed by the mandatory Power towards the League of Nations, on whose behalf the territory is administered. These obligations themselves are derived from the Balfour Declaration of November 2nd, 1917, and from the provisions of Article 22 of the Covenant, to which the United Kingdom Government, in accepting the mandate, undertook to give effect.

The Commission has never imagined that the mandatory Power might desire to withdraw from these obligations. The very idea of changing the existing regime was, in fact, the outcome of the difficulties experienced by the Mandatory in carrying out its obligations and of its desire to adapt its policy more closely to the requirements of its mission.

Accordingly, the following statement, made on behalf of the mandatory Power by the Right Honourable W. Ormsby-Gore, Secretary of State for the Colonies, at his first hearing on July 30th, 1937, did not cause the Commission any surprise:

" . . . an endeavour must be made to consider how best to formulate some scheme for the better government of Palestine in accordance with the spirit of the Covenant of the League and of the Balfour Declaration. . . ."<sup>1</sup>

\* \* \*

It is not for the Mandates Commission, which is a purely advisory body, to draw up formal conclusions for the settlement of the problem raised by the United Kingdom Government's statement of policy. The Commission's role would seem to be to facilitate the performance of that task by the Council, which is the proper body to do so. It therefore feels it is doing what the Council expects of it if it formulates in the present report, on the basis of the available information, its views on the desirability of maintaining the existing mandate, and if it shows, in so far as it has been possible to deduce them by a first examination, the advantages and drawbacks of the various systems which might be contemplated as providing a solution of the problem.

#### *Documentary Material.*

The special documentary material at the Mandates Commission's disposal consisted of the Royal Commission's report, supplemented by the information supplied in the course of eighteen meetings by Mr. Ormsby-Gore, who was present in person at eleven of the meetings, and Mr. Hathorn Hall, former Chief Secretary of the Government of Palestine, who attended all the meetings.

The evidence given before the Royal Commission not having been communicated to it before the end of its session, the Mandates Commission was unable to consult that evidence.

Further, the Commission received a large number of statements, memoranda and petitions and much correspondence of all kinds from various quarters in Palestine and elsewhere.

Lastly, the members of the Commission did not consider themselves precluded from receiving, in an individual capacity, Jewish and Arab personalities and delegations desiring to make known their various grievances, fears and desires.

As Palestine and the rival aspirations of its Arab and Jewish inhabitants have for the past fifteen years formed one of its principal subjects of study and consideration, the Commission feels that it is as well informed on the principal political problems arising there as it is possible to be without having lived in the country or even paid a visit to it.

\* \* \*

#### PRELIMINARY OPINION.

What are the Commission's views of "the whole question" on which, according to its letter of July 6th, the United Kingdom Government proposed that the Council should consult the Commission? The question is so vast and so complex, and so many individual opinions have been expressed by the members of the Commission, that they cannot all be summarised in a necessarily brief report. To learn these opinions in detail, it is necessary to refer to the Minutes of the Commission's proceedings, which are communicated to the Council, together with this report.

<sup>1</sup> See Minutes, page 13.

As, however, the Council has only asked the Commission for a preliminary opinion, and as the Commission could not think of setting itself up in judgment upon the whole past policy and future wishes of the mandatory Power, in all their aspects, it will simply formulate in general terms a few conclusions which it hopes will prove helpful to the Council.

The mandatory Power, finding as the outcome of a lengthy experience that the aspirations of the Arabs and the Jews in Palestine are constantly growing more irreconcilable, hopes that, by dividing the territory between them in accordance with the general views of the Royal Commission, it will be possible to establish a regime more in accordance with justice and less opposed to the conflicting interests at issue.

#### *Maintenance of the Present Mandate.*

The first question to which the Commission has to give a reply to the Council is therefore that of the maintenance of the existing mandate.

Although the obligations of the mandate have not appeared to be irreconcilable, the aspirations of Arabs and Jews in Palestine have constantly clashed ever since the mandate was established. What people could be expected to agree wholeheartedly that its country should be used for the establishment of a national home for another people, even if it were thereby to reap appreciable material benefits? And again, is it surprising that a people which for nearly two thousand years has been scattered over the face of the earth should have hastened to welcome an offer made to it to reconstruct a national home in the land of its forefathers, under the protection of a mighty empire? It was inevitable from the outset that there would be a conflict between the aspirations of the Arabs of Palestine, desirous of remaining or rather of becoming complete masters in their own house, and the Jews, desirous of constituting or rather reconstituting a national home in Palestine. The very wording of the Balfour Declaration and of the Palestine mandate clearly shows that this inevitable antagonism had been realised by the authors of those documents.

It is equally clear that this inevitable antagonism was accentuated and exasperated by circumstances which could not be foreseen twenty years ago. The growth of a jealous and overweening nationalism is one of the post-war phenomena which has not been confined to one part of the world or to a few peoples. Moreover, in the case of the Arabs of Palestine, the full political emancipation achieved in turn by their neighbours to the east, south and north could not but arouse their impatience to free themselves from foreign guardianship. This restraint was indeed doubly irritating since it was aimed, not only at completing their own political education, which they judged to be more advanced than that of their brethren who had been declared ripe for self-government, but still more at facilitating the establishment in their midst and in some of their Holy Places of a population of different language and religion and of a material civilisation whose achievements and rate of progress were more likely to disquiet them than to elicit their admiration. As regards the Jews, the anti-Semitism to which they were increasingly subjected in parts of Europe where, in the past, they had found a larger measure of hospitality, naturally intensified their desire to escape persecutions or vexations, thus multiplying the number of those who expected of Palestine both the material salvation and the moral satisfaction which they were refused elsewhere.

These circumstances were assuredly not of a nature to facilitate the administration of Palestine under the mandate system. The very success of the Zionist experiment—some 350,000 immigrants in seventeen years, prosperous agricultural, industrial and commercial undertakings, and public finances whose revenue surpluses were due to this very development—aroused the hostility of the chiefs of the Arab movement and even tended to alarm a mandatory Power which was anxious to maintain good relations with the Moslem world.

The disturbances of 1936 showed how widespread and intense was the hostility of the Arabs to Jewish immigration, and the repressive measures perforce taken by the mandatory Power only added to its doubts of the possibility of applying the mandate without resorting to the constant use of force.

No one questions the difficulties which are inherent in the application of the mandate. They explain to some extent the mandatory Power's attempt to keep the balance between the opposing aspirations of the two elements of the population, and also certain fluctuations in its policy. These fluctuations helped to encourage the Arabs in the belief that by resorting to violence they could succeed in stopping Jewish immigration. Thus the accredited representative told the Commission that, in 1936, the Arab insurgents had been surprised to find the mandatory Power authorising the continuation of Jewish immigration despite the disturbances, whereas previously violence had on several occasions brought about its limitation.<sup>1</sup>

In this connection, the Commission ventures to quote the following statement suggested to it by the examination of the disturbances in Palestine in 1929 :

“ The capacity of a Government to establish peace and concord among those whom it governs is proportionate to its confidence in itself and its policy ; and the likelihood of its being obliged to resort to force in order to impose its will is proportionate to the uncertainty of its intentions.”<sup>2</sup>

However this may be as regards the past, when a more consistent policy, even if it could not stifle at the source the antagonism between Arabs and Jews, might at least have prevented the outbreaks of violence which it had provoked, one point is quite clear to the Commission.

<sup>1</sup> See Minutes, page 48.

<sup>2</sup> See Minutes of the Seventeenth (Extraordinary) Session, 1930, page 143.

The present mandate became almost unworkable once it was publicly declared to be so by a British Royal Commission speaking with the twofold authority conferred on it by its impartiality and its unanimity, and by the Government of the mandatory Power itself.

In so far as the obstacles which to-day stand in the way of its proper execution might be attributed to factors alien to the territory itself, the Commission recalls them here only for purposes of reference. Only if the partition scheme, or any other policy which might be considered, proved impracticable, would these reflections regarding the past again become opportune. The mandatory Power will no doubt be the more inclined to remember them, inasmuch as it has recognised, through its accredited representative, that the policy of extreme conciliation pursued hitherto towards the two opposing parties has failed of results.<sup>1</sup>

#### *The Partition of the Territory.*

The Commission therefore considers that it is worth continuing the examination of the advantages and drawbacks of a new territorial solution. It appears quite natural and legitimate that the mandatory Power, rightly anxious to give satisfaction to the conflicting aspirations of Arabs and Jews in Palestine, and having failed to do so by the institution of a common administration for the whole territory, should be empowered to contemplate in some form or other the establishment of a regime in which these aspirations would each be satisfied in a part of the territory.

This satisfaction cannot of course be complete. For the Arabs, any partition must necessarily involve the abandonment of a fraction of what they consider to be their hereditary patrimony. For the Jews, it could involve, together with a restriction of the scope of their national home, already limited as they allege by the exclusion of Trans-Jordan in 1922, a fresh reduction in its capacity of absorbing population.

Any solution to prove acceptable should therefore deprive the Arabs of as small a number as possible of the places to which they attach particular value, either because they are their present homes or for reasons of religion. And further, the areas allotted to the Jews should be sufficiently extensive, fertile and well situated from the point of view of communications by sea and land to be capable of intensive economic development and consequently of dense and rapid settlement.

It is clear that, with whatever wisdom and justice the frontiers may be fixed, this operation will come in conflict with the same contending aspirations as those to which the mandatory Power attributes the failure of its mandatory regime. In carrying out such a delimitation, it would of course be remembered that the individual sufferings that might be involved by political submission to foreign masters would probably be the same for all, and that they could be attenuated or aggravated by the degree of tolerance shown by the new masters, and by the economic regime established by them. But it should also be remembered that the collective suffering of Arabs and Jews are not comparable, since vast spaces in the Near East, formerly the abode of a numerous population and the home of a brilliant civilisation, are open to the former, whereas the world is increasingly being closed to settlement by the latter.

If the partition scheme should be applied, its success would depend more on its effects on the relations between Arabs and Jews than on the territorial solution adopted. In this connection, it may be remarked that the neighbourhood of a Jewish Palestine would be the more profitable and the less disquieting from the point of view of the economic and political development of the Arab nation the more prosperous it was and the more likely to appease its inhabitants by satisfying their ambitions. Moreover, the lot of the Jews scattered throughout the Arab world would be the more assured the less the Arabs had reason to complain of the internal policy of the Jewish State towards its subjects of another race and the more satisfied they were as to the designs of its foreign policy.

The Commission would be failing in its duty if it did not draw the Council's attention to the delicate problem of the transfer of populations from one territory to the other which might be necessary if there was a partition. In order to guarantee that the advantages of such a transfer should outweigh the disadvantages, particular care would have to be given to ensure that it was carried out with the greatest fairness.

As regards the proposal to withdraw the Holy Places from the domination of Arabs and Jews and place them under a special regime, the Commission thinks that such a step could not but be of advantage to general peace, provided that this regime was based on Article 28 of the present mandate.

The Commission does not think it necessary to examine more closely, in the light of these considerations, the scheme of partition proposed by the Royal Commission. The opinion which it is called upon to give will only be of a preliminary character. Moreover, the mandatory Power, after endorsing this scheme in its main outlines by virtue of its statement of July 1937, has since shown a desire, particularly after the Parliamentary debates to which its publication gave rise, to reserve to itself a greater measure of latitude in this respect.

#### *Creation of Two Independent States.*

While declaring itself favourable in principle to an examination of a solution involving the partition of Palestine, the Commission is nevertheless opposed to the idea of the immediate creation of two new independent States.

<sup>1</sup> See Minutes, pages 16 and 20.

If an attempt is made to imagine what such States would be, it will be admitted that they are likely to find it difficult at the outset to comply with all the requirements laid down by the Commission and approved by the Council in 1931.<sup>1</sup> Could either of them from their inception be provided with a "settled government and an administration capable of maintaining the regular operation of essential government services"; would they be "capable of maintaining their territorial integrity and political independence"; would they be able "to maintain the public peace throughout the whole territory"; would they "have at their disposal adequate financial resources to provide regularly for normal government requirements" or "possess laws and a judicial organisation which will afford equal and regular justice to all"?

The Commission therefore considers that a prolongation of the period of political apprenticeship constituted by the mandate would be absolutely essential both to the new Arab State and to the new Jewish State. This apprenticeship might be carried on in one of two forms.

#### *Provisional "Cantonisation".*

It is conceivable that, for a period to be determined by experience, the two States, while enjoying a very wide measure of internal autonomy, might be provisionally united under a regime analogous to that rejected by the Royal Commission under the name of "cantonisation". Each of the two cantons would be free to organise itself as it wished, provided that it adhered to the principles underlying any form of good government and, more particularly, that it respected the rights of subjects of the other canton settled in its own territory. Common matters, such as defence, foreign affairs, and probably also Customs policy, would be in the hands of a body on which both parties would be equally represented and presided over by the mandatory Power. It would not necessarily be open to subjects of one canton to settle in the territory of the other, for the two cantons should from the outset have the right to regulate immigration as they thought fit.

The Royal Commission in its report emphasised the drawbacks of "cantonisation" regarded as a permanent solution. But its drawbacks would not be the same if it was regarded as a transitional regime.

#### *Two Mandates.*

It is also conceivable that the two new entities resulting from partition might become fully independent of one another, but that each might remain under a mandate until such time as it had given sufficient proof of its ability to govern itself. The proper moment for granting self-government would not necessarily be the same for both States.

The advantages and drawbacks of these two solutions—provisional cantonisation or two mandates—were considered by the Commission in the course of its deliberations.

#### *Conclusions.*

Such, very briefly stated, is the preliminary opinion which the Mandates Commission has the honour to lay before the Council in answer to the request made to it.

The considerations on which it is based were explained at some length at its twentieth and twenty-fourth meetings, the Minutes of which, as indeed those of the whole session, should be regarded as an integral part of the present report. For the fact that a multitude of problems arising from the consideration, either of any partition scheme, or of any resumption of a mandates regime more suitably framed than that which the mandatory Power makes responsible for having led to a deadlock, are not even discussed in this report, does not mean that they have been overlooked by the Commission. The Minutes of the discussions are proof of that fact, and the Commission would naturally respond to any request for a supplementary opinion which the Council might put forward.

#### *General Considerations.*

The Commission's desire to contribute usefully to the arduous task performed by the mandatory Power in Palestine has compelled it to state its views frankly concerning the policy followed hitherto. The Commission is, therefore, all the more anxious to place on record the feelings with which the attitude of the United Kingdom Government inspires it.

Through patient devotion to their task and through the spirit of loyal collaboration shown throughout the lengthy and exacting discussions with the Commission, the accredited representatives have won its lively gratitude.

As for the mandatory Power itself, the concern with which it has for nearly twenty years sought to appease the antagonistic feelings prevailing in Palestine must awaken in any man of goodwill a degree of admiration all the higher in that it was exercised in a world in which ruthless violence often stills the voice of humanity. Let the Jews, who all too often, and without justification, show impatience at the delay and hesitation which the mandatory Power has felt compelled to bring to the building-up of their national home, ask themselves whether there is any other nation by which they have been so little persecuted and to which, for generations past, they owe so many benefits. Let the Arabs, whose opposition to what is nevertheless a measure of higher justice which cannot be carried out without a sacrifice from their side can be readily understood, remember the origin of their national emancipation. Without British efforts, certainly, there would have been no Jewish national home; but also there would have been, on the threshold of the twentieth century, no independent Arab States.

<sup>1</sup> See in the Report of the Mandates Commission to the Council on the Work of its Twentieth Session (document C.422.M.176.1931.VI, page 228) 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".



## B. OBSERVATIONS ON THE ADMINISTRATION OF PALESTINE AND TRANSJORDAN.

### I. Palestine.

#### GENERAL OBSERVATIONS.

The Commission realises that though up to a recent date the determination of the immediate causes of the disturbances of 1936, the examination of the events which characterised them and their suppression were matters of great interest, that interest was lessened after the publication of the Royal Commission's Report and the mandatory Power's Statement of Policy (Cmd. 5513). Nevertheless, it is the Commission's duty to submit observations to the Council on these different points.

When examining the annual report for 1935, the Commission<sup>1</sup> left over certain questions relating to the political situation on the eve of the disturbances. The Commission had inferred from the statements of the accredited representative that, once the disorders were over, a Royal Commission would proceed to Palestine in order to carry out an enquiry into both the course taken by the disturbances and their direct or indirect causes.

The Secretary of State for the Colonies, the first accredited representative of the mandatory Power, has explained the reasons why it seemed preferable to the United Kingdom Government to exclude from the Royal Commission's terms of reference anything relating to the course of the disturbances or their immediate causes.

The Mandates Commission, while appreciating the reasons which prompted this decision, nevertheless regrets that an account of the facts given by a body outside the Administration has not been made to it.

The Mandates Commission has accordingly carried out a simultaneous examination of the parts of the annual report for 1935, which had been postponed from the twenty-ninth session, and of the report for 1936 which give an account of the origin of the disturbances, the incidents to which they gave rise, their suppression and the difficulties encountered in carrying it out. It also took account of the passages in the Royal Commission's report dealing with the disturbances, together with a number of petitions, and further enlisted the help of the second accredited representative, Mr. J. Hathorn Hall, who was in 1936 Chief Secretary to the Government of Palestine.

It appears from this examination that in the course of 1935 and the first months of 1936 there were certain signs of growing tension, namely :

- (a) The deep impression made in Arab circles by the very great increase in the number of Jewish immigrants, which exceeded by several thousands the large number of immigrants in 1934 ;
- (b) A violent Press campaign and inflammatory speeches at political meetings ;
- (c) A rapprochement at the end of 1935 between all the Arab parties except one ;
- (d) The agitation among both Jews and Arabs regarding the new scheme for a Legislative Council ;
- (e) The deep disappointment felt by the Arabs in February 1936 in consequence of the debates on this scheme in the British Parliament, though that disappointment was mitigated, at all events for the less extreme of the Arabs, by the invitation they received subsequently, from the Secretary of State for the Colonies to send a delegation to London.

As regards the attitude of the Government of Palestine towards these events, it was explained that the Administration had taken action against a number of violent articles in the Press and vehement political speeches, that in connection with the annual revision of the scheme for the maintenance of order due account had been taken of the political situation, and that the number of troops and police had then been regarded as sufficient.

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On April 15th, 1936, two Jews were killed by Arabs. Other breaches of law followed. On April 19th, serious disturbances broke out at Jaffa, fomented by Arabs in response to alleged threats by the Jews.

The Government immediately took emergency measures to maintain order.

The disorders were accompanied by a general strike of a political character, proclaimed and directed by a number of local Arab Committees, and from April 25th onwards, by the Arab Higher Committee set up at Jerusalem under the Presidency of the Mufti.

The strike was complicated by an incitement to civil disobedience, which started at the beginning of May, and by pressure exerted on Arab officials to fail in their duties by also coming out on strike.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, pages 207 and 208.



The disorders took place at first mainly in the towns, spreading later to country districts. The attacks were directed against Jewish colonies and against communications, causing much loss of life and property and great suffering to the whole population.

During the ensuing months, the Government passed further emergency legislation and obtained reinforcements of troops, at the same time arming a corps of auxiliary Jewish police.

The disturbances gradually assumed the character of an Arab rebellion against the Government; further, a regular guerrilla warfare was carried on by armed bands, swollen by villagers recruited by intimidation and by persons coming from outside the territory.

The information obtained—and the accredited representative removed any doubt in this connection—shows that the aggression was started by the Arabs, and that in general the Jews resorted to acts of violence only in self-defence.

The movement was deliberately directed against the establishment of the Jewish National Home and against Jewish immigration in particular—in short, against the mandate.

While at the outset it endeavoured to pursue a conciliatory policy, the mandatory Power employed firm though carefully regulated measures of repression, as it was anxious that the innocent should not be involved in any action taken. It was also conscious of the danger that severe repressive measures might appear to have been taken at Jewish instigation, with the result of widening still further the gulf between Arabs and Jews.

During the disturbances the mandatory Government refused to adopt any measures with a view to restricting Jewish immigration.

Signs of general exhaustion having become apparent, the disturbances were brought to an end by :

(a) The United Kingdom Government's statement of September 7th, 1936, announcing that strong repressive measures would be taken ;

(b) The promulgation on September 30th of the Palestine Martial Law (Defence) Order in Council 1936 ;

(c) The appeal of the Arab kings and princes to the Arab population of Palestine.

On October 10th, 1936, the Arab Higher Committee called the strike off, and it ended on the 12th of that month.

Nevertheless this decision did not ensure complete tranquillity in the country. Since then and up to the present time individual attacks have still occurred.

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The Mandates Commission fully recognises the difficulty of preventing disturbances. It is not convinced, however, that it would not have been possible to adopt more decisive measures at an earlier stage with a view to putting down the armed resistance. It notes that by the middle of June, considerable military reinforcements had arrived from Malta and Egypt, and it is inclined to ask whether the mandatory Power should not from that moment have taken steps to institute martial law, a measure which it did not take until the end of September. The Commission appreciates the reasons which led the Mandatory Power to refrain from taking severer measures, but the Commission is not sure whether, in view of the conditions obtaining in Palestine, the obligation to suppress the disorders should not have taken precedence of all other considerations.

Despite the explanations furnished, the Commission was struck by the fact that the Arab officials and the Arab judges who had addressed a highly irregular petition to the High Commissioner were not censured in any way.

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The Commission attaches the highest importance to the declaration contained in paragraph 5 of the Statement of Policy of the United Kingdom Government to the effect that,

“ . . . pending the establishment of such a scheme (scheme of partition on the general lines recommended by the Royal Commission), His Majesty's Government have no intention of surrendering their responsibility for peace, order and good government throughout Palestine. . . . If serious disorder should again break out, of such a nature as to require immediate intervention, the High Commissioner will delegate powers in respect of the whole country, under the Palestine (Defence) Orders-in-Council, to the General Officer Commanding the military forces.”

The disturbances of 1936 reveal a state of great political tension due to underlying causes to which reference is made in the preliminary opinion given elsewhere at the request of the Council. These causes were largely responsible for the great difficulty experienced in putting down the disturbances and for the continuance of conditions of political instability.

## SPECIAL OBSERVATIONS.

### *Preliminary Observation.*

The events of 1936 have necessarily affected to a considerable extent the application of the provisions of the mandate and the action of the mandatory Administration.

The Commission hopes to be informed in due course of the measures taken by the mandatory Power to give effect to the conclusions and recommendations of the Royal Commission as regards reforms, some of which are of an urgent character (See : pages 163, paragraph 43 ; 164, paragraph 46 ; 167, paragraph 54 ; 193 and 194, paragraphs 27 and 28 ; 231, paragraph 37 ; 278, paragraph 189 ; 331, paragraph 12 of the Royal Commission's report).

### *Land Tenure.*

The Commission, which has frequently drawn attention to this matter, stresses the special importance in present circumstances of hastening the completion of the land survey (pages 114-115, 204)<sup>1</sup>.

### *Economic Equality.*

As has been pointed out in the documents examined by the Commission, the application of the rule of economic equality laid down in Article 18 of the mandate constitutes a heavy burden on Palestine's industry and commerce owing to the absence of reciprocity.

The Commission noted that in some cases the mandatory Power has obtained certain advantages for Palestine. Recalling that, in 1930, the Council endorsed its recommendation that all States Members of the League should accord to products of territories under A and B mandates advantages corresponding to those enjoyed by their own products in these territories, the Commission hopes that the mandatory Power will be able to improve the present unfavourable position by obtaining concessions from a larger number of States (pages 117-118, 204)<sup>1</sup>.

### *Education.*

While it regrets that most of the Arab Government schools were closed during the disturbances, the Commission noted with interest that in spite of a general fall in revenue, it is the intention of the mandatory Power that there should be no standstill in the development of educational facilities (pages 125-126, 204)<sup>1</sup>.

### *Jewish Immigration.*

In connection with the examination of the annual report for 1936, the Commission notes the mandatory Power's decision to reduce Jewish immigration temporarily as from August 1st, 1937, to 8,000 persons for the next eight months. The Commission does not question that the mandatory Power, responsible as it is for maintenance of order in the territory, may on occasion find it advisable to take such a step, and is competent to do so, as an exceptional and provisional measure ; it feels, however, bound to draw attention to this departure from the principle, sanctioned by the League Council, that immigration is to be proportionate to the country's economic absorptive capacity (pages 111-114, 204)<sup>1</sup>.

## II. Trans-Jordan.

### *Maintenance of Order.*

The Commission noted that order had been maintained in 1936 without undue difficulty. It also noted that if disorders of the kind experienced in Palestine should occur in Trans-Jordan, the mandatory Power would probably have to secure reinforcements for the police forces from outside (pages 129-130, 204)<sup>1</sup>.

### *Public Health.*

The Commission expresses the hope that, notwithstanding the limited resources of the budget of Trans-Jordan, it may be possible to develop further the public health services (pages 135, 204)<sup>1</sup>.

### *Public Finance.*

The Commission notes that, despite the fact that the administrative structure of the territory is still undeveloped, it has never been possible to balance the budget without large yearly subsidies from the mandatory Power (pages 135-136, 204)<sup>1</sup>.

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<sup>1</sup> The page numbers are those of the Minutes of the session.

### C. PETITIONS<sup>1</sup>.

- (a) PETITIONS CONCERNING : (A) THE REPRESSION OF THE DISTURBANCES ; (B) ARTICLE 22 OF THE COVENANT, THE TERMS OF THE MANDATE AND THE MANDATORY POWER'S POLICY ; (C) THE SCHEME FOR A LEGISLATIVE COUNCIL<sup>2</sup> (pages 62, 79, 107-108, 136, 143-148, 149, 151, 191, 205).

Report (see Minutes, Annex 4, page 211).

#### *Conclusions.*

“ The Commission,

“ Having examined, in the light of the documentary information supplied by the mandatory Power, the petitions concerning (A) the repression of the disturbances, (B) Article 22 of the Covenant, the terms of the mandate and the mandatory Power's policy and (C) the scheme for a Legislative Council,

“ Considers,

“ *As regards the petitions constituting group (A)*, that none of these petitions calls for special recommendation to the Council ; the Commission nevertheless draws the Council's attention to its general observations formulated on the occasion of the examination of the annual report on the administration of Palestine for 1936 ;

“ *As regards the petitions under group (B)* (except the petition dated July 1936 from Dr. Levy and other members of the New Zionist Organisation in Palestine, on which the mandatory Power proposes to comment at a future date), that, similarly, none of these petitions calls for special recommendation to the Council, as in view of their object and of the arguments they contain, they fall within the general scope of the main question on which the Commission is sending to the Council the preliminary opinion requested from it ;

“ *As regards the petitions under group (C)*, that no useful purpose would be served in studying these petitions until a decision has been taken concerning the future status of Palestine.”

- (b) PETITION, DATED MARCH 6TH, 1936, FROM M. HAGOP SIMONIAN, JERUSALEM (document C.P.M.1843) (page 205).

Observations of the United Kingdom Government, dated September 30th, 1936 (document C.P.M.1843), and supplementary observations dated December 31st, 1936 (document C.P.M.18831).

Report (see Minutes, Annex 5, page 218).

#### *Conclusions.*

“ The Commission,

“ Having examined the petition, dated March 6th, 1936, from Mr. H. Simonian, in the light of the observations of the mandatory Power contained in its letters of September 30th and December 31st, 1936, respectively ;

“ Considers that no special action need be taken on this petition.”

- (c) PETITION, DATED APRIL 17TH, 1936, FROM M. MOSCHE SMILANSKY, PRESIDENT OF THE JEWISH FARMERS' FEDERATION OF PALESTINE, AND M. TOLKOWSKY, GENERAL MANAGER OF THE JAFFA CITRUS EXCHANGE (document C.P.M.1845) (pages 118, 205).

Observations of the United Kingdom Government, dated October 16th, 1936 (document C.P.M.1845).

Report (see Minutes, Annex 6, page 218).

#### *Conclusions.*

“ The Commission,

“ Having examined the petition dated April 17th, 1936, from M. Mosche Smilansky and M. Tolkowsky, as well as the mandatory Power's observations thereon ;

“ Wishes to draw attention to the special observation which it is submitting to the Council on the drawbacks of the absence of reciprocity in the system of economic equality.”

<sup>1</sup> The page numbers following each title are those of the Minutes of the session.

<sup>2</sup> A list of the petitions dealt with under this heading will be found in the Commission's agenda (Annex 2) and in the report of the Drafting Sub-Committee (Annex 4).

- (d) PETITION, DATED FEBRUARY 14TH, 1937, FROM M. E. KARWASSARSKY, ADVOCATE, TEL-AVIV (document C.P.M. 1913) (page 205).

Observations of the United Kingdom Government, dated May 24th, 1937 (document C.P.M. 1913).

Report (see Minutes, Annex 7, page 219).

*Conclusions.*

“ The Commission,

“ Having examined the petition dated February 14th, 1937, from M. E. Karwassarsky in the light of the observations of the mandatory Government dated May 24th, 1937,

“ Considers that no special action need be taken on this petition.”

- (e) LETTER, DATED MAY 4TH, 1937, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN THE YEAR 1936 (WITH ANNEX) (document C.P.M. 1914) (pages 76, 151-152, 205).

Observations of the United Kingdom Government, dated June 24th, 1937 (document C.P.M. 1915).

Report (see Minutes, Annex 8, page 220).

*Conclusions.*

“ The Commission,

“ Having examined the Memorandum of the Jewish Agency on the development of the Jewish National Home for 1936, the covering letter sent to the League of Nations and the observations of the mandatory Power, stresses the importance of the information contained in these documents, but does not consider it necessary to make any special observations.”

- (f) PETITION DATED MAY 3RD, 1937, FROM CHIEF RABBI ABRAHAM SCHORR, WAAD ADATH ASHKENAZIM, JERUSALEM (document C.P.M. 1926) (pages 149, 205).

Observations of the United Kingdom Government, dated August 3rd, 1937 (document C.P.M. 1926).

Report (see Minutes, Annex 9, page 221).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated May 3rd, 1937, from Chief Rabbi Abraham Schorr, presented on behalf of the Waad Adath Ashkenazim in Jerusalem, and the observations of the mandatory Power, together with the additional information supplied by the accredited representative of the latter,

“ Finds that it is not called upon to forward special observations to the Council in connection with this petition.”

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II. COMMENTS OF THE ACCREDITED REPRESENTATIVE  
SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE  
CONSTITUTION OF THE PERMANENT MANDATES COMMISSION  
ON THE OBSERVATIONS ON THE ADMINISTRATION  
OF PALESTINE AND TRANS-JORDAN.

---

The accredited representative has stated that he has no comments to make on the observations contained in the report of the Permanent Mandates Commission.

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## INDEX

## Abbreviations

Admin.	=	Administration
Ass.	=	Assembly
Comm.	=	Commission
Cttee.	=	Committee
Conv.	=	Convention
Cl.	=	Council
Dept.	=	Department
Govt.	=	Government
Int.	=	International
Obs.	=	Observation
Org.	=	Organisation
Perm.	=	Permanent
P.M.C.	=	Permanent Mandates Commission
Prov.	=	Provisional
Ref.	=	Reference

In this index, subjects relating to Trans-Jordan appear exclusively under that title.

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Geneva, August 18th, 1937.

LEAGUE OF NATIONS

**PERMANENT MANDATES COMMISSION**

**THIRTY-SECOND (EXTRAORDINARY) SESSION**

(Geneva, July 30th-August 18th, 1937.)

5 ✓

**I.**

**I. REPORT TO THE COUNCIL ON THE WORK OF THE SESSION.**

The Permanent Mandates Commission met at Geneva from July 30th to August 18th, 1937, in extraordinary session. This session was devoted entirely to Palestine. The Commission held twenty-nine meetings, of which only the first was public.

The Government of the United Kingdom, the mandatory Power, had appointed as its accredited representatives :

The Right Honourable W. ORMSBY-GORE, M.P., Secretary of State for the Colonies, and

Mr. J. Hathorn HALL, C.M.G., D.S.O., O.B.E., M.C., formerly Chief Secretary to the Government of Palestine.

The accredited representatives were accompanied by Mr. J. M. MARTIN, Secretary to the Royal Commission.

**A. SPECIAL QUESTION.**

**PRELIMINARY OPINION FORMULATED AT THE REQUEST OF THE COUNCIL ON THE REPORT AND RECOMMENDATIONS OF THE ROYAL COMMISSION AND ON THE UNITED KINGDOM GOVERNMENT'S STATEMENT OF POLICY.**

On July 8th, 1937, the Secretary-General of the League of Nations received from the Government of the United Kingdom the following letter (document C.300.1937.VI) :

“ London, July 6th, 1937.

“ I am directed by Mr. Secretary Eden to inform you that His Majesty's Government are communicating to the Permanent Mandates Commission copies of the Report of the Royal Commission on Palestine, which is to be published in this country on July 8th, together with copies of a statement of policy embodying the conclusions of His Majesty's Government thereon. His Majesty's Government propose to raise this question before the Council of the League at its September meeting. They realise, however, that the Council will presumably wish to obtain the views of the Permanent Mandates Commission on the whole matter before reaching a final decision.

“ 2. In view of the urgency of this question, His Majesty's Government are anxious that all possible steps should be taken to avoid any unnecessary delay in dealing with it. The fact that the Permanent Mandates Commission, at its impending session on July 30th, will have this report before it appears to offer a favourable opportunity for expediting the consideration of the matter.



" 3. I am therefore to express Mr. Eden's hope that the President of the Council of the League will — if necessary after consultation with his colleagues — request the Permanent Mandates Commission at once to take into consideration the report and recommendations of the Royal Commission, and the statement of policy of His Majesty's Government thereon, in order that it may be in a position to give the Council the benefit of its preliminary views at its September session. Such procedure would not exclude the possibility of a further reference to the Permanent Mandates Commission after the September Council meeting, should the Council consider this necessary or desirable.

(Signed) G. W. RENDEL. "

On July 19th (document C.306.1937.VI) the President of the Council of the League of Nations informed the Mandates Commission that :

" . . . as all the members of the Council, who, by July 17th, 1937, had replied to the consultation on the request contained in the United Kingdom Government's letter of July 6th, 1937, gave an affirmative answer, the President of the Council concluded that the Permanent Mandates Commission should be asked to take into consideration, at its extraordinary session opening on July 30th, the report and recommendations of the Royal Commission and the United Kingdom Government's statement of policy, in order that it might be in a position to give a preliminary opinion before the Council's session in September. "

By these communications, the Permanent Mandates Commission was given a task that was entirely new to it. It was no longer a question of " examining the annual reports of the Mandatories and advising the Council on all matters relating to the observance of the mandates ", as its mission is defined in the Covenant itself ; nor was it a duty such as that assigned to it by the Council in 1931, of determining whether a mandated territory had reached a degree of maturity justifying its emancipation.

The Commission's task to-day is to express a preliminary opinion on the intentions of a mandatory Power which proposes to the Council the termination of the mandate it has been carrying out for fifteen years, and which, in support of this proposal, adduces not so much the attainment of maturity by the ward as the difficulties of guardianship.

This opinion, it is true, was expressly requested by the Council and the mandatory Power itself. But the Commission could not turn for guidance either to the mandate, which had been challenged, or to the Covenant, which is wholly silent on this subject.

In the light of what principles, therefore, should it consider the question submitted to it ? And, first of all, what exactly was that question itself ?

In the course of the disturbances which again agitated Palestine in 1936, the United Kingdom Government appointed a Royal Commission with the following object :

" To ascertain the underlying causes of the disturbances which broke out in Palestine in the middle of April ; to enquire into the manner in which the mandate for Palestine is being implemented in relation to the obligations of the Mandatory towards the Arabs and the Jews respectively ; and to ascertain whether, upon a proper construction of the terms of the mandate, either the Arabs or the Jews have any legitimate grievances on account of the way in which the mandate has been or is being implemented ; and if the Commission is satisfied that any such grievances are well founded, to make recommendations for their removal and for the prevention of their recurrence. "

This Royal Commission, after a long and detailed enquiry, reported in July 1937 (Cmd. 5479). Its conclusions pointed to a radical transformation of the existing regime. Deeming that the application of the mandate had conducted the mandatory Administration to a deadlock, it proposed that either various provisions of the mandate and their interpretation should be amended, or that the mandate should be abrogated and replaced by an entirely new Statute. Of these two reforms, the second was the one really favoured by the Royal Commission the first being regarded as a mere palliative. This second reform, however, involved, besides the abrogation of the present mandate, the division of Palestine into three separate political units. Of these, one, to which the most extensive but least fertile territory would be allotted, would be attached to Trans-Jordan, the whole being made into an Arab State ; the second, with a smaller area but comprising the coastal region and the adjacent plain, in which the Jews have their principal agricultural settlements and industrial establishments, was also to be given independence and to be set up as a Jewish State ; and the third, within whose narrow frontiers lie Jerusalem and Bethlehem, would be connected to the sea by a corridor and, with certain other enclaves, would remain, or would be placed once again, under British mandate.

As soon as the Royal Commission had published its report, the United Kingdom Government, by an official statement also issued in July 1937, announced that, in its opinion, a plan of partition on the general lines recommended by the Commission constituted " the best and most hopeful solution " of the problem (Cmd. 5513).

Such, in brief outline, are the data, the recommendations and the statement of policy on which the Permanent Mandates Commission has been asked to formulate " a preliminary opinion " for the Council.

The principles to be applied by the Commission were not defined by the Council ; the texts quoted at the beginning of this report constituted its sole instructions. In the absence of any explicit indication on the subject, therefore, the Commission considered that it would have to deduce those principles from the problem itself.

Although the question at issue was its revision, the Palestine mandate remained the centre of the whole of the deliberations. The mandate defines the obligations assumed by the mandatory Power towards the League of Nations, on whose behalf the territory is administered. These obligations themselves are derived from the Balfour Declaration of November 2nd, 1917, and from the provisions of Article 22 of the Covenant, to which the United Kingdom Government, in accepting the mandate, undertook to give effect.

The Commission has never imagined that the mandatory Power might desire to withdraw from these obligations. The very idea of changing the existing regime was, in fact, the outcome of the difficulties experienced by the Mandatory in carrying out its obligations and of its desire to adapt its policy more closely to the requirements of its mission.

Accordingly, the following statement, made on behalf of the mandatory Power by the Right Honourable W. Ormsby-Gore, Secretary of State for the Colonies, at his first hearing on July 30th, 1937, did not cause the Commission any surprise :

“ . . . an endeavour must be made to consider how best to formulate some scheme for the better government of Palestine in accordance with the spirit of the Covenant of the League and of the Balfour Declaration . . . ”<sup>1</sup>

\* \* \*

It is not for the Mandates Commission, which is a purely advisory body, to draw up formal conclusions for the settlement of the problem raised by the United Kingdom Government's statement of policy. The Commission's role would seem to be to facilitate the performance of that task by the Council, which is the proper body to do so. It therefore feels it is doing what the Council expects of it if it formulates in the present report, on the basis of the available information, its views on the desirability of maintaining the existing mandate, and if it shows, in so far as it has been possible to deduce them by a first examination, the advantages and drawbacks of the various systems which might be contemplated as providing a solution of the problem.

#### *Documentary Material.*

The special documentary material at the Mandates Commission's disposal consisted of the Royal Commission's report, supplemented by the information supplied in the course of eighteen meetings by Mr. Ormsby-Gore, who was present in person at eleven of the meetings, and Mr. Hathorn Hall, former Chief Secretary of the Government of Palestine, who attended all the meetings.

The evidence given before the Royal Commission not having been communicated to it before the end of its session, the Mandates Commission was unable to consult that evidence.

Further, the Commission received a large number of statements, memoranda and petitions and much correspondence of all kinds from various quarters in Palestine and elsewhere.

Lastly, the members of the Commission did not consider themselves precluded from receiving, in an individual capacity, Jewish and Arab personalities and delegations desiring to make known their various grievances, fears and desires.

As Palestine and the rival aspirations of its Arab and Jewish inhabitants have for the past fifteen years formed one of its principal subjects of study and consideration, the Commission feels that it is as well informed on the principal political problems arising there as it is possible to be without having lived in the country or even paid a visit to it.

\* \* \*

#### PRELIMINARY OPINION.

What are the Commission's views of “ the whole question ” on which, according to its letter of July 6th, the United Kingdom Government proposed that the Council should consult the Commission ? The question is so vast and so complex, and so many individual opinions have been expressed by the members of the Commission, that they cannot all be summarised in a necessarily brief report. To learn these opinions in detail, it is necessary to refer to the Minutes of the Commission's proceedings, which are communicated to the Council, together with this report.

As, however, the Council has only asked the Commission for a preliminary opinion, and as the Commission could not think of setting itself up in judgment upon the whole past policy and future wishes of the mandatory Power, in all their aspects, it will simply formulate in general terms a few conclusions which it hopes will prove helpful to the Council.

The mandatory Power, finding as the outcome of a lengthy experience that the aspirations of the Arabs and the Jews in Palestine are constantly growing more irreconcilable, hopes that, by dividing the territory between them in accordance with the general views of the Royal Commission, it will be possible to establish a regime more in accordance with justice and less opposed to the conflicting interests at issue.

#### *Maintenance of the Present Mandate.*

The first question to which the Commission has to give a reply to the Council is therefore that of the maintenance of the existing mandate.

Although the obligations of the mandate have not appeared to be irreconcilable, the aspirations of Arabs and Jews in Palestine have constantly clashed ever since the mandate

<sup>1</sup> See Minutes, page 13.

was established. What people could be expected to agree wholeheartedly that its country should be used for the establishment of a national home for another people, even if it were thereby to reap appreciable material benefits? And again, is it surprising that a people which for nearly two thousand years has been scattered over the face of the earth should have hastened to welcome an offer made to it to reconstruct a national home in the land of its forefathers, under the protection of a mighty empire? It was inevitable from the outset that there would be a conflict between the aspirations of the Arabs of Palestine, desirous of remaining or rather of becoming complete masters in their own house, and the Jews, desirous of constituting or rather reconstituting a national home in Palestine. The very wording of the Balfour Declaration and of the Palestine mandate clearly shows that this inevitable antagonism had been realised by the authors of those documents.

It is equally clear that this inevitable antagonism was accentuated and exasperated by circumstances which could not be foreseen twenty years ago. The growth of a jealous and overweening nationalism is one of the post-war phenomena which has not been confined to one part of the world or to a few peoples. Moreover, in the case of the Arabs of Palestine, the political emancipation achieved in turn by their neighbours to the east, south and north could not but arouse their impatience to free themselves from foreign guardianship. This restraint was indeed doubly irritating since it was aimed, not only at completing their own political education, which they judged to be more advanced than that of their brethren who had been declared ripe for self-government, but still more at facilitating the establishment in their midst and in some of their Holy Places of a population of different language and religion and of a material civilisation whose achievements and rate of progress were more likely to disquiet them than to elicit their admiration. As regards the Jews, the anti-Semitism to which they were increasingly subjected in parts of Europe where, in the past, they had found a larger measure of hospitality, naturally intensified their desire to escape persecutions or vexations, thus multiplying the number of those who expected of Palestine both the material salvation and the moral satisfaction which they were refused elsewhere.

These circumstances were assuredly not of a nature to facilitate the administration of Palestine under the mandate system. The very success of the Zionist experiment—some 350,000 immigrants in seventeen years, prosperous agricultural, industrial and commercial undertakings, and public finances whose revenue surpluses were due to this very development—aroused the hostility of the chiefs of the Arab movement and even tended to alarm a mandatory Power which was anxious to maintain good relations with the Moslem world.

The disturbances of 1936 showed how widespread and intense was the hostility of the Arabs to Jewish immigration, and the repressive measures perforce taken by the mandatory Power only added to its doubts of the possibility of applying the mandate without resorting to the constant use of force.

No one questions the difficulties which are inherent in the application of the mandate. They explain to some extent the mandatory Power's attempt to keep the balance between the opposing aspirations of the two elements of the population, and also certain fluctuations in its policy. These fluctuations helped to encourage the Arabs in the belief that by resorting to violence they could succeed in stopping Jewish immigration. Thus the accredited representative told the Commission that, in 1936, the Arab insurgents had been surprised to find the mandatory Power authorising the continuation of Jewish immigration despite the disturbances, whereas previously violence had on several occasions brought about its limitation.<sup>1</sup>

In this connection, the Commission ventures to quote the following statement suggested to it by the examination of the disturbances in Palestine in 1929:

“The capacity of a Government to establish peace and concord among those whom it governs is proportionate to its confidence in itself and its policy; and the likelihood of its being obliged to resort to force in order to impose its will is proportionate to the uncertainty of its intentions.”<sup>2</sup>

However this may be as regards the past, when a more consistent policy, even if it could not stifle at the source the antagonism between Arabs and Jews, might at least have prevented the outbreaks of violence which it had provoked, one point is quite clear to the Commission. The present mandate became almost unworkable once it was publicly declared to be so by a British Royal Commission speaking with the twofold authority conferred on it by its impartiality and its unanimity, and by the Government of the mandatory Power itself.

In so far as the obstacles which to-day stand in the way of its proper execution might be attributed to factors alien to the territory itself, the Commission recalls them here only for purposes of reference. Only if the partition scheme, or any other policy which might be considered, proved impracticable, would these reflections regarding the past again become opportune. The mandatory Power will no doubt be the more inclined to remember them, inasmuch as it has recognised, through its accredited representative, that the policy of extreme conciliation pursued hitherto towards the two opposing parties has failed of results.<sup>3</sup>

<sup>1</sup> See Minutes, page 48.

<sup>2</sup> See Minutes of the Seventeenth (Extraordinary) Session, 1930, page 143.

<sup>3</sup> See Minutes, pages 16 and 20.

*The Partition of the Territory.*

The Commission therefore considers that it is worth continuing the examination of the advantages and drawbacks of a new territorial solution. It appears quite natural and legitimate that the mandatory Power, rightly anxious to give satisfaction to the conflicting aspirations of Arabs and Jews in Palestine, and having failed to do so by the institution of a common administration for the whole territory, should be empowered to contemplate in some form or other the establishment of a regime in which these aspirations would each be satisfied in a part of the territory.

This satisfaction cannot of course be complete. For the Arabs, any partition must necessarily involve the abandonment of a fraction of what they consider to be their hereditary patrimony. For the Jews, it could involve, together with a restriction of the scope of their national home, already limited as they allege by the exclusion of Trans-Jordan in 1922, a fresh reduction in its capacity of absorbing population.

Any solution to prove acceptable should therefore deprive the Arabs of as small a number as possible of the places to which they attach particular value, either because they are their present homes or for reasons of religion. And further, the areas allotted to the Jews should be sufficiently extensive, fertile and well situated from the point of view of communications by sea and land to be capable of intensive economic development and consequently of dense and rapid settlement.

It is clear that, with whatever wisdom and justice the frontiers may be fixed, this operation will come in conflict with the same contending aspirations as those to which the mandatory Power attributes the failure of its mandatory regime. In carrying out such a delimitation, it would of course be remembered that the individual sufferings that might be involved by political submission to foreign masters would probably be the same for all, and that they could be attenuated or aggravated by the degree of tolerance shown by the new masters, and by the economic regime established by them. But it should also be remembered that the collective suffering of Arabs and Jews are not comparable, since vast spaces in the Near East, formerly the abode of a numerous population and the home of a brilliant civilisation, are open to the former, whereas the world is increasingly being closed to settlement by the latter.

If the partition scheme should be applied, its success would depend more on its effects on the relations between Arabs and Jews than on the territorial solution adopted. In this connection, it may be remarked that the neighbourhood of a Jewish Palestine would be the more profitable and the less disquieting from the point of view of the economic and political development of the Arab nation the more prosperous it was and the more likely to appease its inhabitants by satisfying their ambitions. Moreover, the lot of the Jews scattered throughout the Arab world would be the more assured the less the Arabs had reason to complain of the internal policy of the Jewish State towards its subjects of another race and the more satisfied they were as to the designs of its foreign policy.

The Commission would be failing in its duty if it did not draw the Council's attention to the delicate problem of the transfer of populations from one territory to the other which might be necessary if there was a partition. In order to guarantee that the advantages of such a transfer should outweigh the disadvantages, particular care would have to be given to ensure that it was carried out with the greatest fairness.

As regards the proposal to withdraw the Holy Places from the domination of Arabs and Jews and place them under a special regime, the Commission thinks that such a step could not but be of advantage to general peace, provided that this regime was based on Article 28 of the present mandate.

The Commission does not think it necessary to examine more closely, in the light of these considerations, the scheme of partition proposed by the Royal Commission. The opinion which it is called upon to give will only be of a preliminary character. Moreover, the mandatory Power, after endorsing this scheme in its main outlines by virtue of its statement of July 1937, has since shown a desire, particularly after the Parliamentary debates to which its publication gave rise, to reserve to itself a greater measure of latitude in this respect.

*Creation of Two Independent States.*

While declaring itself favourable in principle to an examination of a solution involving the partition of Palestine, the Commission is nevertheless opposed to the idea of the immediate creation of two new independent States.

If an attempt is made to imagine what such States would be, it will be admitted that they are likely to find it difficult at the outset to comply with all the requirements laid down by the Commission and approved by the Council in 1931.<sup>1</sup> Could either of them from their inception be provided with a "settled government and an administration capable of maintaining the regular operation of essential government services"; would they be "capable of maintaining their territorial integrity and political independence"; would they be able "to maintain the public peace throughout the whole territory"; would they "have at their

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<sup>1</sup> See in the Report of the Mandates Commission to the Council on the Work of its Twentieth Session (document C.422.M.176.1931.VI, page 228) 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".

disposal adequate financial resources to provide regularly for normal government requirements” or “possess laws and a judicial organisation which will afford equal and regular justice to all”?

The Commission therefore considers that a prolongation of the period of political apprenticeship constituted by the mandate would be absolutely essential both to the new Arab State and to the new Jewish State. This apprenticeship might be carried on in one of two forms.

#### *Provisional “Cantonisation”.*

It is conceivable that, for a period to be determined by experience, the two States, while enjoying a very wide measure of internal autonomy, might be provisionally united under a regime analogous to that rejected by the Royal Commission under the name of “cantonisation”. Each of the two cantons would be free to organise itself as it wished, provided that it adhered to the principles underlying any form of good government and, more particularly, that it respected the rights of subjects of the other canton settled in its own territory. Common matters, such as defence, foreign affairs, and probably also Customs policy, would be in the hands of a body on which both parties would be equally represented and presided over by the mandatory Power. It would not necessarily be open to subjects of one canton to settle in the territory of the other, for the two cantons should from the outset have the right to regulate immigration as they thought fit.

The Royal Commission in its report emphasised the drawbacks of “cantonisation” regarded as a permanent solution. But its drawbacks would not be the same if it was regarded as a transitional regime.

#### *Two Mandates.*

It is also conceivable that the two new entities resulting from partition might become fully independent of one another, but that each might remain under a mandate until such time as it had given sufficient proof of its ability to govern itself. The proper moment for granting self-government would not necessarily be the same for both States.

The advantages and drawbacks of these two solutions—provisional cantonisation or two mandates—were considered by the Commission in the course of its deliberations.

#### *Conclusions.*

Such, very briefly stated, is the preliminary opinion which the Mandates Commission has the honour to lay before the Council in answer to the request made to it.

The considerations on which it is based were explained at some length at its twentieth and twenty-fourth meetings, the Minutes of which, as indeed those of the whole session, should be regarded as an integral part of the present report. For the fact that a multitude of problems arising from the consideration, either of any partition scheme, or of any resumption of a mandates regime more suitably framed than that which the mandatory Power makes responsible for having led to a deadlock, are not even discussed in this report, does not mean that they have been overlooked by the Commission. The Minutes of the discussions are proof of that fact, and the Commission would naturally respond to any request for a supplementary opinion which the Council might put forward.

#### *General Considerations.*

The Commission’s desire to contribute usefully to the arduous task performed by the mandatory Power in Palestine has compelled it to state its views frankly concerning the policy followed hitherto. The Commission is, therefore, all the more anxious to place on record the feelings with which the attitude of the United Kingdom Government inspires it.

Through patient devotion to their task and through the spirit of loyal collaboration shown throughout the lengthy and exacting discussions with the Commission, the accredited representatives have won its lively gratitude.

As for the mandatory Power itself, the concern with which it has for nearly twenty years sought to appease the antagonistic feelings prevailing in Palestine must awaken in any man of goodwill a degree of admiration all the higher in that it was exercised in a world in which ruthless violence often stills the voice of humanity. Let the Jews, who all too often, and without justification, show impatience at the delay and hesitation which the mandatory Power has felt compelled to bring to the building-up of their national home, ask themselves whether there is any other nation by which they have been so little persecuted and to which, for generations past, they owe so many benefits. Let the Arabs, whose opposition to what is nevertheless a measure of higher justice which cannot be carried out without a sacrifice from their side can be readily understood, remember the origin of their national emancipation. Without British efforts, certainly, there would have been no Jewish national home; but also there would have been, on the threshold of the twentieth century, no independent Arab States.

## B. OBSERVATIONS ON THE ADMINISTRATION OF PALESTINE AND TRANS-JORDAN.

### I. Palestine.

#### GENERAL OBSERVATIONS.

The Commission realises that though up to a recent date the determination of the immediate causes of the disturbances of 1936, the examination of the events which characterised them and their suppression were matters of great interest, that interest was lessened after the publication of the Royal Commission's Report and the mandatory Power's Statement of Policy (Cmd. 5513). Nevertheless, it is the Commission's duty to submit observations to the Council on these different points.

When examining the annual report for 1935, the Commission<sup>1</sup> left over certain questions relating to the political situation on the eve of the disturbances. The Commission had inferred from the statements of the accredited representative that, once the disorders were over, a Royal Commission would proceed to Palestine in order to carry out an enquiry into both the course taken by the disturbances and their direct or indirect causes.

The Secretary of State for the Colonies, the first accredited representative of the mandatory Power, has explained the reasons why it seemed preferable to the United Kingdom Government to exclude from the Royal Commission's terms of reference anything relating to the course of the disturbances or their immediate causes.

The Mandates Commission, while appreciating the reasons which prompted this decision, nevertheless regrets that an account of the facts given by a body outside the Administration has not been made to it.

The Mandates Commission has accordingly carried out a simultaneous examination of the parts of the annual report for 1935, which had been postponed from the twenty-ninth session, and of the report for 1936 which give an account of the origin of the disturbances, the incidents to which they gave rise, their suppression and the difficulties encountered in carrying it out. It also took account of the passages in the Royal Commission's report dealing with the disturbances, together with a number of petitions, and further enlisted the help of the second accredited representative, Mr. J. Hathorn Hall, who was in 1936 Chief Secretary to the Government of Palestine.

It appears from this examination that in the course of 1935 and the first months of 1936 there were certain signs of growing tension, namely :

(a) The deep impression made in Arab circles by the very great increase in the number of Jewish immigrants, which exceeded by several thousands the large number of immigrants in 1934 ;

(b) A violent Press campaign and inflammatory speeches at political meetings ;

(c) A rapprochement at the end of 1935 between all the Arab parties except one ;

(d) The agitation among both Jews and Arabs regarding the new scheme for a Legislative Council ;

(e) The deep disappointment felt by the Arabs in February 1936 in consequence of the debates on this scheme in the British Parliament, though that disappointment was mitigated, at all events for the less extreme of the Arabs, by the invitation they received subsequently, from the Secretary of State for the Colonies to send a delegation to London.

As regards the attitude of the Government of Palestine towards these events, it was explained that the Administration had taken action against a number of violent articles in the Press and vehement political speeches, that in connection with the annual revision of the scheme for the maintenance of order due account had been taken of the political situation, and that the number of troops and police had then been regarded as sufficient.

\* \* \*

On April 15th, 1936, two Jews were killed by Arabs. Other breaches of law followed. On April 19th, serious disturbances broke out at Jaffa, fomented by Arabs in response to alleged threats by the Jews.

The Government immediately took emergency measures to maintain order.

The disorders were accompanied by a general strike of a political character, proclaimed and directed by a number of local Arab Committees, and from April 25th onwards, by the Arab Higher Committee set up at Jerusalem under the Presidency of the Mufti.

The strike was complicated by an incitement to civil disobedience, which started at the beginning of May, and by pressure exerted on Arab officials to fail in their duties by also coming out on strike.

<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, pages 207 and 208.

The disorders took place at first mainly in the towns, spreading later to country districts. The attacks were directed against Jewish colonies and against communications, causing much loss of life and property and great suffering to the whole population.

During the ensuing months, the Government passed further emergency legislation and obtained reinforcements of troops, at the same time arming a corps of auxiliary Jewish police.

The disturbances gradually assumed the character of an Arab rebellion against the Government; further, a regular guerrilla warfare was carried on by armed bands, swollen by villagers recruited by intimidation and by persons coming from outside the territory.

The information obtained—and the accredited representative removed any doubt in this connection—shows that the aggression was started by the Arabs, and that in general the Jews resorted to acts of violence only in self-defence.

The movement was deliberately directed against the establishment of the Jewish National Home and against Jewish immigration in particular—in short, against the mandate.

While at the outset it endeavoured to pursue a conciliatory policy, the mandatory Power employed firm though carefully regulated measures of repression, as it was anxious that the innocent should not be involved in any action taken. It was also conscious of the danger that severe repressive measures might appear to have been taken at Jewish instigation, with the result of widening still further the gulf between Arabs and Jews.

During the disturbances the mandatory Government refused to adopt any measures with a view to restricting Jewish immigration.

Signs of general exhaustion having become apparent, the disturbances were brought to an end by :

(a) The United Kingdom Government's statement of September 7th, 1936, announcing that strong repressive measures would be taken ;

(b) The promulgation on September 30th of the Palestine Martial Law (Defence) Order in Council 1936 ;

(c) The appeal of the Arab kings and princes to the Arab population of Palestine.

On October 10th, 1936, the Arab Higher Committee called the strike off, and it ended on the 12th of that month.

Nevertheless this decision did not ensure complete tranquillity in the country. Since then and up to the present time individual attacks have still occurred.

\* \* \*

The Mandates Commission fully recognises the difficulty of preventing disturbances. It is not convinced, however, that it would not have been possible to adopt more decisive measures at an earlier stage with a view to putting down the armed resistance. It notes that by the middle of June, considerable military reinforcements had arrived from Malta and Egypt, and it is inclined to ask whether the mandatory Power should not from that moment have taken steps to institute martial law, a measure which it did not take until the end of September. The Commission appreciates the reasons which led the Mandatory Power to refrain from taking severer measures, but the Commission is not sure whether, in view of the conditions obtaining in Palestine, the obligation to suppress the disorders should not have taken precedence of all other considerations.

Despite the explanations furnished, the Commission was struck by the fact that the Arab officials and the Arab judges who had addressed a highly irregular petition to the High Commissioner were not censured in any way.

\* \* \*

The Commission attaches the highest importance to the declaration contained in paragraph 5 of the Statement of Policy of the United Kingdom Government to the effect that,

“ . . . pending the establishment of such a scheme (scheme of partition on the general lines recommended by the Royal Commission), His Majesty's Government have no intention of surrendering their responsibility for peace, order and good government throughout Palestine. . . . If serious disorder should again break out, of such a nature as to require immediate intervention, the High Commissioner will delegate powers in respect of the whole country, under the Palestine (Defence) Orders-in-Council, to the General Officer Commanding the military forces.”

The disturbances of 1936 reveal a state of great political tension due to underlying causes to which reference is made in the preliminary opinion given elsewhere at the request of the Council. These causes were largely responsible for the great difficulty experienced in putting down the disturbances and for the continuance of conditions of political instability.



## SPECIAL OBSERVATIONS.

### *Preliminary Observation.*

The events of 1936 have necessarily affected to a considerable extent the application of the provisions of the mandate and the action of the mandatory Administration.

The Commission hopes to be informed in due course of the measures taken by the mandatory Power to give effect to the conclusions and recommendations of the Royal Commission as regards reforms, some of which are of an urgent character (See : pages 163, paragraph 43 ; 164, paragraph 46 ; 167, paragraph 54 ; 193 and 194, paragraphs 27 and 28 ; 231, paragraph 37 ; 278, paragraph 189 ; 331, paragraph 12 of the Royal Commission's report).

### *Land Tenure.*

The Commission, which has frequently drawn attention to this matter, stresses the special importance in present circumstances of hastening the completion of the land survey (pages 114-115, 204<sup>1</sup>).

### *Economic Equality.*

As has been pointed out in the documents examined by the Commission, the application of the rule of economic equality laid down in Article 18 of the mandate constitutes a heavy burden on Palestine's industry and commerce owing to the absence of reciprocity.

The Commission noted that in some cases the mandatory Power has obtained certain advantages for Palestine. Recalling that, in 1930, the Council endorsed its recommendation that all States Members of the League should accord to products of territories under A and B mandates advantages corresponding to those enjoyed by their own products in these territories, the Commission hopes that the mandatory Power will be able to improve the present unfavourable position by obtaining concessions from a larger number of States (pages 117-118, 204<sup>1</sup>).

### *Education.*

While it regrets that most of the Arab Government schools were closed during the disturbances, the Commission noted with interest that in spite of a general fall in revenue, it is the intention of the mandatory Power that there should be no standstill in the development of educational facilities (pages 125-126, 204<sup>1</sup>).

### *Jewish Immigration.*

In connection with the examination of the annual report for 1936, the Commission notes the mandatory Power's decision to reduce Jewish immigration temporarily as from August 1st, 1937, to 8,000 persons for the next eight months. The Commission does not question that the mandatory Power, responsible as it is for maintenance of order in the territory, may on occasion find it advisable to take such a step, and is competent to do so, as an exceptional and provisional measure ; it feels, however, bound to draw attention to this departure from the principle, sanctioned by the League Council, that immigration is to be proportionate to the country's economic absorptive capacity (pages 111-114, 204<sup>1</sup>).

## II. Trans-Jordan.

### *Maintenance of Order.*

The Commission noted that order had been maintained in 1936 without undue difficulty. It also noted that if disorders of the kind experienced in Palestine should occur in Trans-Jordan, the mandatory Power would probably have to secure reinforcements for the police forces from outside (pages 129-130, 204<sup>1</sup>).

### *Public Health.*

The Commission expresses the hope that, notwithstanding the limited resources of the budget of Trans-Jordan, it may be possible to develop further the public health services (pages 135, 204<sup>1</sup>).

### *Public Finance.*

The Commission notes that, despite the fact that the administrative structure of the territory is still undeveloped, it has never been possible to balance the budget without large yearly subsidies from the mandatory Power (pages 135-136, 204<sup>1</sup>).

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<sup>1</sup> The page numbers are those of the Minutes of the session.



### C. PETITIONS.<sup>1</sup>

- (a) PETITIONS CONCERNING : (A) THE REPRESSION OF THE DISTURBANCES ; (B) ARTICLE 22 OF THE COVENANT, THE TERMS OF THE MANDATE AND THE MANDATORY POWER'S POLICY ; (C) THE SCHEME FOR A LEGISLATIVE COUNCIL<sup>2</sup> (pages 62, 79, 107-108, 136, 143-148, 149-151, 191, 205).

Report (see Minutes, Annex 4, page 211).

#### *Conclusions.*

" The Commission,

" Having examined, in the light of the documentary information supplied by the mandatory Power, the petitions concerning (A) the repression of the disturbances, (B) Article 22 of the Covenant, the terms of the mandate and the mandatory Power's policy and (C) the scheme for a Legislative Council,

" Considers,

" *As regards the petitions constituting group (A)*, that none of these petitions calls for special recommendation to the Council ; the Commission nevertheless draws the Council's attention to its general observations formulated on the occasion of the examination of the annual report on the administration of Palestine for 1936 ;

" *As regards the petitions under group (B)* (except the petition dated July 1936 from Dr. Levy and other members of the New Zionist Organisation in Palestine, on which the mandatory Power proposes to comment at a future date), that, similarly, none of these petitions calls for special recommendation to the Council, as in view of their object and of the arguments they contain, they fall within the general scope of the main question on which the Commission is sending to the Council the preliminary opinion requested from it ;

" *As regards the petitions under group (C)*, that no useful purpose would be served in studying these petitions until a decision has been taken concerning the future status of Palestine."

- (b) PETITION, DATED MARCH 6TH, 1936, FROM M. HAGOP SIMONIAN, JERUSALEM (document C.P.M.1843) (page 205).

Observations of the United Kingdom Government, dated September 30th, 1936 (document C.P.M.1843), and supplementary observations dated December 31st, 1936 (document C.P.M.1883).

Report (see Minutes, Annex 5, page 218).

#### *Conclusions.*

" The Commission,

" Having examined the petition, dated March 6th, 1936, from Mr. H. Simonian, in the light of the observations of the mandatory Power contained in its letters of September 30th and December 31st, 1936, respectively ;

" Considers that no special action need be taken on this petition."

- (c) PETITION, DATED APRIL 17TH, 1936, FROM M. MOSCHE SMILANSKY, PRESIDENT OF THE JEWISH FARMERS' FEDERATION OF PALESTINE, AND M. TOLKOWSKY, GENERAL MANAGER OF THE JAFFA CITRUS EXCHANGE (document C.P.M.1845) (pages 118, 205).

Observations of the United Kingdom Government, dated October 16th, 1936 (document C.P.M.1845).

Report (see Minutes, Annex 6, page 218).

#### *Conclusions.*

" The Commission,

" Having examined the petition dated April 17th, 1936, from M. Mosche Smilansky and M. Tolkowsky, as well as the mandatory Power's observations thereon ;

" Wishes to draw attention to the special observation which it is submitting to the Council on the drawbacks of the absence of reciprocity in the system of economic equality."

<sup>1</sup> The page numbers following each title are those of the Minutes of the session.

<sup>2</sup> A list of the petitions dealt with under this heading will be found in the Commission's agenda (Annex 2) and in the report of the Drafting Sub-Committee (Annex 4).

- (d) PETITION, DATED FEBRUARY 14TH, 1937, FROM M. E. KARWASSARSKY, ADVOCATE, TEL-AVIV (document C.P.M. 1913) (page 205).

Observations of the United Kingdom Government, dated May 24th, 1937 (document C.P.M. 1913).

Report (see Minutes, Annex 7, page 219).

*Conclusions.*

“ The Commission,

“ Having examined the petition dated February 14th, 1937, from M. E. Karwassarsky in the light of the observations of the mandatory Government dated May 24th, 1937,

“ Considers that no special action need be taken on this petition.”

- (e) LETTER, DATED MAY 4TH, 1937, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN THE YEAR 1936 (WITH ANNEX) (document C.P.M. 1914) (pages 76, 151-152, 205).

Observations of the United Kingdom Government, dated June 24th, 1937 (document C.P.M. 1915).

Report (see Minutes, Annex 8, page 220).

*Conclusions.*

“ The Commission,

“ Having examined the Memorandum of the Jewish Agency on the development of the Jewish National Home for 1936, the covering letter sent to the League of Nations and the observations of the mandatory Power, stresses the importance of the information contained in these documents, but does not consider it necessary to make any special observations.”

- (f) PETITION DATED MAY 3RD, 1937, FROM CHIEF RABBI ABRAHAM SCHORR, WAAD ADATH ASHKENAZIM, JERUSALEM (document C.P.M. 1926) (pages 149, 205).

Observations of the United Kingdom Government, dated August 3rd, 1937 (document C.P.M. 1926).

Report (see Minutes, Annex 9, page 221).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated May 3rd, 1937, from Chief Rabbi Abraham Schorr, presented on behalf of the Waad Adath Ashkenazim in Jerusalem, and the observations of the mandatory Power, together with the additional information supplied by the accredited representative of the latter,

“ Finds that it is not called upon to forward special observations to the Council in connection with this petition.”

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## II.

### II. COMMENTS OF THE ACCREDITED REPRESENTATIVE SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION ON THE OBSERVATIONS ON THE ADMINISTRATION OF PALESTINE AND TRANS-JORDAN.

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The accredited representative has stated that he has no comments to make on the observations contained in the report of the Permanent Mandates Commission.

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

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Geneva, November 19th, 1937.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

OF THE

THIRTY-THIRD SESSION

Held at Geneva from November 8th to 19th, 1937

including the

REPORT OF THE COMMISSION TO THE COUNCIL

6

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## PERMANENT MANDATES COMMISSION

### MINUTES OF THE THIRTY-THIRD SESSION

*Held at Geneva from November 8th to 19th, 1937.*

The following members of the Commission took part in the work of the session :<sup>1</sup>

M. RAPPARD (*Vice-Chairman*);  
Baron VAN ASBECK;  
Mlle. DANNEVIG;  
M. GIRAUD;  
M. PALACIOS;  
Count DE PENHA GARCIA;  
M. SAKENOBE.

*Expert of the International Labour Organisation*: Mr. C. W. H. WEAVER.

*Secretary*: M. E. DE HALLER, Acting Director of the Mandates Section.

In the absence of M. Orts (*Chairman*), M. RAPPARD (*Vice-Chairman*) acted as Chairman during the session.

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

For *Syria and Lebanon*:

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

For the *Cameroons and Togoland under French mandate*:

M. M. BESSON, Director of the Agence économique de l'Afrique-Occidentale française.

For *Ruanda-Urundi*:

M. HALEWYCK DE HEUSCH, Director-General in the Belgian Colonial Ministry.

For the *Islands under Japanese Mandate*:

M. U. USAMI, Acting Director of the Bureau du Japon pour les conférences internationales, Geneva.

For *Western Samoa*:

Mr. R. M. CAMPBELL, M.A., LL.B., Ph.D., New Zealand Government's Economic Adviser in London.

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The Commission also gave a hearing to Mr. H. T. ANDREWS, Representative of the Union of South Africa to the League of Nations, on the occasion of the examination of a petition concerning South West Africa.

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Also attended the session : M. V. CATASTINI, former Director of the Mandates Section, Expert.

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All the meetings of the Commission, with the exception of part of the first, were private.

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<sup>1</sup> *Absence of the members* : Baron VAN ASBECK : first six meetings ; M. ORTS (*Chairman*), Lord HAILEY and the Marquis THEODOLI : the entire session.

## FIRST MEETING.

*Held on Monday, November 8th, 1937, at 10.30 a.m.*

### Opening Speech by the Vice-Chairman.

The VICE-CHAIRMAN spoke as follows :

In the absence of our Chairman, who I regret to say has had to remain at Brussels owing to an accident, I have the honour to declare the thirty-third session of the Permanent Mandates Commission open.

It is particularly unfortunate that, in the present circumstances, we should be deprived of the co-operation of three of our most distinguished colleagues. We have to note with regret not only the absence of our former Chairman, Marquis Theodoli, but also that of M. Orts and Lord Hailey. M. Orts had lately had an accident and broken a leg, and Lord Hailey is receiving treatment at Montreux for painful heart trouble. Despite the courage shown by our colleagues and their desire to be with us, of which we have had touching proof, their doctors have absolutely forbidden them to move.

I am sure that I am carrying out the wishes of all the members of the Commission in sending to our two colleagues who are unwell a message expressing our warm sympathy and our hope that they will make a speedy recovery.

I also learn that M. de Haller has received a card from M. van Asbeck stating that as he is confined to bed owing to illness, he will be unable to attend before the 11th. We can therefore count on M. van Asbeck's collaboration, but only in a few days' time. Lastly, Count de Penha Garcia is anxious to participate in our work in spite of the painful malady from which he is at present suffering. I should like to thank him for this mark of devotion.

Before proceeding with our agenda, I should like to make the usual brief survey of the discussions which have taken place and the decisions which have been reached regarding mandates questions since our last session.

On September 14th last, the Council considered the report on the work of our thirty-first session. Our Chairman represented the Commission at the Council table on that occasion.

My colleagues are no doubt familiar with the report submitted by the Rapporteur—the representative of Roumania. The Council adopted without discussion both the report and the draft resolution submitted by the Rapporteur; it requested the Governments of the mandatory Powers concerned to take the action asked for by the Commission in its observations. It also approved the Commission's conclusions concerning the petitions it had examined.

The report on the work of our thirty-second (extraordinary) session, which was devoted to Palestine, was the subject of an important debate in the Council at its meetings on September 10th, 14th and 16th, 1937, at which our Commission was also represented by its Chairman. You will no doubt have acquainted yourselves with the reports submitted and the statements made in the course of that debate. I shall therefore confine myself to a brief recapitulation of the procedure followed and the more important pronouncements made in that connection.

At its meeting on September 10th, the Council decided, on the proposal of its Rapporteur, the representative of Roumania, to deal separately with that part of the Commission's report which related to the administration of Palestine and Trans-Jordan, and the part concerning the problem of the status of Palestine—that is to say, the Commission's preliminary opinion on the report of the Royal Commission and on the Declaration of the United Kingdom Government defining its policy. It was decided to entrust the examination of the latter problem to a special committee.

On September 14th, the Council adopted the Rapporteur's report and noted the annual report on the administration of Palestine and Trans-Jordan, together with the Commission's report and Minutes concerning this latter. It decided to communicate the Commission's observations to the Government of the mandatory Power and to request it to take the action asked for by the Commission. The Council further approved the Commission's conclusions concerning the petitions it had examined.

The discussion on the problem of the status of Palestine was opened at the same meeting by an important statement by the United Kingdom representative. In this statement, Mr. Eden reviewed the origins of the Palestine mandate and the difficulties encountered in applying it. After emphasising the temporary and exceptional character of the decision to reduce Jewish immigration into Palestine, he outlined the procedure which he proposed should be followed in dealing with the problem of the territory's future. In conclusion, he asked the Council to authorise his Government to proceed with the study of a solution involving the partition of Palestine, the Mandates Commission having declared itself, in principle, favourable to such a study. He added that the United Kingdom Government would at a later stage submit to the Council the result of that exploration and any detailed proposals that might flow from it.

The representative of France took the opportunity of expressing his Government's appreciation of the candour, fairness and impartiality of the attitude taken up by the mandatory Power. He said that the United Kingdom Government's desire to work for a definitive settlement of the problem deserved the Council's closest attention and he added that, as regards the actual character of the settlement, his Government preferred to reserve its attitude.

The representative of Poland explained why his Government took a particularly keen interest in the problem of the future of Palestine and said that, whatever its future regime might be, his Government's principal anxiety was to ensure for it the maximum capacity of absorption in respect of Jewish immigration.

After the New Zealand representative had supported Mr. Eden's proposals, our Chairman addressed the Council and explained the position adopted by the Commission in the matter. He drew particular attention to three fundamental points on which the Commission had expressed a definite opinion :

- (1) The fact that the present mandate seemed to have become unworkable ;
- (2) The fact that the Commission was, in principle, in favour of examining a solution involving the partition of the territory ;
- (3) The fact that the Commission was, in principle, in favour of the Royal Commission's proposal that the Holy Places should not be under the sovereignty of either of the proposed new States, in so far as the new regime might be based on Article 28 of the present mandate.

Our Chairman also drew the Council's attention to the Commission's observation on the subject of Jewish immigration. He noted the United Kingdom representative's statement that the mandatory Power's decision to limit such immigration was of a purely temporary character and he emphasised the fact that the Commission had recognised that exceptional circumstances had rendered such a step necessary as a transitory measure.

At its meeting on September 16th, the Council approved a draft resolution submitted by the Special Committee consisting of the representative of Roumania, Rapporteur, together with the representatives of Latvia and Sweden. By that resolution the Council, in view of the United Kingdom Government's Statement of Policy and of the preliminary opinion of the Mandates Commission, and in view of the statement made by the representative of the United Kingdom at the Council meeting on September 14th and the discussion which took place at that meeting, agreed to the mandatory Power's carrying out the study of the problem of the status of Palestine while concentrating on the solution involving partition of the territory. The Council further decided to defer consideration of the substance of the question until it was in a position to deal with it as a whole, and in the meantime entirely reserved its opinion and its decision. It also expressly pointed out that the mandate remained in force until such time as might otherwise be decided.

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As in former years, the Assembly, at the request of the Norwegian delegation, considered the mandates documents published since its previous session. An interesting discussion—mainly devoted to the Palestine problem—took place in the Sixth Committee of the Assembly. The members of the Commission may read this discussion in the Minutes which have just been distributed to them. The main lines of this discussion are summarised in the report of the Sixth Committee to the Assembly which my colleagues have no doubt read.

On September 30th, the Assembly adopted the draft resolution by which the report was accompanied. By the terms of that resolution, the Assembly renewed its expression of confidence in the mandatory Powers, the Permanent Mandates Commission and the Council—in the matter of the application of Article 22 of the Covenant and the individual mandates—and expressed its appreciation of the results achieved. The Assembly further expressed its conviction that the problem of Palestine which had been laid before the Council would be equitably settled, account being taken to the fullest possible extent of all the legitimate interests at stake.

Before calling upon such members of the Commission as may desire to comment upon my account of these matters, I will ask the Acting Director of the Mandates Section to give us the usual particulars of the activities of the Commission's secretariat since our last session.

#### **Statement by the Acting Director of the Mandates Section.**

M. DE HALLER made the following statement :

Since the Commission's last session, the Mandates Section has pursued its normal tasks in connection with mandates.

The printing of the Minutes and of the report of the Commission on the work of its thirty-first session has been completed, and these documents were circulated to the Council and to States Members of the League on August 28th, 1937. The Section has also seen to the publication of the Minutes and of the Commission's report to the Council on the work of its thirty-second (extraordinary) session. These documents were distributed to the Council and to States Members of the League on September 4th, 1937.

The members of the Commission were kept in touch with the essential political, economic and social facts relating to the mandated territories through the regular distribution of information from official sources and selected Press extracts.

The Minutes of the meetings on September 10th, 14th and 16th, 1937, when the Council examined the reports of the Commission on the work of its thirty-first and thirty-second sessions, were communicated to the members of the Commission on October 6th, 1937. The report and resolution adopted by the Assembly on September 30th, 1937, were sent to the members of the Commission on October 6th, 1937. The records of the debates in the Sixth Committee of the Assembly have just been communicated to the Commission.

As usual, a list of official documents transmitted by the mandatory Powers has been drawn up for each of the territories the administration of which is to be examined at the present session; this list will be distributed very shortly (Annex 1).

Lastly, the Government of the Union of South Africa communicated in a letter dated October 5th, 1937, a memorandum entitled "Comments on the Report of the South West African Commission for the information of the members of the Permanent Mandates Commission of the League of Nations. Submitted by Dr. H. B. K. Hirsekorn on behalf of the German population of South West Africa", with annexes and a number of related documents. The above-mentioned letter and documents were distributed to the Commission on October 16th, 1937.

In addition to the annual reports normally examined at the autumn session, the reports on the administration of Syria and Lebanon, and the Cameroons and Togoland under French Mandate will also be considered. In order to lighten the agenda of the thirty-first session, the examination of those reports was postponed until the present session by agreement between the French Government and the Chairman of the Commission. The reports on the administration of the Cameroons and Togoland under British mandate, which should normally be considered at the present session, have already been examined at the thirty-first session, in accordance with an arrangement come to with the United Kingdom Government.

The annual reports to be examined reached the Secretariat on the following dates :

Territory	Administrative period	Date of reception
Ruanda-Urundi . . . . .	1936	August 27th, 1937
Togoland under French mandate . . . . .	1936	August 28th, 1937
Cameroons under French mandate . . . . .	1936	September 1st, 1937
Islands under Japanese mandate . . . . .	1936	September 1st, 1937
Western Samoa . . . . .	1936/37	September 6th, 1937
Syria and Lebanon . . . . .	1936	October 8th, 1937

Lastly, I would mention that by letter dated July 17th, 1937, the Secretariat officially circulated to members of the Commission a "Collection of Texts concerning the Sanjak of Alexandretta."<sup>1</sup> This document includes the decisions reached by the Council on the subject on January 27th and May 29th, 1937, together with the Statute and Fundamental Law of the Sanjak. The text of the Franco-Turkish treaties which form a supplement to that document was circulated to the Commission on October 1st, 1937.<sup>2</sup>

The CHAIRMAN observed that documents relating to the effects, comments or criticisms arising out of the Commission's report to the Council on the situation in Palestine did not form part of the documentary material addressed by the Secretariat to the members of the Commission. Those documents would be found at the Secretariat, where members could consult them.

#### Adoption of the Agenda.

The CHAIRMAN explained why it might be advisable to adjourn the examination of all the petitions on Palestine. In the first place, the position was not such that the Commission could usefully make recommendations to the Council; secondly, the Commission was not in a position usefully to examine those petitions in the absence of the accredited representative; lastly, the petitions were not sufficiently urgent to warrant examination during the present session.

*The Commission agreed with the Chairman's suggestions and decided to adjourn the examination of all petitions concerning Palestine. It would, however, take note of the Chairman's report on petitions concerning Palestine which he might consider inadmissible.*

*The Commission approved its agenda (Annex 2):*

#### Programme of Work of the Commission.

*The Commission adopted its programme of work.*  
(The Commission went into private Session).

#### Allocation of Petitions as between the Members of the Commission.

Owing to the absence of certain members, the petitions for examination during the session were re-allocated.

<sup>1</sup> Document C.282.M.183.1937, or *Official Journal*, May-June, 1937, page 573.

<sup>2</sup> Document C.282(a).M.183(a).1937, or *Official Journal*, November 1937, page 837.

**South West Africa. Memorandum dated March 17th, 1937, by Dr. H. B. K. Hirsekorn, Windhoek, concerning the Report of the South West African Commission (document C.P.M.1945).**

The CHAIRMAN announced that this communication had reached the Secretariat through the Permanent Delegate of the Union of South Africa in Geneva. The Government of the Union of South Africa, while of opinion that the memorandum was not a petition, was nevertheless desirous of placing all the necessary information regarding it at the disposal of the Commission. It had therefore appended several other documents to Dr. Hirsekorn's communication. At the same time, the accredited representative, Mr. Andrews, Permanent Delegate at Geneva, had stated that he was at the Commission's disposal for the examination of the communication. While refraining for the moment from expressing an opinion on the question of procedure raised by the Government of the Union of South Africa, the Chairman thought it would nevertheless be of some advantage to ask a Sub-Committee to examine the documents and to say whether he thought the Commission should accept the offer of the delegate of the Union of South Africa to furnish further explanations.

*The Chairman's proposal was adopted.*

**Syria and Lebanon : Examination of the Annual Report for 1936.**

M. DE CAIX, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed M. de Caix, with whom the Mandates Commission was always pleased to collaborate.

MESSAGE OF SYMPATHY IN CONNECTION WITH THE RECENT FLOODS IN SYRIA.

The CHAIRMAN asked the accredited representative to be good enough to convey to the mandatory Power and the Government of the mandated territory the Commission's heartfelt condolence at the floods which had recently devastated part of Syria and an assurance of its deep sympathy.

PETITIONS.

The CHAIRMAN recalled that the Commission had received a number of petitions transmitted by the mandatory Power, but, unfortunately, on the eve of the session, so that it might be difficult immediately to ask questions about them. However, the method of work agreed upon provided for a general statement from the accredited representative at the present meeting ; in the afternoon, the Commission would meet again, before hearing M. de Caix, for a preliminary exchange of views on an important problem—namely, that raised by the presentation of the treaties which the mandatory Power had concluded with Syria and Lebanon. After that exchange of views, the members of the Commission would be able to put questions to M. de Caix, not only on the mandatory Power's report, but also on the petitions.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE : FLOODS IN SYRIA (*continuation*) : PETITIONS (*continuation*) : FRANCO-SYRIAN AND FRANCO-LEBANESE AGREEMENTS OF 1936.

M. DE CAIX made the following statement :

May I thank M. Rappard for his friendly remarks ? He spoke of " collaboration ". I quite agree with him that that is indeed the relationship which should exist between the Commission and the accredited representative of a mandatory Power. I think I may say I have always understood my duty in that light and have tried to reply as accurately as possible to the Commission's questions ; I shall adopt the same policy in connection with the Franco-Syrian and Franco-Lebanese treaties.

I have no special information about the floods which have just devastated part of Syria. Fortunately, they occurred in a desert region, where there are very few villages, and where, generally speaking, there is little rain ; nevertheless, in certain cases it is torrential. Because of the climate, the villages are nearly all built of dried mud, which explains why most of the houses collapsed, and there were so many victims. I know that steps are being taken to assist the victims, and that both the mandatory officers and other officials have been asked to spare no sacrifice for the purpose. The devastated country is now passing through a fairly hard season ; most of it is at a rather high altitude.

As far as petitions are concerned, I regret that they arrived late. This is mainly due to exceptional circumstances. Furthermore, I feel it would be advisable to make a change in the methods hitherto adopted when transmitting petitions. All those relating to the same

subject were collected and sent together shortly before the session at which they would be examined ; they could then be accompanied by comprehensive observations covering a whole class of petitions. Petitions usually arrive in waves in the form of concerted demonstrations all bearing on the same subject, and to comment on them one by one would entail needless repetition. It would nevertheless seem better to facilitate their examination by the Commission by sending petitions to Geneva at regular intervals, accompanied simply by such brief observations as particular ones might appear to call for, and to wait until it seemed that no more were to be expected on the same subject before making such comprehensive observations as the whole series might seem to require.

If the Commission agrees, that method will be followed in future.

The CHAIRMAN said the mandatory Power was at liberty to adopt whatever method suited it best. There was something to be said for M. de Caix's proposals, however, provided the preliminary observations furnished by the mandatory Power were of a nature to enlighten the Commission. If it received petitions unaccompanied by observations, or accompanied simply by a note to the effect that comprehensive observations would be sent later on, the same interest would not be taken in those petitions. If, then, the mandatory Power received at a given moment a whole collection of petitions on the same question, it might very well transmit them with its observations, and should a further set arrive later on the same question, the mandatory Power need, of course, merely refer to its first observations.

M. DE CAIX. — I quite agree with the Chairman's remarks about not sending petitions without comments and eventually making observations covering all petitions on the same subject.

You asked me to make a general statement. In the present circumstances, of course, I can hardly deal in such a statement with anything but the treaties.

I have not thought fit to prepare a long statement on this subject, because the text of the treaties, as elucidated by all that has already been said, will suffice to suggest to the members of the Commission such requests for explanations as they may have to make, and because the replies to those questions would overlap with an opening statement which went into details.

I should like simply to remind you briefly of the events leading up to the treaties, the special provisions embodied in them—that is to say, the features which differentiate them from the prototype adopted in a particular case—the Anglo-Iraqi Treaty—which the Syrians have always wanted to reproduce without change—and lastly, the question how these treaties could be applied in the period now before us—that is to say, what effect the mandatory Power could and should give to them at once.

The policy of concluding treaties to regulate the relations between the mandatory Power and the countries entrusted to its care is the outcome of the ideas prevailing since 1919 and also of general developments in the East. It may be said that this policy is in accordance with the very spirit of the mandates, especially A mandates, since the aim of the latter is the emancipation of the mandated countries. It may be thought that emancipation has begun too soon, that it would have been to the advantage of the countries concerned to retain for a longer period the regime of supervision and advice represented by the mandates. It is not for me to express an opinion on that point here—on several occasions, I have stated my view of this question, which is of a theoretical character only, owing to the pressure of circumstances. There is little point in considering now whether slower progress would or would not have been better. We must face the facts and must recognise that, given the position in the East, it was absolutely impossible—especially after what occurred in the neighbouring countries—to withhold from Syria and Lebanon for long a regime which has been introduced in countries not at a more advanced stage—perhaps even at a somewhat earlier stage—of development.

It was in this general atmosphere that, in 1926, M. de Jouvenel—he was actually speaking in the Mandates Commission, I believe—announced the policy of treaties, a policy carried on continuously by his successors, M. Ponsot, and afterwards M. de Martel. That policy might have come to fruition much sooner, if the Syrians had had more political sense, and if they had not persisted for a long time in refusing to allow any exception, even temporarily, to the principle of the absolute sovereignty of their State, in refusing the necessary guarantees to interests which the French Government could not abandon at the moment when it came to propose the termination of the mandate.

The greatest difficulty was that the Syrians insisted that one point in purely internal policy should not be affected by the treaties—namely, the minorities regime, particularly the regime of compact minorities to which the mandatory Government had granted autonomy since 1920, in conformity with the recommendations of Article 1 of the mandate. It would have been quite contrary to the whole of French tradition in the East, to the very origin of France's mandate, to conclude a treaty which did not offer guarantees to compact as well as scattered minorities. Public opinion would not have sanctioned such a treaty, and the French Parliament would not have ratified it.

That was the stumbling-block which stood for ten years in the way of a policy announced in 1926 and constantly in mind since then. Because it appeared last year that the Syrian nationalists who got into touch with the High Commissioner were prepared to abandon their completely dogmatic intransigence—that is to say, to include in the treaty the problem of minorities—and because they might be considered capable of inducing their supporters—



the majority at least, if not the mass, of the most advanced section of the population, which constitutes what may be called "political Syria"—to adopt the clauses giving guarantees to compact or scattered minorities, because of these reasons, I say, agreement was finally reached in the form of the treaty initialled, on September 9th, in Paris and signed at Damascus on December 22nd, 1936.

As I have said here on several occasions, a treaty with Syria implied a treaty with Lebanon, seeing that the latter country is undoubtedly as fully developed as Syria and could not fail to demand the same treatment as its neighbour.

The main features of the Franco-Syrian Treaty which distinguish it from the model furnished by the Anglo-Iraqi precedent will be found in its annexes. The Syrians have always been anxious that the text of the treaty itself should depart as little as possible from this prototype. That is a matter of form, since the annexes lay down the same obligations and are for the same duration as the treaty. Thus, the regime of compact minorities who have hitherto enjoyed autonomy is determined by Exchange of Letters No. 6 and the accompanying documents. In order to summarise the sense of these documents in a few words, I might say that they ensure to the countries which were previously autonomous Governments a regime similar to that granted to Alexandretta from the inception of the mandate, which made it a privileged Syrian province—a regime which, in short, has functioned without difficulty and given satisfaction to those concerned.

The guarantees offered to scattered minorities follow from the laconic but very comprehensive formulas to be found in Exchange of Letters No. 5.

From the texts of the Syrian Constitution mentioned therein, on which a contractual character is now conferred by the fact that they are mentioned in an annex to the treaty, it will be seen that they cover everything connected with the rights of individuals and the rights of communities as hitherto understood in these countries. This is a point to which I feel sure the Commission will revert, a point on which it will ask me questions: I should be glad if, in examining this part of the Franco-Syrian Treaty, you would refer constantly to the text of the Syrian Constitution. I may, moreover, have some information to give you as to the reasons for the adoption of the wording of the letters exchanged with regard to the regime of scattered minorities and as to the ideas in the minds of the French negotiators, which I shared.

Apart from this important reference to minorities which differentiates the Syrian Treaty from the model on which it is so closely based—a reference which will also be found in its counterpart, the Franco-Lebanese Treaty, with a few minor differences arising out of certain circumstances peculiar to Lebanon—the Franco-Syrian Treaty contains guarantees in respect of foreign educational and charitable institutions, as well as archæological missions. Intellectual and moral interests are involved here which it was not thought possible to leave entirely to the discretion of the future Syrian Government, and which had to be safeguarded by the undertakings embodied in Exchange of Letters No. 7.

Another exchange of letters provides for a university convention. You know that to a very large extent French interests in the East are intellectual and linguistic. It cannot be said that they are really imperial. Accordingly, with the introduction of a new regime in the mandated country, the French Government could not but take steps to ensure the continuity of this intellectual influence, which, moreover, has been very advantageous to the mandated country. This is exemplified, for instance, by the position in Lebanon, where French schools—and their example has been followed by the local schools—have educated many men on Western lines.

Certain other annexed letters stipulate that various French material—as well as these intellectual—interests shall be respected.

A protocol provides for the establishment of a judicial regime which, while respecting the unity of the Syrian courts and their national character, provides the necessary guarantees for foreigners by the presence of French magistrates in the courts usually called upon to deal with cases to which they are parties, so that the capitulatory Powers may not ask for the re-introduction of the capitulations, which were simply suspended for the duration of the mandate. This provision is similar to the provision inserted for the same purpose in the Anglo-Iraqi Treaty.

Lastly, there are a number of provisions necessitated by the existence of two sovereign States in the Levant territories under French mandate. Up to the present, joint affairs have been administered, and still continue to be administered, by the mandatory organ with the assistance of an advisory council—the Conference of Common Interests. It was necessary to fix a procedure for bringing the two parties together, so as to decide how common interests should be handled in future, if the economic community existing under the mandate was to be maintained, and how, if it were not maintained, those common interests should be liquidated and the economic relations between the two States settled. This subject is dealt with in Protocols Nos. 2 and 5, annexed to the Franco-Syrian Treaty which provide for negotiations between Syria and Lebanon for the settlement of these questions, both sides being left entirely free, as should be the case in regard to two States which are equally qualified for independence.

One precaution had, however, to be taken in the event of failure to reach an agreement to maintain the Customs Union. It was to be feared that, if the Customs Union were dissolved, one or other of the States might be inclined, as a kind of reprisal or in order to restrict the liberty of the other, to take discriminatory measures against it. To prevent the danger of Customs disputes, Syria and Lebanon have been encouraged to give an undertaking not to extend to the other State Customs treatment different from that accorded to any other Succession State of the Ottoman Empire.



As I said, the Lebanese Treaty reproduces nearly all the provisions of the Syrian Treaty, except for a few special provisions in the former on which you will perhaps put questions to me—provisions arising out of local conditions, or requirements peculiar to the situation in Lebanon.

The question which now arises is to ascertain what effect can be given at once to the texts, the main features of which I have just tried to outline briefly. Their immediate effect was to open a period of transition between the mandate, as applied up to the present, and the emancipation of Syria and Lebanon. The texts provide for a preparatory period of three years, which has to be devoted, not only to settling all the necessary details, but also to adjusting administrative arrangements and justice in the two countries, so as to permit of the entry into force of the treaties by the termination of the mandate and the admission of the two States to membership of the League. This involves the elaboration of administrative rules and, in practice, the introduction of certain methods. For instance, the duties of the French advisers will have gradually to be brought into line with normal requirements under the treaty regime. This work has already been begun: the intention is to introduce *de facto* without too sharp a transition the regime which will follow *de jure* upon the entry into force of the treaties.

The Mandates Commission may, of course, regard the preparatory period of three years as a period of probation; the Government of the mandatory Power cannot in any way claim to prejudice such conclusions as the Commission may think fit to reach with regard to the stage of development of Syria and Lebanon in the light of the situation as it stands on the termination of the period in question. But in as far as its own conduct is concerned, it feels that the Mandatory is master of its own methods, though called upon to answer for them before the League of Nations, and believes that Syria and Lebanon have reached a stage at which, on its own responsibility—it has full responsibility until the termination of the mandate—it can exercise guardianship while conforming as far as possible to the treaties. This it is trying to do—that is to say, to carry out the mandate within the framework of these texts. It believes that is the safest way of making the two countries understand and fully realise the conditions attaching to their independence. It also believes that this is the most satisfactory way of making acceptable to the Syrians the advice they still need—advice which Orientals are inclined to find increasingly superfluous in their present state of mind. For all these reasons, the time seems to it to have come to accustom the mandated countries to govern themselves in the same conditions as will exist when they only receive from the ex-mandatory Power the assistance provided for in the treaties.

I have placed before you as clearly as possible an outline of the fundamental clauses of the treaties and of the immediate effect which should be given to them, in the view of the mandatory Power. I do not suppose I have replied to the major, or even the smallest, part of the questions the Commission may have to put on the various points raised. I am now entirely at your disposal. I have tried to be very brief, as I feel that we shall clear out minds and arrive at a common conception of the treaties and their effects through the exchange of views on which we are about to embark.

#### PURPOSE OF THE MANDATORY POWER IN TRANSMITTING TO THE COMMISSION THE FRANCO-SYRIAN AND FRANCO-LEBANESE AGREEMENTS.

The CHAIRMAN thanked M. de Caix for his statement, which, by its very conciseness, would facilitate the discussion. At its next meeting, the Commission would consider what attitude to adopt towards this important problem. But he would like at once to ask M. de Caix whether, in communicating the treaties to the Commission in its report and in communicating its intentions through its accredited representative, the Government of the mandatory Power considered that the time had come for the Council of the League of Nations—and, consequently, for the Mandates Commission—to express an opinion on the fundamental question of the termination of the mandate. The question whether Syria and Lebanon had reached a stage of development justifying their emancipation would have to be settled, at a given moment, by the Council in the light of the observations of the Mandates Commission. While he did not desire to bind the Commission in any way, he would be glad to know whether, in the opinion of the French Government, the time had come for the Commission to express an opinion as to the stage of development of the country—that was to say, whether such development was complete, or open to question, or such as to call for the imposition of conditions to be determined.

M. DE CAIX replied that, in referring to a preparatory period—which the Commission might even regard as a period of probation—he had virtually replied, he thought, to that question. When a period was provided preparatory to a decision such as the termination of the mandate, this could not be considered to mean that a decision was to be reached, before the expiration of that period, as to the existence of the conditions in which it could be terminated. Consequently, he did not think it could be said that the Council of the League had to take a decision at once as to the stage of development of the country.

The Mandates Commission had before it, in the form of the treaties, a diplomatic instrument, the purpose of which was to introduce a regime providing post-mandatory guarantees. But that instrument had not only to be supplemented by the establishment and adoption of a number of additional texts during the period preparatory to the end of the mandate, but also to be put into practice as far as possible, so that the Governments of the countries might show to what extent they were capable of fulfilling their task after the

termination of the mandate. The question of maturity should not therefore arise until the expiration of the period of three years, when, under the terms of the treaties, Syria and Lebanon would be put forward for admission to the League of Nations in 1940. Until then, the Commission might follow developments in these countries and see how they set to work to apply the treaties in as far as this could and should be done within the framework of the mandate.

The CHAIRMAN thanked M. de Caix for this reply, which foreshadowed a period of development and its stages. The Commission would have to consider the treaties from two points of view. On the one hand, they laid down a regime for the years pending their final entry into force. On the other hand, the Commission must consider to what extent, in taking note of those treaties, it would be expressing an opinion as to the desirability of a period for development for which provision was made therein.

M. de Caix's reply was very plain: the mandatory Power had communicated the treaties to the Commission, not with a view to seeking its opinion as to the desirability of reaching a decision immediately about the probable stage of evolution of the countries concerned at the close of the coming period of three years, but only with a view to seeking the opinion of the Commission on the probationary regime created by the negotiation of those treaties, the text of which contained provisions which would not be put into effect until the treaties themselves entered into force. The question was not altogether simple, precisely because of this duality and of the difficulty of distinguishing between the regime to be applied for three years and the subsequent regime.

M. DE CAIX pointed out that, had the mandatory Power asked the Commission to express an opinion as to the state of maturity of Syria and Lebanon, the Commission might have been surprised at being asked to do so precisely at the beginning of a period which would contribute the most decisive factors for a reply—that was to say, a period which would show to what extent the country was capable of governing itself because it was to be given an opportunity of exercising this faculty to a far greater extent than had been possible up to the present. There was no doubt that the treaties would only come into force after the termination of the mandate, at the end of the period of three years, but there was nothing to prevent the mandatory Government from anticipating in practice the entry into force of the treaties by acting towards the Syrian and Lebanese Governments as though that were already a fact and by making those Governments carry on *de facto* the regime which would exist *de jure* on the morrow, at the same time conserving the possibility of adjusting any mistakes that might be made and the obligation to report events occurring in Syria and Lebanon to the Mandates Commission.

The CHAIRMAN pointed out that if at the end of three years the Commission had made no reservations with regard to the treaties placed before it, it might have difficulty in saying that the experiment had been unsuccessful. It might then be told that if it had felt there was a great discrepancy between the present situation and the stage of political development reached by Syria and Lebanon, it should have sounded a warning note before the expiration of that period. However, he understood the position, and noted that the mandatory Power's attitude was quite clear. It communicated two treaties to the Commission: those treaties provided for a preparatory period; the mandatory Power did not ask the Commission for a final opinion on the treaties as such, but only on the immediate method of application thereof.

M. DE CAIX summarised the attitude of the mandatory Power. It had come to believe that Syria and Lebanon could govern themselves in certain conditions, which no doubt were not precisely those of the West as yet. It therefore assumed that they had reached a certain stage of political maturity, but it could not ask the Commission to take a decision nor prejudge the conclusions which the results of the preparatory period that had just begun might lead it to formulate.

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## SECOND MEETING.

*Held on Monday, November 8th, 1937, at 4 p.m.*

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### **Syria and Lebanon: Procedure to be followed in the Examination of the Franco-Syrian and Franco-Lebanese Agreements of 1936.**

The CHAIRMAN read a note prepared by the Mandates Section at his request on the conditions under which the Mandates Commission has been asked to decide on the subject of the maturity of Iraq:

“(1) During its sixteenth session, the Mandates Commission had been notified of a telegram from the Government of the United Kingdom to the Secretary-General, dated November 4th, 1929,<sup>1</sup> expressing its intention of not carrying into effect the Anglo-Iraqi Treaty of December 14th, 1927, which had been neither ratified nor brought into force.

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<sup>1</sup> See Minutes of the Sixteenth Session of the Commission, page 183.

“ At the same time, the mandatory Power communicated to the Council its intention of recommending the admission of Iraq as a Member of the League in 1932.

“ (2) In its report to the Council on the work of the sixteenth session (November 1929),<sup>1</sup> the Commission, referring to the above-mentioned telegram, announced that it would be premature to express any opinion on the proposal of the mandatory Power, which would not take effect until 1932 ; in the meantime, the Commission would confine itself to obtaining as much information as possible on the ability of Iraq effectively to govern itself, etc.

“ (3) On January 13th, 1930,<sup>2</sup> the Council requested the Mandates Commission to formulate suggestions that might help in the determination of the general conditions which must be fulfilled before the mandate regime could be brought to an end in respect of a country placed under that regime.

“ (4) In its report on its nineteenth session (November 1930),<sup>3</sup> the Mandates Commission asked the Council to define its intentions : was it actually a question of the general problem of conditions governing the termination of mandates, or of the specific case of Iraq ?

“ (5) On January 22nd, 1931,<sup>4</sup> the Council, in reply to the question on interpretation drawn up by the Mandates Commission, said that the general problem was meant, and not the special case referred to in the question.

“ (6) In the report on its twentieth session (June 1931),<sup>5</sup> the Commission laid before the Council a detailed study of the general conditions to be laid down before the regime of mandates could be terminated for a country placed under that regime.

“ (7) On September 4th, 1931,<sup>6</sup> the Council took note of the conclusions at which the Mandates Commission had arrived regarding the ‘ general conditions ’. It stipulated that, in view of the responsibilities devolving upon the League of Nations, the Council should determine, in the light of the principles thus laid down, though only after a searching investigation of each particular case, the degree of maturity of the territories which it might be proposed to emancipate. The Council added that it would naturally examine with the utmost care all undertakings given by the countries under mandate to the mandatory Powers, so that they might be compatible with the status of an independent State.

“ The Council had then requested the Mandates Commission ’ to submit its opinion on the United Kingdom Government’s proposal for the emancipation of Iraq, after consideration of the same in the light of the ‘ general conditions ’ and the considerations which had just been mentioned.

“ (8) In the special report drawn up during its twenty-first session (October-November 1931),<sup>7</sup> the Mandates Commission laid before the Council its opinion on the United Kingdom Government’s proposal for the emancipation of Iraq.

“ (9) The Treaty regulating Post-mandatory Relations between the United Kingdom and Iraq was signed at Baghdad on June 30th, 1930 (Cmd. 3627).

“ (10) The exchange of ratifications of the Anglo-Iraqi Treaty took place at Baghdad on January 26th, 1931.”

The question was whether the Mandates Commission intended to apply the same procedure to Syria as to Iraq. In the Chairman’s opinion, it should confine itself for the moment to following the development of the situation, as conceived in the report of the mandatory Power, without losing sight, however, of the emancipation which, according to the plans of that Power, should occur in three years’ time.

Count DE PENHA GARCIA considered that the note the Chairman had just read was a timely reminder of a precedent. There was a great difference, however, between the case of Iraq and that of Syria. The first of those territories, at the time when the question of its emancipation was raised, had been for several years under the jurisdiction of a treaty in virtue of which it governed itself under the supervision of the mandatory Power, and this form of government had in general given satisfaction. In addition, Iraq might be regarded as a more united country than Syria, where so many different populations existed side by side, or as separate administrations such as the Jebel Druse, the Sanjak of Alexandretta, etc.

Lastly, in the case of Iraq, it was the first time that emancipation had been contemplated—which had induced the Council to choose the wisest of the courses available ; and Count de Penha Garcia wished to recall that, in spite of that, the Commission had hesitated a great deal before pronouncing a decision.

Furthermore, the mandatory Power acknowledged that the situation of Syria was different, and considered that a period of three years would be necessary in order to appreciate the stage of development reached by the two countries—one of which had no less than four different

<sup>1</sup> See Minutes of the Sixteenth Session of the Commission, page 203.

<sup>2</sup> See *Official Journal*, February 1930, page 77.

<sup>3</sup> See Minutes of the Nineteenth Session of the Commission, page 205.

<sup>4</sup> See *Official Journal*, February 1931, page 180.

<sup>5</sup> See Minutes of the Twentieth Session of the Commission, page 228.

<sup>6</sup> See *Official Journal*, November 1931, page 2055.

<sup>7</sup> *Ibid.*, page 2058.

<sup>8</sup> See Minutes of the Twenty-first Session of the Commission, page 221.

Governments—on which it was a question of conferring independence. An attentive reader of the introduction to the mandatory Power's report would observe that the mandatory Power had some doubts on that point. The most interesting course, therefore, would be to see how the situation developed—whether it would follow the lines inaugurated in 1936 and 1937, or whether incompatibility of races and religions would hinder the working of a regular and stable Government. There were signs that those opposed to the mandate had supported the Treaty in good faith, but the question now was to discover what would be the attitude of the other elements, of those who were partisans of government by the mandatory Power.

The discussion which was beginning would make it possible to judge the provisions of the Treaty and to decide whether it fulfilled all the requirements of order, good organisation and security. It would be advisable to examine which parts of the Treaty were to be carried into effect immediately and which should be held over for later examination. Moreover, certain elements of appreciation would appear during the discussion of the annual report itself.

Mlle. DANNEVIG observed that the mandatory Power had put forward two treaty texts and contemplated a three-years' period of probation. She would like to know what would be put to the test during that probationary period—the Treaty, or the fitness of the country for self-government. If the treaties were to be put to the test, could they be altered if defects appeared in their working during the probationary period, or were their texts, on the contrary, settled beyond the possibility of change? The situation as regards the protection of minorities was still very uncertain.

The CHAIRMAN said that the Commission had before it a Treaty negotiated between Syria and the mandatory Power, which had been ratified by Syria, but not yet by France. As the French Government spoke of a probationary period, there was reason to believe that the Treaty might not be put into force at the end of the period of three years; otherwise, the expression "probationary period" would have no meaning. It was probable that the lack of clarity to be observed in the matter was due to the divergent views of the two parties. The Syrians thought that a test period was of little use, whereas the French Government was of the opposite opinion. The Mandates Commission would have to ask for more detailed information from the mandatory Power. If the mandatory Power said that the fate of the Treaty at the end of the probationary period could not in any case depend upon the results of the experience gained during that period, the Commission's discussions would be really pointless. Should it be of the opposite opinion, the Commission should impartially follow up the evolution of the situation, so as to be in a position, if necessary, to make useful suggestions.

Mlle. DANNEVIG declared that, if she were not mistaken, the Treaty between the United Kingdom and Iraq was not definitely settled when it was discussed by the Mandates Commission.

The CHAIRMAN explained that, in 1929, the United Kingdom Government had said that, in its opinion, the Treaty concluded in 1927 between the United Kingdom and Iraq should be revised. The effect of the Treaty was to loosen the links established between the mandatory Power and Iraq by the 1926 Treaty, which the Council regarded as the charter of the mandate. The 1927 Treaty had been criticised by the Mandates Commission, and its unfavourable reception in Iraq induced the mandatory Power, which had not ratified it, to abandon it.

M. PALACIOS said that he agreed in general with the Chairman, but observed that, although it was right to take account of precedents, it should not be forgotten that each case had its own peculiarities and should be studied separately.

As regards Syria, those peculiarities were very marked. At the moment, after a period of agitation and experiment, the mandatory Power had come to an agreement with the more or less authorised representatives of the country, in any case with the nationalist elements, and, as a result, public opinion had relaxed, opposition elements had been incorporated into official life and draft treaties and regulations accompanied by the usual transactional letters had been drawn up with a view to the emancipation of the mandated territories in the near future. All those circumstances were described in the mandatory Power's annual report for 1936, addressed to the League in accordance with Article 22 of the Covenant. The report also contained the relevant texts.

M. Palacios considered that it was the duty of the Mandates Commission to study the question as a whole and to put forward a duly reasoned opinion for the use of the Council. In order to take into account requirements of the moment, reservations might have to be made regarding various aspects of the problem or perhaps a conditional verdict might be formulated, but the Commission should always bear in mind that in that case substance would seem to be more important than form, and that it would be a mistake not to realise that the question of substance was the promised emancipation.

M. SAKENOBE remarked that, according to the wording of the Treaty and the explanations of M. de Caix, the question of the maturity of the territory had not arisen. But there was a treaty annexed to the report, and it was necessary to know whether the Commission was going to examine it or not. In his opinion, it ought to do so. However, at its twenty-fifth session,<sup>1</sup> when the Treaty between the mandatory Power and Syria and Lebanon was submitted to the Mandates Commission, the Commission had considered it impossible to go on to a detailed

<sup>1</sup> See Minutes of the Twenty-fifth Session of the Commission, page 150.

discussion without previously settling the question of maturity. Personally, he had been of a different opinion ; but after adopting that attitude at the twenty-fifth session, what was the Commission now going to do ?

The CHAIRMAN pointed out that the Commission was not exactly bound by the precedent M. Sakenobe had just mentioned, since, at that time, the French Government had not submitted the Treaty as a text which it intended to carry into effect. After it had been drafted, the French Government had changed its mind and more or less shelved the document. On the present occasion the case was appreciably different, and it seemed that the Commission should examine at least those parts of the Treaty that the French Government intended to put immediately into force.

He noted that all his colleagues considered, as he did, that the Commission should examine the Treaty without deciding the question of maturity during the present session, but taking into account the fact that the mandatory Power was contemplating an emancipation of the territory in three years' time.

M. PALACIOS supposed that the Chairman had not meant that, during the examination of the Treaty, the members of the Commission should necessarily put aside anything in connection with the question of maturity, for it must be admitted that such a maturity was postulated throughout the text.

The CHAIRMAN fully agreed with M. Palacios on that point.

**Syria and Lebanon : Examination of the Annual Report for 1936 (continuation) : Franco-Syrian and Franco-Lebanese Agreements of 1936 (continuation).**

M. de Caix came to the table of the Commission.

The CHAIRMAN informed M. de Caix that the members of the Commission had all agreed that they ought to examine the agreements signed between France and Syria, and France and Lebanon, for the present situation was no longer the same as when, in 1933, the mandatory Power submitted a treaty in regard to which it had not taken any decision as regards further action. On the other hand, the Commission did not propose to take any decision at the present session on the question of the maturity of the territory ; nevertheless, during the exchange of views between it and the accredited representative, it would make a point of gaining information on that subject, since, according to the mandatory Power's plans, that maturity was to be ascertained in three years' time. That being so, the Chairman opened the discussion on all the general questions which might arise.

COUNT DE PENHA GARCIA observed that the mandatory Power was, on the one hand, submitting treaties and, on the other, protocols and exchanges of letters on agreements to be concluded later. Did that mean that the French Government thought that, when the States of Syria and Lebanon became independent, all the proposed agreements, some of which related to really difficult questions, would have been concluded ? In other words, did it consider that, in three years' time, final texts would have been adopted on all those points ?

M. DE CAIX replied that all the agreements and arrangements mentioned in the treaties and their annexes would have to be concluded before the period of three years had expired—that was to say, before the request for withdrawal of the mandate and the admission of Syria and Lebanon into the League, which should bring the two treaties into force. Shorter periods had even been provided for some of those executory agreements and arrangements.

**MAINTENANCE OF CERTAIN ACQUIRED RIGHTS AFTER THE END OF THE MANDATE.**

COUNT DE PENHA GARCIA observed that, in exchange of letters No. 8 between the High Commissioner of the French Republic and the Prime Minister of the Syrian Republic (page 223 of the report) and between the High Commissioner of the French Republic and the President of the Lebanese Republic (page 245 of the report), it was stipulated that the Syrian Government undertook to respect certain acquired rights granted in the name and on behalf of Syria to French natural and legal persons. Why had that obligation been confined to French natural and legal persons ?

M. DE CAIX supposed that the French Government had not felt called upon to conclude contracts on behalf of foreign interests which came within the competence of other Governments. There could be no doubt, moreover, that the most-favoured-nation clause, the application of which would certainly be requested for all the States Members of the League of Nations, would result in the extension to nationals of those States of the advantages which would be enjoyed by French nationals. As a matter of fact, the only important foreign companies having concessions in Syria and Lebanon were French, as was already the case before the war. Limitation of that stipulation to individuals and legal persons of French nationality might

be explained in another way : the interests it dealt with were not among those for which France was responsible under the mandate. This did not apply to schools and archæological works, foreign or French, for which the Mandatory might consider itself bound to provide guarantees in texts intended to define the regime which would succeed that of the mandate.

The CHAIRMAN noted M. de Caix's statement, from which it appeared that the French Government considered that the most-favoured-nation clause applied to such questions. That was a somewhat wide interpretation of the clause, but if the treaties had been negotiated in that spirit, M. Rappard was satisfied.

M. DE CAIX said that the French Government, in dealing with Syria and Lebanon, had not in the least intended to reserve special advantages for French undertakings. The fact that the exchange of letters in question referred to concessions and conventions affecting the finances of the State or of public corporations clearly showed, moreover, that it was the public services which were concerned in the present case ; but there was only one public service carried on by foreigners in Syria and Lebanon that was not conceded to the French—the Damascus Tramways and Electricity Service, which was worked by a Franco-Belgian company.

#### RIGHTS OF INDIVIDUALS AND COMMUNITIES : PROTECTION OF MINORITIES.

Count DE PENHA GARCIA drew M. de Caix's attention to exchange of letters No. 5, between the High Commissioner of the French Republic and the Prime Minister of the Syrian Republic (page 212 of the report), regarding the maintenance of the public law guarantees provided in the Syrian Constitution for individuals and communities. It was stated in that exchange of letters that the Syrian Government would ensure the maintenance of, and give full effect to, those guarantees. Did that mean that the present Syrian Constitution would never be modified as regards that point ? Moreover, did that provision answer all requirements as regards the protection of minorities ?

M. DE CAIX replied that, clearly, the introduction into the Treaty of such a reference conferred a contractual character on the articles of the Syrian Constitution referred to in the exchange of letters in question, which therefore could not be modified over the whole duration of the Treaty. The obligation not to alter the articles referring to individuals could not, moreover, be a hindrance to the Syrian Government, unless it desired one day to adopt constitutional texts refusing to individuals rights granted to them by the organic laws of all civilised countries. The Syrian Constitution contained provisions not to be found everywhere only in regard to communities considered as groups, but those provisions corresponded to the traditions, customs, and even the legislation in force in Oriental countries.

M. de Caix recalled that the High Commissioner had issued, in January 1936, if he remembered rightly, a decree entitling the communities to register their statutes, thus obtaining their acknowledgment, and to give them force of law. In that way the communities had the means of defining and consecrating their traditional statutes, respect for which should be guaranteed by exchange of letters No. 5.

This annex to the Treaty covered all the needs of the minorities, since it stipulated that the members of the religious communities would, as individuals, enjoy the same rights as all citizens, and the communities considered as groups would enjoy their traditional immunities, which came under the application of the High Commissioner's decree, the existence of which had just been recalled.

Count DE PENHA GARCIA noted that the guarantees in question would be applicable while the Treaty was in force ; but he wondered whether Syria in general would not require a real minorities convention. Otherwise, what would happen when the Treaty expired ?

M. DE CAIX explained that Articles 6 to 27 of the Syrian Constitution conferred on all citizens the individual rights they might need, whether they were members of religious communities or not. No Government could decently abolish the guarantees granted under those articles. Moreover, Articles 15 and 28 of the Syrian Constitution stipulated that the rights of the different religious communities were guaranteed, and that such bodies kept their individual statutes and might found schools for the education of children in their own language, provided always that they conformed to the principles laid down by the law.

Count de Penha Garcia had asked if a guarantee over and above that given by the texts to be signed by the mandatory Power would not be required, and if a Minorities Convention, concluded for a longer period than that of the validity of the Franco-Syrian Treaty, should not be demanded. He could only repeat that in the opinion of the negotiators of the Treaty, which he still shared, the exchanges of letters Nos. 5 and 6 covered all the needs of the minorities. M. de Caix pointed out that Count de Penha Garcia's question was outside the field in which he was called upon to give replies and information to the Commission : it did not directly concern the mandatory Power, which, by subordinating the conclusion of the Treaty to conditions which it considered to be in conformity with its responsibilities, had obviously not wished to exhaust the League's right to make its own requests for guarantees at the time when the withdrawal of the mandate was proposed, as it had done on another occasion.



Count DE PENHA GARCIA asked if, apart from the general rights guaranteed to the religious communities, there were no customs, usages, property, etc., the exercise or enjoyment of which should be guaranteed to those communities? Did the text of the treaty provide sufficient assurances in that respect?

M. DE CAIX replied by a reference to the texts of Articles 15 and 28 of the Syrian Constitution. The first guaranteed respect of the individual status of all the communities, and among the rights which Article 28 guaranteed to the different religious communities should be included that of possessing property, which they at the present time enjoyed without contestation.

Count DE PENHA GARCIA feared that the provision, contained in Article 21, that "such bodies (the religious communities) may found schools for the education of children in their own language . . ." might be interpreted in a restrictive sense.

M. DE CAIX replied that such was not the purpose of the passage, which did not imply a limitation but was merely an example illustrating the general mention of the rights of the communities, and pointing out one of the most essential of them.

Count DE PENHA GARCIA gathered that, in the view of the French Government, the case of property owned by the communities was covered by the provision in question.

M. DE CAIX stated that such was certainly the case.

Mlle. DANNEVIG quoted Article 6 of the Syrian Constitution, which stipulated that all Syrians should be equal in the eyes of the law. She wished to know whether members of minorities were naturalised as citizens, or whether they were merely fugitives living on Syrian territory.

M. DE CAIX replied that certain members of minorities might perhaps not yet have acquired Syrian nationality owing to their not having been settled in Syria for a sufficiently long period, but that, in fact, the great majority of the immigrants belonging to minorities possessed rights of citizenship and of voting. Even the Assyrians, who came last, became citizens after they had resided for a sufficient period in the country.

Mlle. DANNEVIG pointed out that, under Article 15 of the Syrian Constitution, the State was to guarantee and protect the free exercise of all "forms of worship" consistent with public order and good morals. Article 28, in connection with similar guarantees, used somewhat different terms and spoke of "religious communities", while Article 15, a little lower down, spoke of "peoples, to whatever creed they belong". Might not those variations in terminology lead to differences in the treatment accorded?

M. DE CAIX did not think that there was anything intentional in the use of these varied terms or that they implied any discrimination; since it was difficult to conceive a form of worship inconsistent with public order and good morals, it followed that anybody could set up a church and conduct religious services therein. The word "peoples" should not be interpreted in this connection as conflicting with the word "citizens". Moreover, M. de Caix did not think that practical minds should attempt to criticise the texts too fastidiously; their wording would be far less important than the influence which the ex-mandatory Power would retain over the Government of the emancipated country. If that influence were such as might be expected, the simplest texts would be as effective as the others and, at the same time, would cause the minimum of irritation to the country bound by them, and the rights of the minorities would be effectively safeguarded.

Mlle. DANNEVIG wished to know whether the influence to which M. de Caix had just alluded related to the three years' probationary period, or to the full period of validity of the Treaty.

M. DE CAIX stated that the Treaty had been concluded to cover, not the three years' probationary period during which the mandate would be still in force, but the ensuing twenty-five years.

The CHAIRMAN said that every member of the Mandates Commission had been struck by the terms of the letter sent to the President of the Council of the Syrian Republic by the High Commissioner of the French Republic on the subject of minorities (exchange of letters No. 5, page 212 of the report). Syria was, so to speak, just an aggregate of minorities, and minority questions had always, in the case of Syria, been the chief anxiety of both the mandatory Power and the Mandates Commission. In spite of the concern shown for the minorities by France and by the Commission, disturbances had, unfortunately, occurred. What had been done to render such incidents impossible in future? A unilateral declaration had been secured from Syria in which it was stated that the Government would ensure respect for the guarantees of civil rights stipulated by the Syrian Constitution in the interests of individuals and communities, and would ensure that those guarantees should have full effect. The High Commissioner of the French Republic, in acknowledging receipt of that communication, described it as "gratifying".

M. de Caix appeared to think that that interchange had ensured the greatest possible degree of security for the minorities. But the Chairman, for his part, failed to detect therein any obligation undertaken by France, nor did he see how France could compel the Syrian

Government to respect its undertaking. If the texts relating to the Lebanon were a little more explicit, the reason was, no doubt, that the Syrians had shown themselves more stubborn than the Lebanese in the matter of the protection of minorities. To be content merely with the exchange of letters No. 5 would be tantamount to handing over the minorities to the whim of their new Syrian masters—whereas even in States such as Czechoslovakia, which had agreed to a special system of legal protection for their minorities, the problem had remained acute.

M. de Caix had also stated that it would be for the League of Nations to insist upon additional guarantees if those were deemed desirable; but any such demand on its part would meet with the same resistance as had the proposals made by the French Government. The protection of minorities was certainly the weakest part of the system suggested by that Government, although it might have been expected to be the strongest.

M. DE CAIX could not share the scepticism shown by the Chairman about the value of the exchange of letters No. 5. That it created no obligations for France was incontestable, but it gave that country a right on which all the traditions and principles of French politics bestowed serious significance; Syria, on the other hand, was incontestably accepting an obligation from the fact that the declaration of Jamil Mardam Bey to M. de Martel was included in the series of texts which constituted the Treaty.

The Chairman had pointed out that even a Convention such as that signed by Czechoslovakia was not completely reassuring. The question was therefore one of fact and, in the case of Syria, the presence of the Allied Power would constitute a guarantee that was not to be found elsewhere and gave the texts, however general they might be, a value which nothing similar conferred upon such texts in the other minority countries.

Mlle. DANNEVIG of course had complete confidence in the good faith of France and of the accredited representative, but added that she still felt some concern on this point, for M. de Caix had employed very similar words to those used by Sir Francis Humphrys on the occasion of the emancipation of Iraq. The important thing was not to irritate the coming Government. Such an attitude seemed to her to imply weakness, and it was a fact that provision for the protection of minorities was not made in the Treaty itself, but merely in an annex.

M. DE CAIX admitted that the stipulation in question only appeared in an annex; but that was of no practical importance, since the annexes and the Treaty proper were of the same value. In a general way, the special provisions were included in the annexes, and the Treaty proper was reserved for general provisions; this form of presentation resembled that which already to a large extent characterised the Anglo-Iraqi Treaty. It had been possible to adopt this form in the case of Syria to avoid giving offence to Syrian susceptibilities, but the mandatory Government could not be blamed for such an arrangement and, in any case, the Treaty of December 22nd, 1936, stipulated guarantees for the minorities which were not mentioned in its Iraqi prototype.

Count DE PENHA GARCIA felt that the question of teaching was of the utmost importance to minorities. Article 21 of the Syrian Constitution laid down that primary education was compulsory for all Syrians of both sexes and was to be given free of charge in the public schools. Article 28 did, indeed, stipulate that the rights of the different religious communities were guaranteed and that such bodies might found schools for the education of children in their own languages, provided always that those schools conformed to the principles laid down by the law. But how did Article 21 affect Article 28? Would it not be possible, by recourse to the provision in Article 21, specifying that education should be given free of charge, to compel the children of members of minorities to attend State schools?

M. DE CAIX did not think so. In France, for instance, primary education was compulsory, and children educated in free schools were considered to be receiving such education and satisfying the law. The gratuity was a facility granted to families, with no obligation to make use of it. There was certainly no contradiction to be found between Articles 21 and 28 of the Syrian Constitution; to deny the second under the pretext of applying the first would be too formal and too flagrant a violation of the law for it to be feared.

M. SAKENOBE asked whether the mandatory Power had drawn up a definite plan for judging, in the course of the probationary period, whether the Syrian Government was capable of handling the minorities as it should.

M. DE CAIX did not think—M. Sakenobe might have definite suggestions to put forward on the question—that it would be possible to impose any test upon the Syrian Government beyond encouraging it to observe the Constitution and to carry out the undertakings it had assumed *vis-à-vis* the mandatory Power. If the Government carried out its duties properly, it would be deemed to have emerged satisfactorily from the test.

The CHAIRMAN said he would like to read to M. de Caix Sir Francis Humphrys' declaration of June 19th, 1931, relating to the protection of minorities in Iraq: It was as follows:

“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.” (See Minutes of the Twentieth Session, page 134.)

Due note had been taken of that statement by the Mandates Commission, which had reproduced it in its report to the Council. M. de Caix would doubtless agree that it was more substantial than the mere letter put forward by the French Government. At the same time, the Chairman did not intend to press the French Government to make a statement similar to that of Sir Francis Humphrys, who doubtless had had occasion bitterly to regret his words some six months later, when certain events familiar to all had occurred.

The exchange of letters submitted by the French Government represented a much more cautious undertaking than that contained in the statement of the British High Commissioner, who, as was known at the time, was to become his Government's Ambassador to the Iraqi Government. Sir Francis Humphrys' declaration, clear as it was, had nevertheless been as unavailing to prevent the incidents that had occurred in Iraq as to ensure reparation to the victims of those incidents. Further, France assumed no responsibilities as a result of the exchange of notes. For his part, M. Rappard had only been able to approve the report on Iraq by the Mandates Commission at the price of violence to his convictions, and he had sworn never to fall into the same error again : it was for that reason that he was so anxious to-day to secure the fullest guarantees for Syrian minorities.

M. DE CAIX said that he was aware of the extent to which the Iraq precedent affected the question of Syrian emancipation ; nevertheless, he believed that the circumstances were different in the two cases. In the first place, the stage of procedure reached in Iraq when Sir Francis Humphrys had made the statement just quoted was more advanced than the stage now reached in Syria. Above all, the Franco-Syrian Treaty contained an undertaking on the part of Syria which gave the French Government a legal basis entitling it to ensure respect for the constitutional provisions by which minority rights were secured. There was no undertaking of that type in the statement just referred to by the Chairman.

The CHAIRMAN stated that, in his view, the difference resided in the fact that in one case there was a strong declaration devoid of legal basis, and in the other a fragile legal basis without any declaration. He admitted that the stage of procedure now reached in the matter of Syrian emancipation was not the same as that prevailing on June 19th, 1931, in connection with the emancipation of Iraq. But he hoped that the French Government would, at the suitable moment, assume some more definite obligations based upon stronger foundations.

Mlle. DANNEVIG enquired whether all Assyrians would possess Syrian citizenship by the time the Treaty came into force. It was well known that they had not been very welcome in Syria. In Iraq, they had remained mere refugees, and therefore had not been sufficiently protected by the minority guarantees. The position of a certain number of Jews was similar, she thought.

M. DE CAIX declared that the measures taken some time ago in the case of Armenians entering Syria enabled him to reply to Mlle. Dannevig's question in the affirmative.

The CHAIRMAN pointed out that, as the Armenians had obtained their naturalisation while the country was under mandate, it did not follow that they would have done so if the Syrians had been free to act as they pleased.

M. DE CAIX observed that all the Assyrians settled in Syria would undoubtedly become Syrians within the next three years. It was not very clear from whence future large groups of refugees would come.

#### MILITARY ORGANISATION.

Count DE PENHA GARCIA pointed out that, under the terms of the Military Convention, the French Government “ had agreed to maintain troops in the Jebel Druse and in the Alawite territories for a period of five years beginning with the entry into force of the Treaty ” (page 205 of the report). He asked whether that provision had been motivated by apprehensions relating to those territories,

M. DE CAIX replied that the provision was due to considerations which were not all of them common to both territories. In both cases, it was useful to maintain French forces whose presence would tend to discourage, first, officials sent from Damascus from making trouble among the population, should they feel disposed to do so, and, secondly, the leaders of the people from opposing unjustifiably the institution of the new regime. Such a precaution was particularly important in the Jebel Druse, a difficult border region where any disturbance might place Syria in an awkward position and involve the mandatory Power undesirably. In the case of the Alawite district, situated on the sea coast, it was only natural that a military occupation intended to disappear gradually, in proportion as the organisation of the Syrian forces became effective, should remain somewhat longer there than in the interior, while gradually withdrawing to its maritime bases. Those were the somewhat complex reasons for the military clauses to which Count de Penha Garcia had drawn attention.

#### DEVELOPMENT OF THE POLITICAL SITUATION : PAN-ARAB MOVEMENT. ELECTIONS.

M. PALACIOS wished to have a clear idea of the general political problem. The report stated that, after a period of disturbance, an agreement had been reached in November 1936 regarding a treaty for the State of Syria ; the formalities in connection with that treaty were not yet concluded, and its coming into force was subject to certain conditions. As a logical sequel to that example, a similar treaty had also been concluded in December of the same year with the Republic of Lebanon. The regime of the Druse and Alawite territories, which were joined to the former State while maintaining certain peculiarities of their own, had also been included in the settlement, which seemed to have brought about a rapid pacification in the country, which augured better things for the future.

It was precisely in that connection that M. Palacios wished to have some additional information. To what extent had pacification been achieved ? Judging by the petitions, it seemed that certain claims were being made which tended to exaggerate and to push to their extreme limits the demands of the parties which had formerly been in opposition and which were now in power. On page 12 of the report, reference was made to certain disturbances in Lebanon which had coincided with the publication of the Treaty or followed close upon it. There had been comments in the Press on the discontent among the Druses and Alawites. What was the present position as regards relations between Syria and Lebanon and what stage had been reached in the problem of Syrian unity ? M. Palacios also wished to know how the events in Palestine had influenced Syrian politics and what importance and significance should be attached to the Congress of Bludane.

M. DE CAIX explained briefly that the Treaty had eased the situation in Syria, since the moderate nationalist section as a whole had received satisfaction ; it had accordingly prevented the resumption of the shop strike in Damascus and in the other four chief towns of Syria, and had decided to tread the path of collaboration with the mandatory Power. Undoubtedly, there still remained the opposition of the extremists, which was manifested in various ways ; but it was due, at least in part, to the natural tendency of politicians when out of office to attack those in power.

As regards the Pan-Arab movement, there was no doubt that the Syrians entertained a common feeling with the Arabs—a feeling latterly directed against Zionism. More than once, the mandatory authorities had had to intervene to prevent the despatch of arms to the Arabs in Palestine. There existed a kind of irredentism in relation to Palestine, as was clear from those petitions which referred to the Tripoli region as “ Northern Syria ”—a description which a glance at the map would reveal to imply an identification of Palestine with “ Southern Syria ”. As to the existence of a Pan-Arab movement aiming at wide political unity, judgment should, for the present, be withheld.

The disturbances in Lebanon were of a different character from those in Syria : they were not due to opposition to the mandate, but to opposition to the existence of Lebanon as an independent State, so far at any rate as its present territorial structure was concerned. Hence arose demonstrations against the Franco-Lebanese Treaty, the effect of which must be to strengthen the independent existence of the Lebanese State.

Among the Alawites and Druses the Treaty had met with a reception which, if not enthusiastic, was at any rate resigned ; and the notion of a Syrian regime had been accepted as soon as it was found that the mandatory Power was favourable to it, although determined to secure guarantees in favour of the populations of the two hitherto autonomous Governments. The Syrian authorities had certainly acted clumsily in the beginning, and the Mohafez sent to the Jebel Druse had had to withdraw ; he was now to be replaced by a member of the leading family in the country. The Syrians appeared to have learnt the lesson of their early contacts with the Druses and the Alawites and to realise that those particularist populations had to be handled with care. They were beginning to learn from experience. Elections to the Damascus Parliament had just been held, without marked disturbances, in the Alawite country and further elections were impending in the Jebel Druse.

It was justifiable to hope that the situation would calm down, especially if Damascus were wise enough to respect the privileged treatment reserved by the texts for the two provinces recently incorporated with Syria, particularly in the matter of local recruiting of the majority of the officials. The presence of French troops in those provinces, which was intended to last for five years after the coming into force of the Treaty, was, moreover, likely to ease the process of transition.

M. PALACIOS drew M. de Caix' attention to an article published in *Humanité*, of April 27th, 1937, which stated, *inter alia*, that the legislative elections in Beirut had been conducted at the point of the bayonet, that the popular and democratic voters had been violently assaulted, etc. The article also dealt with the phalanxes of the Fascist party styled the Syrian Popular Party, and with Dagnaks alleged to be Armenian Fascists, etc. Was there any truth in these reports?

M. DE CAIX said that he had never heard of those incidents. The elections had taken place normally: that did not mean, certainly, that everything had gone perfectly. The word "Fascist" had no meaning in Lebanon. In no case had the voting-urns been guarded by the representatives of any party, and the number of voters showed that the electors had not been intimidated. The article in question seemed to be inspired by complaints from a party which had withdrawn from the struggle when it had seen that it would be in the minority.

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### THIRD MEETING.

*Held on Tuesday, November 9th, 1937, at 10.30 a.m.*

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#### **Syria and Lebanon: Examination of the Annual Report for 1936 (continuation): Franco-Syrian and Franco-Lebanese Agreements of 1936 (continuation).**

#### REACTION IN SYRIA TO THE COUNCIL'S DECISION CONCERNING THE STATUS OF THE SANJAK OF ALEXANDRETTA: PETITIONS.

M. GIRAUD pointed out that the report, on page 6, indicated that even after the decision of May 29th, 1937, uneasiness had continued, owing to the strength of the vote by which the Syrian Parliament had declared its opposition to the agreements relating to the Sanjak. He asked whether, since the report had been drawn up, opinion in the Syrian Parliament had altered.

The CHAIRMAN wished to point out, in the first place, that, in the matter of the Sanjak of Alexandretta, the Council had taken a decision<sup>1</sup> on which the Mandates Commission could not pass any opinion, and, in the second place, that this was an event which had occurred in 1937—that was to say, after the period dealt with in the report of the mandatory Power. It seemed only reasonable, however, to enquire into the effect which that matter had had on public opinion in Syria.

M. DE CAIX stated that no change had been noted in Syrian Parliamentary circles in connection with the decision taken by the Council.

M. DE HALLER recalled in this connection that, the French Government had forwarded a number of petitions concerning the Statute of the Sanjak (document C.P.M. 1957), declaring in its covering letter that it had "not considered it necessary to make observations on the documents which refer, not to the application of the new texts, on which it will report to the League of Nations until the mandate expires, but to their actual provisions, which have been laid down by the Council of the League of Nations".

Furthermore, during the thirty-first session, the Chairman had rejected a considerable number of petitions on the same subject, giving as his reason that, since the Council had taken a decision on the Statute of the Sanjak, that Statute had become an integral part of the mandate and that, consequently, any petition directed against the new Statute should be judged irreceivable "just as a petition protesting against the terms of the mandate would be".<sup>2</sup> The Commission would doubtless take account of that precedent in giving its opinions on the new series of petitions.

#### DIPLOMATIC AND CONSULAR REPRESENTATION OF LEBANON.

M. SAKENOBE noted, on page 237 of the annual report, that in the exchange of letters No. 3, concerning the Treaty between France and Lebanon, "the Lebanese Government requested the French Government to undertake the protection of Lebanese nationals and interests, in accordance with the international practice followed in such cases, whenever the Lebanese Government was not directly represented." What did the words "directly represented" signify? This general surrender of the protection of nationals and interests gave the impression that the independence of Lebanon might be somewhat affected.

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<sup>1</sup> See *Official Journal*, May-June 1937, page 329.

<sup>2</sup> See Minutes of the Thirty-first Session of the Commission, page 182.

M. DE CAIX replied that this text referred to the period which would follow the admission of Lebanon to the League of Nations. That country could, if it deemed it advisable, have its own—that was to say, its direct—diplomatic representation, in foreign countries. Nevertheless, it was to be expected that, for various reasons, Lebanon would not be represented in every country and, in that case, the French Government would undertake to represent Lebanese interests.

In reply to a further question from M. Sakenobe, M. de Caix specified that this would apply to diplomatic and consular representatives. He pointed out that, if a diplomatic representative of Lebanon residing in a country A were at the same time accredited to the Government of a country B, he need not reside in the country B. In other words, the expression “directly represented” did not imply the necessity of having a representative residing in the country itself; it would suffice that a representative should be accredited to the Government of that country.

In any case, this clause could not be regarded as being in any way an infringement of the independence of Lebanon. It was a service freely accepted by the Lebanese Government. Moreover, if M. de Caix were not mistaken, the Anglo-Iraqi Treaty contained an identical provision.

The CHAIRMAN pressed the point. While outwardly it would appear that the French Republic was rendering a service to the Lebanese Republic at the request of the latter, might not the service in reality be imposed—or, say, simply rendered—to economise the public finances of Lebanon?

M. DE CAIX replied that there had never been any controversy in the matter, since the Lebanese Government was free to forgo that service at any time by accrediting representatives to any country it chose.

M. SAKENOBE noted that the exchange of letters No. 4 referring to the Franco-Lebanese Treaty (page 238 of the report) dealt with “the creation of posts of Lebanese attachés to the diplomatic and consular representatives of the French Republic in towns where Lebanese interests justified such an action”. What was the rôle of these attachés? Did they act on behalf of the Lebanese Government or as members of the French Embassy or Consulate?

M. DE CAIX replied that a distinction should be made between the present situation and that which would follow the emancipation of Lebanon. At present the Lebanese attachés provided for in exchange of letters No. 4 could not act on behalf of the Lebanese Government, as Lebanon did not yet enjoy the international status of an independent State. If, after the emancipation of Lebanon, such agents were maintained in French diplomatic or consular posts, they would undoubtedly act on behalf of the Lebanese Government.

MILITARY ORGANISATION (*continuation*) : SUPERVISION OF THE FRONTIER BETWEEN SYRIA.  
AND PALESTINE.

M. SAKENOBE noted that the clause in Article 5 of the Franco-Lebanese Military Convention (page 232 of the report) according to which “the French Government undertakes to maintain units of the French land, air and naval forces on Lebanese territory until a new agreement is reached between the two High Contracting Parties” was not present in the Military Convention concluded with Syria. He wished to know the reason for that difference.

M. DE CAIX replied that the principal difference was that the Franco-Syrian Military Convention specified that French troops should be present at certain points, whereas in the case of Lebanon, those points were not specified and the choice of them was left to the decision of the two Governments and would be settled by a future agreement. Such was the purport of Article 5 of the Franco-Lebanese Military Convention. There was, therefore, no difference of principle between the two military Conventions, but merely a difference of detail in application.

The CHAIRMAN observed, in this connection, that the Franco-Syrian Military Convention provided that French troops should be stationed in the Jebel Druse and in the Alawites territory. Should that be regarded as a service rendered by France to Syria in order to guarantee the loyalty of certain populations?

M. DE CAIX replied that that interpretation was incomplete. The presence of French troops would provide guarantees both for the populations and for the Syrian Government. The presence of troops, which was intended to facilitate the establishment of the new regime in the two provinces, was, moreover, merely provisional.

In reply to a further question by the Chairman, he said the object of this measure was not only to ensure internal order, but also to avert the danger of troubles coming from outside a frontier and difficult country; that country might easily become the scene of events which Syria would, for the time being, have great difficulty in meeting. The maintenance of forces in Alawite territory was explained by the needs arising out of the application of the Treaty, which provided for a reduction of French troops; this was to be effected by withdrawing the troops to their base—that was to say, towards the ports on the coast. In short, those measures might be said to be due to two reasons: on the one hand, the necessity of ensuring

in an atmosphere of calm the transition from the former regime to that granted to the two provinces, and, on the other hand, the advisability of avoiding the occurrence of disorders on the frontier until such time as Syria would be able to meet her normal military responsibilities.

Mlle. DANNEVIG supposed that the military clauses of the Franco-Syrian Convention were practically identical with those of the Anglo-Iraqi Treaty. Under those circumstances, what would happen in case of conflict between Syria and a possible Jewish State in Palestine? Would the French be obliged to help the Syrians?

The CHAIRMAN pointed out to Mlle. Dannevig that the alliance was definitely defensive and not offensive, in character.

M. DE CAIX made the same observation, and added that the French Government would obviously never support the Syrians if they sent bands into Palestine. Even under the present regime, the French Government opposed the passage of armed bands and arms from Syria to Palestine.

M. SAKENOBE asked what was the percentage of officers and soldiers recruited in Lebanon, and how the Lebanese forces would be recruited and trained in the future.

M. DE CAIX was not in a position to give an exact answer on the first point. It would be noted that in the list on page 45 of the annual report there was a mention of "two battalions of Lebanese light infantry", and he could state that these were troops which, to an increasing extent, were special to Lebanon only. The process had already begun of separating Lebanese soldiers from the troops which were to form the Syrian army, and *vice versa*. That process was to be completed during the preparatory period. Measures had also been taken to prepare the two local armies to carry out their particular tasks and a certain number of officers were receiving special training for that purpose. Both States being independent, there would be two armies, one Syrian and the other Lebanese, each having such organs as might suffice of themselves, regard being had to their restricted effectives.

M. SAKENOBE asked whether all the officer cadets would then be trained in the military academy at Homs, in Syria.

M. DE CAIX replied that this would not necessarily be the case. Perhaps the Lebanese Government would wish for its own means of training its officers, either in Lebanon or in a French academy.

M. SAKENOBE noted, on page 47 of the report, that the armed forces had had a great deal to do as a result of the political situation in the two countries. He wished to ask whether the work of the patrols posted to the north of the Palestine frontier, so as to prevent armed bands from crossing, or arms being smuggled across, had been entirely successful. He understood that armed bands had contrived to elude the frontier patrol and make their way into Palestine and had then, when the troubles were over, been able to return without any questions being asked.

M. DE CAIX replied that seizures of arms had been made and that the patrols had succeeded in holding up at the north frontier groups anxious to go to Palestine to participate in the disturbances there. He wished to ask, however, whether the Commission had heard rumours of complaints about the inadequacy of the chain of patrols stationed by the mandatory Power for frontier control and for forcing back those who would have liked to cross to fight in the neighbouring country. If the Commission had not received any complaints, it seemed likely that the control had been satisfactory. For his part, he had not heard it said that the British authorities had questioned the sincerity or efficacy of the work that had been done, despite the length of the frontier and the difficult nature of the country. M. de Caix wished to point out to M. Sakenobe that it would be easier for Syrian bands to return than to leave the country, as the men would pass unnoticed seeing that they would no doubt be unarmed on returning to Syria.

M. SAKENOBE said that the United Kingdom Government had recognised that the task of keeping watch on the frontier was a difficult one, and had reported that there had been a certain amount of arms smuggling, without, however, giving its origin, or mentioning the points where the frontier had been crossed. There was also, of course, the frontier with Trans-Jordan and Iraq. No complaint had been made concerning the work of the troops on the Syrian frontier. Were the patrols in question composed of Lebanese units or of French?

M. DE CAIX replied that all police duties were usually entrusted to special Levantine troops consisting of Syrians and Lebanese. French troops had only to assist them in exceptionally difficult circumstances.

M. SAKENOBE said that, according to the Damascus newspaper *La Chronique*, of July 20th, 1937, "the High Commissariat had had a great many extensive pieces of land in the Bekaa expropriated, with a view to military building". Was that statement true? And if so, what were the reasons for that "extensive" undertaking?

M. DE CAIX had no information on that point.

The CHAIRMAN thought it might be concluded that, as stated on page 47 of the report, "despite the improvement in the special Levantine troops, their value still depends, to a great extent, on their French *cadres*".

#### DATE OF RATIFICATION AND ENTRY INTO FORCE OF THE AGREEMENTS OF 1936.

The CHAIRMAN asked when the Treaties would be ratified by the French Government. That question was important, since the preamble of the Treaty stated that the probationary period of three years must start from that date.

M. DE CAIX wished to correct the Chairman on one point. In view of the delay inevitably caused by certain circumstances in the ratification of the Treaties, M. Viénot had sent a letter to the two Governments concerned, informing them that the three-year period started from January 1st, 1937, it being understood that the measures laid down as necessary for carrying out the Treaties would have been taken during the preparatory period.

As regards ratification, a draft law had been submitted on July 6th, 1937, a report had already been drawn up for the Senate, and a rapporteur had been appointed for the Chamber of Deputies. It was clear that ratification would only be voted after the Treaties had been thoroughly discussed by the French Parliament, in which a number of political groups were particularly concerned with the future of minorities. In short, the ratification procedure had already begun, and there could be no doubt that the two Chambers would not refuse to ratify the texts which were the result of a prolonged policy.

The CHAIRMAN concluded that M. Viénot's letter changed the preamble of the Treaties, which provided for "a period of three years from the date of the ratification formalities".

M. DE CAIX explained that, as the Alexandretta case which had been submitted to the League of Nations, had caused a delay in starting the ratification procedure in the French parliament, the Syrian and Lebanese Governments had reason to fear that the time-limits provided for ratification would be considerably extended.

#### QUESTION OF THE INTERNATIONAL OBLIGATIONS ARISING OUT OF THE COVENANT OF THE LEAGUE OF NATIONS AND THE PACT OF PARIS.

The CHAIRMAN pointed out that, as M. de Caix had stated, the negotiations were based, in various respects, on the Anglo-Iraqi precedent. The Anglo-Iraqi Treaty contained a clause of which no trace was to be found in the Franco-Syrian Treaty. He referred to Article 9, which was worded as follows :

"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 the twenty-seventh day of August one thousand nine hundred and twenty-eight."<sup>1</sup>

Could this omission be explained?

M. DE CAIX admitted that he had never noticed that difference. Though he was not able to furnish an explanation given by the negotiators themselves, he thought it might be found in the fact that it had been inconceivable in France that the Treaties with Syria and Lebanon might be in opposition to obligations assumed by the French Government towards the League of Nations. Moreover, the admission of Syria and Lebanon to the League would *ipso facto* involve the acceptance by those two countries of the obligations incurred by its members and, pending their admission, that acceptance resulted from the obligations of the mandatory Power responsible for the foreign relations of the two countries.

#### UNIFICATION OF THE FISCAL REGIME AND PROGRAMME OF ADMINISTRATIVE REFORMS IN LEBANON.

M. PALACIOS observed that, in the case of Syria, there was no exchange of letters similar to exchange No. 6 (a) (page 241 of the report) providing, as regards Lebanon, for the unification of the fiscal regime and a programme of administrative reforms. Was that due to the fact that all the necessary measures in both respects had already been taken in Syria? On page 12

<sup>1</sup> *Treaty Series*, No. 3048, Volume CXXXII, page 363.

of the report an attempt was made to explain the difference by pointing out that the unification of the fiscal regime in Lebanon "is intended to abolish certain inequalities which subsisted in respect of taxation between the former autonomous territory of Mount Lebanon and the territories joined to Lebanon in 1920". Could the accredited representative give further explanations?

M. DE CAIX replied that the difference was due to the fact that a special problem had had to be solved as regards Lebanon since that country consisted of two kinds of territories; on the one hand, the central part, which consisted of the former Mount Lebanon, the Statute of which had been fixed after the French expedition of 1860; under that statute, Lebanon enjoyed a special and privileged regime; on the other hand, the parts of former Ottoman vilayets annexed to Lebanon in 1920, which had a fiscal regime different from that of the Mountain, though the difference had been considerably reduced as a result of successive measures. The aim of the exchange of letters No. 6 (a) was to remove any valid cause of protest on the part of the populations joined to Lebanon by doing away with the remaining fiscal differences which the anti-Lebanese opposition constantly denounced. Complete fiscal unification had been brought about almost immediately after the conclusion of the Treaty by a Lebanese Law dated December 1936.

#### MUNICIPAL ORGANISATION IN LEBANON.

M. PALACIOS noted, on page 161 of the annual report, that the mandate of two municipal commissions in Lebanon—namely, those of Beirut and Tripoli, had expired in 1936. A law of May 14th, 1936, had postponed the municipal elections of these two towns until the month of May 1938. What were the reasons for that postponement? According to the terms of the law it would appear that, although the elections had been postponed, the commissions had been replaced by others consisting of appointed instead of elected members. Was that the case?

M. DE CAIX replied that the administration of municipalities such as Beirut or Tripoli was much more complicated than that of village municipalities. The interests that might be affected were much greater and the administration was more influenced by politics. The municipal elections had been adjourned in order that they should only take place when other political questions concerning the entire country had been settled. It had not been desired that the date of the municipal elections should be too close to that of the legislative elections, which it was foreseen would be necessary as soon as a decision had to be taken regarding the municipalities of Beirut and Tripoli.

In reply to a further question by M. Palacios, M. de Caix said there were some foreigners in the municipal commission of Beirut, which, under the Ordinance of April 21st, 1926, had to comprise twelve Lebanese and four foreigners.

#### GENERAL ADMINISTRATIVE REORGANISATION IN SYRIA : ORDINANCE OF JANUARY 10TH, 1936.

M. PALACIOS recalled that the annual report for 1935 had given the main lines of the Syrian administrative reorganisation decreed by Ordinance No. 52/L.R., of January 10th, 1936. The report for 1936 (pages 73 and 74) stated that it had hitherto been possible only partly to apply that reorganisation on account of the political situation. It appeared that an effective application in the near future of the principles contained in the High Commissioner's Ordinance must be of great importance for the future development of Syria. The annual report clearly showed the difficulties encountered which were no doubt transitory.

It was stated on page 75 of the annual report that the replacement of the Mukhtars, which should have taken place at the end of 1936, had been postponed. Their mandate had been extended for three months and the elections had been postponed until the new constitutional Government assumed office. The latter had stated that it would publish a text with a view to the election of the Mukhtars at the beginning of 1937. Had such a text actually been published?

M. DE CAIX replied that the partial application of the provincial reform enacted by the High Commissioner's Ordinance of January 10th, 1936, was only accidental. Last year, the provisional Government, which had been in office almost throughout the year, had thought fit to leave it to the constitutional Government which was to succeed it to put this reform into effect. Its application was obviously necessary and would form part of measures to be taken during the period preparatory to putting the treaty into force.

The reason why the replacement of the Mukhtars had been postponed was easy to understand: since the Syrian elections had to take place at the end of 1936, it was not very advisable to proceed at the same time to the election of the Mukhtars in a country which had recently been and might again be disturbed. M. de Caix did not know whether the Mukhtars had been elected at the beginning of 1937.

#### ADMINISTRATIVE ORGANISATION OF THE JEBEL DRUSE.

M. PALACIOS noted that the annual report (page 7) gave a somewhat brief account of the organisation of the new administration in the attached district of the Jebel Druse. Certain difficulties had arisen during the first period. The delegate of the High Commissioner exercising



the office of Governor had in fact been replaced (see Ordinance No. 25/L.R., of February 4th, 1937) by a representative of the Syrian Government. The first representative (deputy for Homs and former Minister) had himself been replaced on the expiry of his provisional mandate of six months by an "interim Druse". What was meant by that expression "interim", and what was the final solution proposed for the administration of the district?

On the other hand, *Le Temps*, of September 27th, 1937, referred to negotiations in order to fix the date of the elections and the final appointment of a Governor. Those negotiations were said to have taken place between the Syrian Government and the Emir Hassan-el-Atrash. In what capacity had the latter taken part in those negotiations? Was the accredited representative able to add any information to that contained in the annual report?

M. DE CAIX replied that there was still a delegate of the High Commissioner in the Jebel Druse, but that the administration of the country had been transferred to a Syrian Governor. The latter had not succeeded in his task and had had to withdraw. Hassan-el-Atrash belonged to one of the most powerful families in the country. It was in that capacity that he had been called upon to play a part: he would no doubt be appointed Governor after the election of the Druse deputies in the Syrian Parliament which would take place under an interim governor.

The CHAIRMAN understood the position to be as follows: The Central Government, in order to carry out its wishes, had delegated a Governor who had not succeeded; and it had found it advisable to replace him by someone who, on account of his reputation and prestige, would inspire confidence among the persons under his administration. But he remained primarily a Governor—that was to say, an official instructed to carry out the intentions of the Central Government. But did that fact not prove the necessity for wide decentralisation, not only in the administrative structure and in the staff but also in the measures to be taken by the Governors? Unpopular measures could not in fact be applied by a man who held his post more through the confidence of the persons under his administration than of his chiefs.

M. DE CAIX replied that decentralisation existed in the Jebel Druse inasmuch as the regime which had existed at Alexandretta since the beginning of the mandate was applied there. It was the same in the Alawite country. It was obvious that, if a notable of the country were appointed Governor, he could intervene between the Central Government which had appointed him and the population, over whom he had an influence which had marked him out for the choice of the Government.

The CHAIRMAN agreed that it was always a good course to appoint officials who were liked by the persons under their administration. But, in the present case, a crisis had occurred and the Central Government had had to replace its own delegate by a man of the country. That involved a certain contradiction. That man, who appeared to be loyal to the persons under his administration rather than to his chiefs, might be called upon to apply unpopular measures. Was there not a danger that, in that case, he would turn against his chiefs? If that were so, the result would be complete anarchy.

M. DE CAIX replied that, in such cases, it was mainly a matter of tact. It was to be hoped that the Syrian Government would be wise enough not to issue laws which could not be applied to certain provinces, and would show the necessary moderation in the application of laws in districts which were not accustomed to them. Moreover, the Government was not without influence on a Governor enjoying an important local position; such a Governor, and even the patrician family to which he belonged, had rivals, so that it was important for him to obtain the support of the Government which, on its side, profited by his influence. Thus the elements of an acceptable equilibrium existed. It should not be forgotten that in a poor country like the Jebel Druse, the material advantages attached to the office of Governor were very appreciable. The question was therefore much more political than administrative. As the events in question were continuing to take place, M. de Caix was obliged to use a certain amount of caution in his replies, but the general elements of the problem remained constant, and were in accordance with the summary he had just given.

#### ADMINISTRATION OF THE UPPER JEZIREH : DISTURBANCES OF JULY 1937 : PETITIONS : MINORITIES.

M. SAKENOBE observed on pages 8 and 9 of the annual report that violent incidents had broken out in the Upper Jezireh in July 1937 and that a Commission of Enquiry had been sent to the spot. Were the results of that enquiry already known? What measures had been taken to appease the population?

M. DE CAIX recalled that the situation in question had formed the subject of a number of petitions to which the explanations which he was about to give were applicable. At the beginning of the summer, a movement had occurred at Hasetche which had been started by the minorities of the Upper Jezireh. In speaking of minorities, it should be noted that in this district with its mixed population no element was really in a majority. Three gendarmes had



been killed by the population, which was discontented with the attitude of the staff brought from Damascus, and police measures had had to be taken. The military repression which had to be used had, however, related to another point : as a result of the minority movement to which he had just referred, a much more serious movement had been started by Moslem Kurds who had attacked the Christian quarter of the borough of Amouda. The air force and troops had been obliged to intervene. A Commission of Enquiry had been sent out, after which measures had been taken to clear up the situation. The first Governor appointed in the Upper Jezireh had been recalled, together with his assistants, and replaced by a Christian notable—a former Syrian Minister with great experience. Calm had been re-established materially, but it could not yet be said that it existed fully in the minds of the people. The Syrian Government appeared to have realised the situation and was working for appeasement. A long time would, however, be necessary to re-assure the minorities of the Upper Jezireh ; and this was one of the points on which the application of the administrative reform was highly desirable, since the population consisted of a collection of minorities.

COUNT DE PENHA GARCIA had before him certain petitions received by the Mandates Commission. One of those petitions was from chiefs and notables of the Upper Jezireh. They claimed that they had never been placed under the Government of Damascus. It was, moreover, a fact that the Syrians themselves were merely a minority in the district of Upper Jezireh. The petitioners were afraid that the Syrian administration would not in future give them the advantages hitherto conferred on them by the mandatory administration. They were afraid that the Upper Jezireh, the position of which had hitherto considerably improved, might suffer from the new regime. They therefore requested a certain independence from the financial and administrative point of view. They alluded to the regime of the Sanjak of Alexandretta and endeavoured to obtain guarantees that the Syrian administration would not check the progress of the district.

Was that request reasonable, and did the accredited representative think that there were means of giving satisfaction to such a request, for instance, by applying a system similar to that enjoyed by the country of the Alawites and the Jebel Druse ?

M. DE CAIX said that, until the beginning of the mandate, the Upper Jezireh had undoubtedly not been under Damascus. Historically, therefore, the petitioners were right. But, nevertheless, they could not claim to form an independent State, and if they were asked to choose between Turkey and Iraq, neighbouring countries, and Syria, in the last of which they were incorporated, there was no doubt that, representing minority populations, they would opt for Syria. It might be added that, economically, the Jezireh was in the zone of attraction of Aleppo. As regards the regime which they might desire, there was no doubt that decentralisation would suit them and would correspond to the geographical position of the country which had every interest in being Syrian but which was very far from the main centres of Syria.

COUNT DE PENHA GARCIA thought that the question of the Upper Jezireh was of special importance from the point of view of the minorities problem. Admittedly, there were great difficulties in the way of organising Syrian unity ; such unity did not yet exist and it would be difficult to bring it about. There would certainly have to be many tentative steps : it would be necessary to be as liberal as possible, and at the same time to give guarantees to those who showed anxiety. Count de Penha Garcia had noted many signs that this problem of the Upper Jezireh was certainly worthy of attention, since the situation there might be a source of danger for the future. He would be glad therefore if the next report might contain detailed information on the situation in that area and of the various minorities inhabiting it, as well as statistical data, particulars about trade, etc. The question must be considered by the Commission in the light of that information.

M. DE CAIX took note of that request.

Mlle. DANNEVIG asked what the inhabitants of the Upper Jezireh feared in being incorporated with the rest of the country ? Were the dangers to which they were exposed related to religion, or to education, or were they of an economic character ?

M. DE CAIX replied that these fears were the same as those which all eastern minorities subject to the government of a Moslem majority, instinctively felt for historical reasons. The inhabitants of the Jezireh feared the end of the period in which the mandate controlled the action of Damascus in their country and worked for its development.

M. SAKENOBE asked whether the facts set forth in the petitions in document C.P.M.1954, concerning the disturbances at Hasetche, were true.

M. DE CAIX replied that they were, although a certain amount of over-statement must be discounted. Certain officials had acted as if they regarded themselves as being in a conquered country. There was therefore a core of truth in the petitions. The proof of that was that the enquiry had resulted in the removal of all the officials sent to the district where the disorders had occurred.

M. SAKENOBE, in connection with the massacres at Amouda referred to in the same group of petitions, asked what the results of the enquiry had been, and whether the guilty persons had been punished.

M. DE CAIX explained that the incidents at Amouda had been due to a reaction, out of proportion to its cause, against the disturbances at Hasetche set on foot by minorities. The extremists at Damascus seemed to have stirred up Mohammedan fanaticism against the inhabitants of the Christian quarter, who were rescued by a Kurdish chief and by the arrival of French aeroplanes. It would doubtless be impossible to provide proof of the provocations of which certain officials were supposed to have been guilty, but the fact that they had been recalled showed that they were considered, after enquiry, to have incurred responsibilities for which they merited punishment. As just stated, the present "Mohafez" of Jezireh was a Christian, and he was to be assisted by a staff recruited on the spot. While the officials sent to Jezireh might have given cause for anxiety and complaints, the Damascus Government had realised that it should take pacificatory measures and had retracted its steps.

The CHAIRMAN thought all these incidents were scarcely of a nature to re-assure the Mandates Commission. The minimum of wisdom should make the Damascus Government proceed most carefully in the present circumstances. What would happen, once the Syrians, freed from the supervision of the mandatory Power, became their own masters? It was of course difficult at a distance to form a true idea of what was happening; but, when mere speech-making was followed by bloodshed, there was every reason to believe that the situation was serious.

M. DE CAIX quite understood those apprehensions, but pointed out that, in the case under review, it was not the Damascus Government that had been responsible for the Amouda affair: the local officials only could be considered as having been implicated. However that might be, there was a reassuring factor: Damascus had realised that an incident such as this was both unpardonable and, in addition, dangerous for Syrian independence. That explained the measures that had been taken, and it seemed that the heads of the Government appreciated the position and were determined to compel the officials sent to Upper Jezireh to behave properly. Their behaviour would have to be supervised for some time in view of the propensities of too many Syrians belonging to the majority. The Damascus Government was therefore alive to the policy counselled by both justice and prudence.

The CHAIRMAN pointed out that at the end of two years the Syrians would be left to their own devices: he thought that, in so short a time, their change of attitude would scarcely have progressed far enough.

Mlle. DANNEVIG said it appeared from these incidents that the Syrian Government had not been able to keep its officials under control. This was all the more disturbing in that there were minorities in the country, which had been placed there through the offices of the League, as in a place of refuge.

M. DE CAIX said that whatever doubts one might have, it was necessary to face facts. What definite advantage would be gained by maintaining indefinitely a system which was based on ensuring the protection of the minorities by means of foreign officials and foreign troops? How would the Syrians be trained to meet the responsibilities they would one day have to face? The best way to make sure that they made the necessary progress would seem to be to allow them to develop under a mandate exercised with a lighter hand, but still retaining full powers, and afterwards under the new regime with the guarantees afforded by the minority clauses of the treaty. Briefly, the Syrian Government was in a position to influence public opinion—still more the officials who were liable to dismissal. There was every reason to suppose that the lessons learned at the outset had not been lost on the leaders of Damascus.

#### ELECTIONS IN THE TERRITORY OF THE ALAWITES.

M. PALACIOS, referring to the recent elections in the territory of the Alawites, said that the newspaper *L'Orient*, of October 22nd, 1937, described a certain amount of agitation which seemed to be taking place in that territory. According to that paper, a large part of the population was asking that the High Commissioner should intervene, in order that the results of the recent elections might be cancelled outright. Although the period was later than that covered by the annual report, could the accredited representative say whether the statement was true, and if so, what the reasons for the agitation were?

M. DE CAIX replied that the Syrian Government, which had maintained the two local councils entailed by decentralisation, had had to arrange for elections in order that the population of the Government of Latakia might be represented in the Syrian Parliament. It would have to act in the same way for the Jebel Druse. The elections recently held among the Alawites would not seem to have given much cause for complaint. They had taken place exactly as might have been expected in so backward a country, but too much importance

should not be attached to the complaints of those who were not satisfied with the results and wanted to annul them.

In reply to a question by the Chairman on the same point, M. DE CAIX explained that, in particular, the High Commissioner had been blamed for not having intervened on behalf of particular individuals. The High Commissioner had confined himself to advising the electors not to vote for candidates who would be likely to prejudice the positions gained under the previous regime by Alawite notables because they had opposed unity, which they must, if possible, be induced to accept.

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#### FOURTH MEETING,

*Held on Tuesday, November 9th, 1937, at 3.30 p.m.*

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**Syria and Lebanon : Examination of the Annual Report for 1936 (continuation) : Franco-Syrian and Franco-Lebanese Agreements of 1936 (continuation).**

#### JUDICIAL ORGANISATION.

M. GIRAUD said that Decree No. 281/L.R. dated December 15th, 1936 (see *Official Bulletin of the Administrative Acts of the High Commissariat*), laid down certain rules which were applicable in the event of the trial of officials in the High Commissioner's service. The prosecution of officials or agents of all ranks who were under the High Commissioner for disciplinary purposes was subject to the High Commissioner's authorisation if the alleged acts had been committed in the exercise of the official's or agent's duties and whatever his nationality. What were the reasons for that decree ? Did it constitute the introduction of extra-territorial status for the agents of the High Commissariat ?

M. DE CAIX had not studied the decree or gone into the reasons for its enactment. Possibly its object was to protect officials against rash accusations.

M. GIRAUD observed that Protocol No. 4 for Syria (page 226 of the report), which mentioned negotiations to be undertaken with a view to the introduction of a new judicial system, referred to an "agreement of March 1st, 1936". What was that agreement, which had not been mentioned in the body of the report ?

In the case of Lebanon, a similar Protocol (page 248 of the report) did not contain the same particulars regarding either the provisional judicial system or the permanent system to be introduced.

M. DE CAIX explained that the agreement of March 1st, 1936, concerned the principles on which a judicial agreement might be concluded with Syria. The difference between Syria and Lebanon in that matter, referred to by M. Giraud, was due to the fact that the latter State seemed in less hurry than the first for a modification in the action of the French magistrates serving on those tribunals.

Mlle. DANNEVIG noticed, on pages 79 and 80 of the report, that numerous proceedings had been taken against civil servants of the territories. Was the situation revealed by those proceedings normal in a country which it was proposed to emancipate ?

M. DE CAIX explained that the progress made consisted in the fact that the abuses in question were now punished. It was not possible to wait, before emancipating a State like Syria, until it had reached the standard of certain European countries from the point of view of the working of the administrative and judicial organisations. The penalties mentioned in the report had been inflicted by the Syrian administrative and judicial authorities. It could not of course be denied that the action of justice was sometimes hampered by a partisan spirit : but that was true not only of Syria.

#### FREEDOM OF CONSCIENCE.

M. PALACIOS said he had no questions to put to the accredited representative on the subject of freedom of conscience, as this question was included in several of the general issues already discussed ; moreover, there were also petitions relating to particular cases.

Mlle. DANNEVIG observed (on page 76 of the report) that two Moslems who has been converted to Christianity several years previously had hitherto been unable, despite all formalities and representations, to have their change of religion entered in the civic register, and that conflicts between Christian communities were liable to embarrass the Administration. She asked the accredited representative if he could provide further details on those points.

M. DE CAIX recalled that the question had been raised more than once in the Mandates Commission. Syria was a Moslem country and, as such, was imbued with the tradition of the theocratic system in which the conversion of a Moslem to another religion was a crime punishable by death under the Mohamedan law, the spirit of which still predominated.

In Lebanon, the mentality was different. No religious community was in an overwhelming majority, and relations with Western countries were much more developed, and had been so for long past. Conversions, to whatever confession, encountered no obstacles. The converts were usually people of modest standing : in many cases they were women who changed their religion on marriage. Recent Lebanese legislation, of which the Commission had been informed, allowed Christians to opt for the civil law and abandon their religious status as determined, in many respects, by the Mohamedan law administered by the Cadi.

#### CONTROL AND ADMINISTRATION OF THE WAQFS.

M. PALACIOS observed that a certain amount of information concerning the Waqfs was to be found in brief references in the report and in the corresponding tables. There had been no change in the organisation of the Waqfs. The report stated (page 60) " that the opposition to the Waqf organisation had ceased as soon as a Government of the Nationalist Bloc had replaced that of the Sheikh Tageddin "—which showed, according to the mandatory Power, that the Waqf organisation was primarily a political instrument. Control by the Mandatory was less than before. In 1936, the administration of the Waqfs of Syria showed a deficit of £ Syrian 6,000 which was less than in the previous year. In Lebanon there was a surplus of 580,000 francs derived from *istibdal* of immovable property. There was also a surplus in Latakia. In general, the actual annual receipts were still considerably below the estimates (33 million Lebano-Syrian piastres as against 48 millions). The actual expenditure was still some 2 millions below the estimates (33 as against 35 millions).

#### ECONOMIC EQUALITY : COMMERCIAL REGIME : AGREEMENTS WITH IRAQ, GERMANY AND JAPAN.

M. GIRAUD noted a reference on page 18 of the report to a frontier agreement of friendship with Iraq which covered all questions connected with the moving of flocks, pasturage, agriculture, taxes and security, but which did not seem to extend to commercial relations. What treatment was applied in Iraq to goods from Syria ? Had it been modified since 1935 ? There seemed to be a marked disequilibrium to the detriment of Syria in the commercial balance between the two countries.

M. DE CAIX said that the 1935 Agreement had not been modified, but negotiations were contemplated in the near future. A few months previously, an Iraqi minister had gone to Paris, and a programme of commercial negotiations had been drawn up. Up to the present, nothing had come of those negotiations. Iraq had affected to ignore the mandatory Power, and to treat with the Syrian national Government instead, which was not consistent with the mandate system. Iraq was in a position to enjoy the benefits in Syria and Lebanon, on a basis of reciprocity, of the admitted right of mandated countries to give neighbouring States specially favourable treatment ; this right constituted an exception to their obligation to extend most-favoured-nation treatment to all States Members of the League.

M. GIRAUD observed the following statement on page 19 of the report : " An agreement was signed . . . by Germany on January 30th, 1937, under which, in exchange for certain facilities granted to Syrian and Lebanese products entering the Reich . . . ". What were those facilities ? In 1936, Germany had only bought six millions worth of goods from Syria and Lebanon, but had sold them thirty-nine millions.

M. DE CAIX had no information regarding those facilities.

M. GIRAUD pointed out, as regards a further agreement, concluded with Japan, that the report referred to the striking disproportion between sales of Japanese goods to Syria and purchases of Syrian products by Japan, and expressed a hope that the Agreement would result in a really substantial increase of Syrian and Lebanese exports to Japan.

M. DE CAIX said that endeavours had been made to induce Japan to buy raw materials, particularly cotton, in Syria and Lebanon. A system had been set up involving the collection by Japan of a tax on Japanese sales to Syria and Lebanon, the proceeds of the tax constituting a fund for the purchase of a certain quantity of Syrian and Lebanese products as compensation for Japanese sales. The compensation did not amount to much as yet ; but before 1936 such purchases were practically nil, although Japan was already one of the principal exporters to the mandated territories in question.

The CHAIRMAN recognised that there was material progress in Syria's exports to Japan ; but the volume of these exports was still practically negligible compared with Japanese exports to Syria which had risen from 58 to 73 millions. Was it hoped that the system which had been introduced would bring about a better equilibrium ? Syria did not seem to have much to export to Japan.

M. DE CAIX replied that Japan was already a purchaser of cotton, and might purchase much more.

Count DE PENHA GARCIA said that, while he had not examined the Agreements concluded with Japan and Germany from the strictly legal point of view ; he was of the opinion that they undoubtedly conferred certain advantages on Syria and Lebanon.

M. DE CAIX said that, according to the statements of Japanese experts who had visited Syria and Lebanon after touring Egypt, the cotton produced in the territory should have a market in Japan. The cultivation of cotton, it should be noted, was continually increasing, particularly in Northern Syria. No doubt, European countries (including the mandatory Power) stood to lose by the increase of Japanese exports to the mandated territories ; but the latter could not be expected to put up their tariffs in order to keep out imports which were for their own benefit, unless of course they competed with local industries, in which case Customs protection would naturally be required. Territories with tariff freedom *vis-à-vis* Japan would, moreover, always be in a position to take action, should Japanese sales not be sufficiently offset by Japanese purchases.

Count DE PENHA GARCIA was under the impression that Syria's Customs policy would change when the mandate was withdrawn.

M. DE CAIX thought that Syria and Lebanon would take advantage of their tariff freedom to defend themselves against countries which sent them goods without buying an adequate proportion in return. In addition, it would seem that the tendency to create industries of a definitely national kind in Syria and Lebanon, wherever possible, would tend greatly to restrict the markets available to importers to those countries.

#### IMPORTS AND EXPORTS.

M. GIRAUD noted that the Territory's deficit in its trade balance had been steadily decreasing since 1931, chiefly on account of the development in exports, but that it was still considerable. There must obviously be invisible exports ; but were they sufficient to make good that deficit ?

M. DE CAIX replied that he had given last year a rough estimate of the invisible exports from Syria and Lebanon. If those exports did not cover the deficit in the trade balance, how could Syria and Lebanon continue importing as they did. The services of occupation certainly spent a considerable amount ; and there were also remittances from emigrants, profits made on articles finished in the country and re-exported, investments abroad by Syrians, who were heavy speculators, etc. It was probable that, when the deficit in the trade balance was reduced to from 200 to 300 million francs, it would be covered by these invisible exports.

M. GIRAUD observed on page 26 of the report that there was an increase in the production of bananas. Were bananas exported ?

M. DE CAIX replied that the bananas grown were chiefly intended for local consumption. The chief exports which showed a tendency to increase were citrus fruits, oranges destined for France and lemons for England. France, which was at present inclined to admit the oranges from the territory free of quota restrictions, might form a very attractive market.

M. GIRAUD noted (page 29 of the report) that the soap industry in the territory was faring as badly as last year. It was said that this was partly due to the rise in the price of olive oil, and to the decrease in the exports of Syrian soap to Iraq. Was the decrease in the exports to Iraq due to competition between Palestine and Syria ? It would be seen (page 259 of the report) that the Levantine countries had imported some 2 million francs worth of soap from Palestine. The soap industry in Palestine would seem, therefore, to be in a stronger position, and able to produce cheaper.

M. DE CAIX thought that competition between Palestine and Syria partly explained the position. But, in order fully to explain the reason for the decline in Syrian sales, it would be necessary to ascertain whether Iraq had not begun importing cruder and less expensive oils from India to manufacture its own soap.

#### CUSTOMS TARIFF.

M. GIRAUD observed that the Customs receipts were steadily decreasing and that—no doubt, in order to remedy that state of affairs—a surtax of 1,15 had been applied (page 68 of the report). Was that not a somewhat summary procedure? Would not some graduation of this surtax have been preferable? Would it not have been fairer to increase certain duties, but to spare articles of current consumption which were required by the less well-to-do elements of the population?

M. DE CAIX replied that the application of this surtax was certainly connected with the monetary devaluation.

#### COMMERCIAL RELATIONS BETWEEN SYRIA AND PALESTINE.

M. GIRAUD pointed out that the Press had on several occasions mentioned a Syrian boycott movement against Palestinian goods, or rather against the products manufactured by Jewish undertakings in Palestine. Could the accredited representative supply any information on that subject?

M. DE CAIX explained that this boycott was of a sentimental, and not of an economic, nature, and that it had no other motive than hostility to Zionism. Syria benefited by the existing freedom of Syrian trade with Palestine. The position might, however, be different, if industries were established in Palestine financed by Zionism at very low rates of return on the capital invested in them, so that the products of such industries could be sold in Syria at prices below the Syrian cost of production.

#### FISHERIES.

M. GIRAUD noted (page 42 of the report) that sea fisheries still showed little activity—in spite of which they were still liable to a 20% *ad valorem* duty in the Sanjak of Alexandretta and in the Government of Latakia, while the duty had been abolished in Lebanon.

M. DE CAIX thought it would be reasonable to abolish that duty, though it was not the true cause of the stagnation in the fishing industry. The trouble was mainly due to the lack of initiative on the part of the fishermen and to their shortage of capital, as a result of which they were forced to employ rudimentary equipment, and also to the fact that they were held in bondage by the middlemen at Beirut. They were thus unable to make sufficient profits to encourage them to redouble their efforts and acquire better equipment.

#### CONSTRUCTION OF A MIXED STATION ON THE TURCO-SYRIAN FRONTIER.

Count DE PENHA GARCIA asked whether the Syrian Government proposed to build the mixed station which was to operate at Tchoban-Beyli (pages 16 and 17 of the report).

M. DE CAIX said it was the railway company that had to build, and it was in no great hurry to do so, as the mixed station was only required for the Customs service and the company was not sure that the building costs would be covered within a reasonable period.

#### PROPERTY CLAIMS IN TURKEY OF INHABITANTS OF SYRIA AND LEBANON : WORK OF THE FRANCO-TURKISH COMMISSION.

Count DE PENHA GARCIA noted the statement on page 16 of the report that, in order to hasten the settlement of the question of property belonging to Syrians and Lebanese who had left Turkey, the Turkish Government had proposed, at the beginning of June 1937, that the Arbitral Commission provided for in Article 9 of the Convention of October 27th, 1932, should meet in order to examine disputes and appeals put forward by the claimants. The High Commissariat, having accepted that suggestion, the Turkish delegation had arrived at Beirut in June and the first meeting of the arbitral Commission had taken place on June 21st. A little further on there was a reference to a preliminary study of the files by a Sub-Committee. Had the Sub-Committee completed its work?

M. DE CAIX replied that the Franco-Turkish Commission had sat at Beirut for three months, and had not completed its work on October 24th.

#### FRONTIER AGREEMENT BETWEEN SYRIA AND IRAQ.

Count DE PENHA GARCIA referred to the following passage in the report (page 18) on the frontier agreement of good neighbourliness with Iraq: "It should be emphasised that this agreement bears not only the signatures of the High Commissioner and the Iraqi Minister for Foreign Affairs, but also that of the Syrian Minister, M. Saadallah Djabri".

M. DE CAIX said this was in accordance with the spirit of the treaty. There was a tendency to associate the Syrian Minister with the conclusion of agreements with neighbouring countries.

M. SAKENOBE asked what arrangements had been made to settle the Iraqi-Syrian frontier dispute.

M. DE CAIX said there was no frontier dispute, but there were disputes between nomadic tribes which had to be settled. They arose out of thefts of cattle and other similar offences. The authorities had not only to put an end to difficulties between tribes owing different allegiances ; they had also, in agreement with the corresponding services of the neighbouring country, to supervise the passing of tribes from one territory to the other. In Syria these functions were assumed by the Beduin control, which had brought about much better relations between the tribes. The procedure employed to settle disputes was arbitration based on Beduin custom which differed from the laws applicable to sedentary peoples.

#### QUESTION OF THE APPLICATION OF CERTAIN JUDICIAL AGREEMENTS CONCLUDED WITH EGYPT.

Count DE PENHA GARCIA noted that the Egyptian Government had not yet given effect to the draft agreement communicated to it regarding the direct exchange of judicial acts or to the draft convention for the execution of judgments. What was the reason for this ?

M. DE CAIX did not think it could be attributed to a lack of goodwill on the part of the Egyptian Government, but only to technical difficulties.

Count DE PENHA GARCIA thought it important to urge that effect should be given to these draft agreements.

#### DIPLOMATIC RELATIONS WITH COLOMBIA.

Count DE PENHA GARCIA pointed out that the newspaper *Syrie et Proche-Orient* of October 23rd, 1937, stated that Colombia had decided to establish diplomatic representation at Damascus at an early date. In addition, the Colombian Chamber had decided to grant facilities to Syrians. Could the accredited representative state what meaning should be attached to that information ?

M. DE CAIX said there were fairly large numbers of Syrians and Lebanese in Colombia, and this might explain the arrangements for the diplomatic representation of Colombia at Damascus : it could only be consular, however, as long as the mandate continued. Nor did he see how there could be any question of creating Colombian interests of any importance in Syria and Lebanon.

#### QUESTION OF THE ACCESSION OF SYRIA TO THE PACT OF ARAB FRATERNITY.

M. PALACIOS read an article from the Press, not for the purpose of raising objections, but solely in order to obtain information. According to that article, the private secretary of Ibn Saud, Sed Yussed Hussein, had arrived at Damascus with instructions to undertake negotiations with the Syrian Government for the accession of Syria to the pact of Arab fraternity concluded between Saudi Arabia, Iraq and Yemen. It was also learned that the negotiations with a view to the accession of Syria to the pact between Turkey, Iraq, Iran and Afghanistan were about to be concluded.

M. DE CAIX did not see how Syria could accede to such a pact or to any other agreement between foreign nations so long as the Mandate was in force and foreign relations were in the hands of the Mandatory. It was, however, certain that there existed in Syria a feeling of solidarity with the other countries of Arab language, a feeling which might show itself later in accession to a pact of fraternity.

#### EXPROPRIATION BY THE FRENCH LEVANT ARMY OF LAND NEAR BEIRUT : QUESTION OF THE COMPETENCE OF THE FRENCH CIVIL COURTS.

M. GIRAUD said that *Le Temps* of March 2nd, 1937, referred to a case brought before the First Chamber of the Civil Court of the Seine. The French Levant army occupied considerable areas of ground near Beirut, where it had fitted up an artillery park. A company founded to exploit that ground had taken proceedings against the French State in order to obtain payment of compensation for expropriation. The Court had declared itself incompetent to deal with that request. It based its decision on the legal character of the relations between the French State and Syria which was occupied under the mandate of public law entrusted to France



by the League of Nations. The acts carried out under the mandate concerned both the application of international conventions and the external security of the State. Consequently, any disputes to which they gave rise were outside the competence of the judicial authority. The plaintiffs were therefore non-suited and requested to take what action they thought fit. Was the accredited representative able to give further information on the matter ?

M. DE CAIX knew nothing of the matter : he did not see what Court other than the Council of State could be competent in a case of that kind.

#### ANTIQUITIES.

Count DE PENHA GARCIA drew the attention of the accredited representative to the exchange of letters No. 7 between the President of the Council of the Syrian Republic and the High Commissioner of the French Republic (page 221 of the report). It referred to the maintenance, in regard to foreign teaching, welfare and charitable establishments, as well as to missions for archaeological research, of the benefits of the present regime for works and antiquities. Did the expression " present regime " include all the provisions at present in force ?

M. DE CAIX replied in the affirmative. In that connection the High Commissioner had recently decided to make a collection of the documents in force so as to fix the engagements entered upon by Syria. It would, however, be of very great advantage if the Syrian Government were to entrust an institute under Western direction with the duty of controlling excavations by foreign missions for a certain number of years. That would ensure the methodical investigation of soil that doubtless concealed documents by means of which a great part of the history of ancient civilisations might be established. The effect of piecemeal excavations would be irreparable.

#### PUBLIC FINANCE : REIMBURSEMENT OF EXPENSES INCURRED BY THE MANDATORY POWER : FUTURE CUSTOMS ADMINISTRATION.

The CHAIRMAN explained that Article 15 of the mandate for Syria and Lebanon was worded as follows :

" Upon the coming into force of the organic law referred to in Article 1, an arrangement shall be made between the Mandatory and the local Governments for reimbursement by the latter of all expenses incurred by the Mandatory in organising the administration, developing local resources and carrying out permanent public works of which the country retains the benefit. Such arrangement shall be communicated to the Council of the League of Nations ".

The Commission would certainly take note with interest of the exchange of letters No. 11 (page 227 of the report) annexed to the Franco-Syrian Treaty. It showed how the French Government had decided, at the time of signing the Treaty of Alliance, not to ask for the repayment of the expenses mentioned in Article 15 of the mandate. Repayment would be made only in connection with the various installations and immovable property handed over to the Syrian Government, the price of which would be estimated by a mixed committee of arbitration at the time when they were handed over. The same decision had been taken in connection with expenses incurred in Lebanon (page 249 of the report).

M. DE CAIX explained that in 1920, 1921 and 1922, the mandatory Power had incurred very great expense in Syria and Lebanon, and it would be impossible to demand the full sum without laying on those countries burdens which would jeopardise their development. No doubt the mandatory Power might have carried Article 15 of the mandate less far, but the sums recovered would have been as heavy a burden for the mandated territories as they were insignificant in comparison with the expense incurred in the first period.

The CHAIRMAN declared that the annexed Protocols Nos. 2 and 5 (pages 220, 228, 242 and 250 of the report) provided for negotiations on the subject of questions pending between Syria and Lebanon. It would seem that those negotiations should aim *inter alia* at either an agreement for common administration, in the future, of the common fund at present existing, or a definition of the lines on which that common fund could be divided and its income evaluated. Had the negotiations, which according to Protocol No. 5 were to begin as soon as possible after January 1st, 1937, already brought about any results ?

M. DE CAIX replied that last summer negotiations had twice been broached, but with no success. Lebanon seemed to want the complete restoration of its economic freedom ; it wished for its own Customs, even if it had to establish a transit system in favour of Syria. The Syrians were very eager to conclude a provisional agreement giving them immediate authority to dispose freely of the receipts from services run jointly at present, but they showed little inclination to make concessions to Lebanon.



The CHAIRMAN did not think it would really be to the advantage of Syria and Lebanon to have their Customs income immediately put at their disposal. Financial blunders were to be feared. Had a Customs union been considered ?

M. DE CAIX replied that the mandatory Power could not hand over the receipts of the joint service to the two States without a period of transition, this service could not be dissolved or changed in a few weeks. The Mandatory would be in favour of maintaining a customs union, but could not impose that on two countries whose independence was to all intents and purposes recognised and would become effective in a few years.

The CHAIRMAN observed that there had been certain difficulties in getting the 1936 budget voted by the Syrian Parliament, and that it had been necessary to resort to the system of "provisional twelfths" (*douzièmes provisoires*, monthly votes on account).

M. DE CAIX explained that this should be regarded as one of the results of the political crisis which had taken place in the country. In future, urged by necessity, the Syrians would vote their budget more quickly.

The CHAIRMAN noted (page 171 of the report) that the debt of the territory had fallen from 63 millions in 1934 to 37 millions in 1935.

M. DE CAIX said that the reason was to be found in the complete liquidation of the Syrian and Lebanese part of the Ottoman debt in 1934. Syria and Lebanon had now no public debt, apart from pensions and a few minor obligations connected with their current administrative operations.

M. PALACIOS pointed out that Decree No. 200/L.R. Syria 7, dated September 22nd, 1936 (see the *Official Bulletin of Administrative Acts of the High Commissariat*, page 372), dealt with the "conditions for sharing" between the various people entitled to them the pensions due to martyrs' families as "mouassat". Who were those martyrs ?

M. DE CAIX explained that they were the families of persons who had been hanged by the Turks at the order of Jemal Pasha at the beginning of the war.

#### CIRCULATION OF BANK-NOTES.

M. GIRAUD stated that the table on page 195 of the report showed that the circulation of bank-notes of the "Banque de Syrie et du Grand-Liban" had amounted on January 1st, 1936, to 300 million francs, on September 30th, 1936 (before the devaluation), to 345 millions, and on December 31st, 1936, to 423 millions. The circulation of bank-notes had therefore increased by more than 40% in the course of 1936 alone. The figures for January 1st, 1934, and January 1st, 1935, were 258 and 257 millions respectively. How could that increase, which at first sight appeared to be very considerable, be explained ? As a comparison, M. Giraud pointed out that in the case of three countries whose money had likewise been devaluated (France, the Netherlands and Switzerland), the increase in the circulation between September 1936 and September 1937 had only been 9, 8 and 5% respectively.

M. DE CAIX explained that this increase in the notes in circulation was due partly to the fact that the people were becoming more and more accustomed to the notes of the Bank of Syria, although for the most part contracts provided for payment in gold. Another reason was the world increase in the prices of raw materials and the end of the slump. Devaluation had, however, played a very important part in increasing the circulation of the Bank's notes at the end of 1936. In countries like Syria and Lebanon, where the population speculated a great deal, a rise in prices followed very closely after a depreciation of the currency and might even rapidly assume larger proportions. Consequently a greater supply of token money was required.

The CHAIRMAN asked whether, in view of the deficit in the balance of trade and the increase in the notes in circulation, any depreciation of currency had been observed. If in spite of the invisible exports, the balance of payments was not in equilibrium, this would make itself felt on the exchange by pressure on Syrian currency. Had any steps had to be taken regarding the note cover ?

M. DE CAIX did not think that the balance of trade was adverse : the question of currency depreciation had not arisen in connection with cover, since the Lebanese-Syrian pound was tied to the franc. He could only say that, under the new Convention recently concluded between the Bank and Lebanon, the metallic portion of the note cover was increased. The gold thus put to reserve was at Beirut. Furthermore, it simply constituted a guarantee to meet exceptional and temporary circumstances, since the notes could not be changed for gold. Otherwise, the metallic cover would soon be exhausted. That was one of the reasons why it would be impossible to create a Lebanese and Syrian currency unconnected with a foreign currency.

AGRICULTURAL CREDITS.

M. GIRAUD noted that agricultural credit did not seem to play a very important part in the territory. The sum total of loans granted up to the present was 88 millions ; but the loans granted in 1936 amounted only to 6 millions, of which 3,800,000 francs went to Syria (page 93 of the report) and 2,200,000 francs to Lebanon, the Jebel Druse, Latakia and Alexandretta.

M. DE CAIX explained that the position could readily be understood in the light of the exiguous resources of the agricultural banks. This in turn was due in part to the difficulty of getting in loans, so that the capital was immobilised over long periods. The Governments were frequently called upon to intervene for the repayment of advances made to the banks by the "Crédit foncier d'Algérie et de Tunisie" and by the "Compagnie algérienne" on a Government guarantee. The Governments in such case became the creditors, and paid up for the borrowers. The uncertainty of harvests in the case of all unirrigated crops was also an important factor in the position.

The CHAIRMAN asked, in this connection, whether the cadastral system was working satisfactorily in the territory.

M. DE CAIX replied in the affirmative, but added that, while the banks might be sure of the titles of the borrowers' properties, they were reluctant to give credit in cases where it might become necessary to foreclose and saddle themselves with properties unsaleable at prices sufficient to cover their claims. The banks did not desire to have too much real property on their hands. Great prudence was indicated in the case of agricultural credit operations in these countries.

TOBACCO MONOPOLY : PETITIONS DATED MAY 24TH AND JULY 19TH, 1937, TRANSMITTED BY MGR. PAUL MÉOUCHI, MARONITE ARCHBISHOP, TYRE.

Count DE PENHA GARCIA drew the attention of M. de Caix to a petition from the Archbishop of Tyre concerning the Tobacco Monopoly and violence stated to have been used in order to ensure its observance. Stress was laid on the fact that the mandatory Power had not replied to the accusations of violence.

M. DE CAIX said that he could not assert that no policemen had ever committed acts of violence, but it was highly likely that such acts would only have been retaliatory.

The Tobacco Monopoly situation might be summed up as follows : cultivation had not been confined to consumption needs as provided in the contract. Moreover, it was very difficult to ensure the application of this provision, since everybody had the best possible reasons for asking permission to cultivate a little more than his allotted share, and the authorities were the first to ask the Monopoly Company to close its eyes for a time. At the same time, it was asked—in order not to upset public opinion—to buy up all the tobacco produced, as it was compelled to do under its contract, though with the limitation of permission to cultivate. It followed from the policy thus imposed on it, that the Company had now in stock a quantity of tobacco representing consumption over a period of two years which was not of a sufficiently good quality to be sold outside. As a result, all the resources of the Company had been immobilised, even the sums it had borrowed so as to cover the purchases it had been asked to make. Thus, because the contract had continually been overstepped, the country had benefited from expenditure which the Company could not now recover. This brief account of the position showed how much the complaints of the Bishop of Tyre were worth.

Count DE PENHA GARCIA pointed out that there was undoubtedly a certain amount of authorised cultivation for export needs.

M. DE CAIX said that cultivation was authorised for export, but cultivation, even for export, had to be supervised to prevent smuggling. However, as he had just said, the sale outside the country of Syrian and Lebanese tobacco, which was not of a very good quality and was very carelessly harvested more often than not, was not likely to improve the chances of sale on markets where there would be competition with tobacco from other sources.

As for the deeds of violence of which the petitioners complained, it was not difficult to imagine what might have happened. Police, with Monopoly officials, entered a village to ascertain the extent of land under cultivation ; they were met with a handful of stones, and they retaliated. There was something rather childish about complaints of the kind sent to the Mandates Commission about the Monopoly to anyone who knew how the Monopoly contract had been broken for the benefit of many cultivators. If the Commission wished, he would have a special report on the Monopoly prepared.

The CHAIRMAN would like to know the explanation of the somewhat curious interest evinced by the Archbishop of Tyre in such material questions.

M. DE CAIX replied that, without enquiring whether personal interests might be affected, one reason for certain interventions might be found in the part played traditionally in the East by the leaders of religious communities. Those communities, called "nations" until quite recently, were social and political as much as religious groups, and their leaders defended what they regarded, rightly or wrongly, as the interests of their flock. Many examples of their intervention in temporal affairs might be mentioned, for instance, in connection with the appointment of officials. And there was naturally a certain amount of emulation among them in this respect : if one intervened, the others feared they would compromise their authority if they also did not do so. Hence the number of ecclesiastics who had signed the documents under consideration. Those signatures, moreover, did not, in the present case, represent large communities. The biggest, which counted as a diocese, would be little more than a large parish in other countries.

The CHAIRMAN thought the argument told against the Monopoly, if, whether it worked well or badly, it always came in for criticism.

M. DE CAIX observed that that was the fate of any enterprise in countries where complaints were very common, but cultivators would lose considerably on price, facilities for purchasing, and rapidity and security of payment, if failure to observe the fundamental clauses of the contract discouraged the holding Company.

#### EMIGRATION.

Count DE PENHA GARCIA noted (page 17 of the report) that Syria did not seem to have the same ideas as Lebanon regarding the application of Article 34 of the Treaty of Lausanne to Syrian and Lebanese emigrants.

M. DE CAIX explained that this difference was due to the fact that there were not nearly so many Syrian emigrants as Lebanese emigrants and, in addition, the former very often belonged to minorities. When Syrian emigrants were mentioned, what was really meant, in most cases, was Lebanese emigrants. The question was therefore much more important for the Lebanese Government than for the Syrian Government. Moreover, Lebanon was more anxious to keep in touch with its emigrants and to bring them back.

LABOUR (*continuation*) : ORGANISATION OF LABOUR INSPECTION : OCCUPATIONAL ASSOCIATIONS : PETITION, DATED AUGUST 12TH, 1936, FROM M. NAMÉ TABET, BEIRUT.

Mr. WEAVER said he had noted with great interest that a Syrian Legislative Decree regulating the employment of women and children had been promulgated. That Decree was referred to on pages 30 and 94 of the report. In a number of the newspaper *Le Jour* published in October, however, it was said that the legislation was not enforced and that the inadequacy of the health service prevented the conditions of labour in industry from being improved. Was there any organised inspection, to what Department was it attached, and what Ministry was responsible for it ?

M. DE CAIX replied that, up to the present, no labour inspection had been introduced. The enforcement of the labour laws was supervised by the Health Service and, if his memory served him well, there was only one inspector—at Beirut. The accredited representative certainly did not think the Decree could be fully enforced : but it must be enforced to some extent, as labour conditions were controlled by the Health Service, which was itself under the control of the Army Medical Service.

Mr. WEAVER stressed the importance of labour inspection and the co-ordination of the inspection services. In Lebanon, as was stated on page 30 of the report, the enforcement of the regulations relating to the employment of women and children was supervised at Beirut by a labour inspector, assisted by a municipal medical officer and by visiting nurses paid by the municipality. Nevertheless, in spite of those arrangements, he had seen statements which threw doubt on the application of the provisions in question in Lebanon. It even appeared that in some quarters in the country nothing was known of the existence of the inspection service.

It would be seen that a letter sent in 1937 by certain womens' associations to the Minister of the Interior (referred to in a publication of the Young Womens' Christian Association) had asked for the institution of such a service. Those associations asked for the strict observance of the law of April 1935 on labour conditions for women and children and for supervision over the sanitary condition of factories and workshops. At the time the letter was written it was alleged that children under thirteen years of age were still employed, contrary to the law : some of these child workers were no more than eight or nine years of age. Further, the hours of work for women and adolescents were too long, and the kind of work done by adolescents was also said to be contrary to the law.

M. DE CAIX was not in possession of the necessary details to say how labour inspection was organised and carried out.

Mr. WEAVER pointed out that the cost of living had increased in the mandated territory, although salaries seemed to be almost stationary. Was there any intention of introducing minimum wage legislation? What was the position now in regard to the promised enquiry into labour conditions?

M. DE CAIX said that he had not been able to study this question specially; but he was aware that wages had been increased in many cases as a result of the increase in the cost of living towards the end of 1936. With regard to the enquiry on handicrafts, he stated that the Education Services, which had agents in all parts of the territory, had undertaken an enquiry of that kind, but it was still proceeding.

Mr. WEAVER asked whether any action had been taken on a Bill that had been presented by a Lebanese deputy with regard to compensation for labour accidents.

M. DE CAIX thought the Lebanese Chamber, which had been engrossed in many political problems in recent months, had not had time as yet to consider the question of labour accidents.

Mr. WEAVER regretted this the more in that, according to the newspaper *Jeunesse*, certain indemnities by way of compensation for labour accidents had been very low.

Generally speaking, it would seem necessary that the mandatory Power should try to develop the existing labour legislation before the emancipation of the territories. The labour regulations in force were admirable, but they did not go far enough; there were, for instance, still no regulations relating to health and safety in factories and workshops.

M. PALACIOS supported Mr. Weaver's observations, as usual. He thought very little attention had been devoted to so important a matter. The book entitled "Economic Organization of Syria" written by several authors in collaboration, and published by Saïd B. Himadeh, of the American University, Beirut, thoroughly investigated the flourishing industrial life of the country since the end of the war. It pointed out how little attention had been devoted to social labour problems—and even what opposition had been encountered, particularly in Lebanon. M. Georges Hakim, the author of the section dealing with those problems, thought they should be studied with the necessary attention and dealt with carefully.

M. Palacios would not go into the details. He would simply ask, in connection with the occupational associations (page 75 of the report) set up under Legislative Decree No. 152 of September 18th, 1935, and Order No. 176 of November 30th, 1935, whether these were mixed syndicates of employers and workers, seeing that reference was made to "the difficulty, in the present state of affairs, of bringing together employers and workers in the same body". He would also like to know whether M. Massignon's enquiry into the handicraft corporations had at last been published.

M. DE CAIX replied in the negative. The report described the difficulty of inducing the two elements to co-operate. The associations seemed hitherto to have had fairly loose rules and to have functioned only at certain moments to settle questions raised by particular groups of workers.

M. PALACIOS said that considerable emphasis was laid on labour legislation in the petition from M. Namé Tabet of the Syrian National Party.

M. DE CAIX thought the interest shown by the parties in this question was purely theoretical and was due to a desire not to claim less than was claimed in other countries; the fact that there was any labour legislation at all was due to the mandatory authority, apart from a few measures due to Lebanese deputies.

Mlle. DANNEVIG noted that the minimum age of employment was 13 in Syria and 11 in Lebanon; but the law did not apply to family labour. Were there any abuses in that direction? Furthermore, it was said that there was no unemployment. But did that statement also apply to women?

M. DE CAIX said that he had visited a good many family workshops, and could not remember seeing very young children at work, at any rate continuously. It seemed that, as a rule, the children only took on the work for a few moments to replace the adults. Moreover, generally speaking, the Syrians treated their children well; and it was not thought possible, in the present state of the customs of the country to change the methods prevailing in family workshops.

As regards young girls, who were employed mainly in silk-spinning mills in Lebanon, unemployment had fallen a little because of the slight recovery in the silk industry referred to in the report. These girls, moreover, did not suffer as much as might be feared from unemployment, because they remained with their families when seasonal work was at an end or was not available.

Mlle. DANNEVIG assumed that this was not the kind of work which prevented children from attending the schools ?

M. DE CAIX explained that it was mainly agricultural work, such as olive-picking, which reduced school attendance at certain seasons.

The CHAIRMAN pointed out that the country now under consideration was one in which great families had formerly ruled over a rather poor peasantry which was at present becoming industrialised. This would obviously create a new social class, and the question would arise whether, at the time when the country was left to itself, the interests of the workers would be represented and safeguarded properly in Parliament.

M. DE CAIX thought that, as there was a kind of intelligentsia in Syria, not only would the Syrian workers be protected in the Parliament of their country, but some candidates for election as deputies from classes other than that of large landowners would try to create social demands in order to gain supporters. Perhaps this would not occur in the near future—large landowners still had a preponderating influence. But with the making of a survey and safer property rights, peasant property holding might be encouraged, and those who cultivated the land might be moved to make demands, which would have been of little use in the past. It was quite possible that agrarian political problems would arise in Syria—perhaps in the near future.

#### TRAFFIC IN WOMEN : PROSTITUTION.

Mlle. DANNEVIG drew attention to the statement on page 51 of the report that there had been no cases of traffic in women to foreign countries and that thirty-eight licensed houses had been closed in Lebanon and sixteen in Syria. This was very satisfactory, but she supposed that, after all, conditions in this respect left much to be desired.

M. DE CAIX explained that attempts had been made, first, to prevent women from being kept in certain establishments against their will and, secondly, to close the houses of prostitution. When the mandatory authorities arrived in Beirut in 1919, they found there a reserved quarter encroaching on a whole section of the town : it was, however, gradually being reduced in size.

Mlle. DANNEVIG expressed the hope that these efforts would be continued.

#### DRUGS.

M. SAKENOBE noted that the position with regard to the illicit drug traffic had improved (page 51 of the report). He asked whether an arrangement had been concluded with the Turkish Government to put an end to the illicit traffic in opium from Turkey.

M. DE CAIX replied that no agreement on this subject had been concluded, or was being negotiated, with Turkey. The way to put an end to the traffic was to do away with the cultivation of the opium poppy, which was quite easy to see, rather than to supervise the frontiers, which would be very difficult to close to a few kilogrammes of drugs. The transit of opium across Syria was prohibited under penalty of confiscation and heavy sentences. Consignments would first have to pass a Customs cordon and then, in the interior of the territory, there would be the police and gendarmerie. But the evil would have to be attacked at the source—the poppy fields.

M. SAKENOBE drew attention to the efforts to check the cultivation of Indian hemp (page 51 of the report). It was not cultivated on a very large scale, of course, but was difficult to discover ; and the 49,900 square metres destroyed possibly represented only a small part of the actual crop. Did the Syrians consume hashish themselves ?

M. DE CAIX replied that it was difficult to establish a proportion between the cultivation discovered and that which had escaped supervision. Supervision was not easy with small scattered plots which could not be seen from a distance, like poppy fields. Serious attention was, however, being devoted to supervision and suppression.

M. SAKENOBE pointed out that the 1935 report stated that there was no production or conversion of dangerous drugs in the territory (page 49). But was not hashish produced in Syria ?

M. DE CAIX explained that the production and conversion referred to in the 1935 report concerned drugs (morphine, heroin, cocaine, etc.) more difficult to manufacture than hashish, which was prepared on the spot by very simple methods. But as stated, steps were being taken to stop this production which was very easy to carry on.

#### EDUCATION.

Mlle. DANNEVIG said that the problem of education in Syria and Lebanon seemed very complicated. The school age was from 7-12 in Syria, from 6-14 in Alexandretta, from 6-13 in the Government of Latakia and from 6-15 in the Jebel Druse; details were not given for Lebanon. The figures for school attendance seemed to be as follows: 53% for boys and 28% for girls in Syria; 28% and 14.5% in Alexandretta; 33% and 5% in the Jebel Druse; 27% and 8.8% in Latakia; 90% and 58% in Lebanon. Of the pupils, 79,011 were educated in Government schools, 104,092 in private schools and 61,541 in foreign schools (page 266 of the report). Could it be said, generally speaking, that there was a greater demand for primary education than could be met in the present circumstances? The demand for better education facilities seemed to be greatest in Lebanon where the percentage of school-children was highest, whereas in the Jebel Druse several schools were reported to have been closed.

M. DE CAIX replied in the affirmative, and said that, because of a very natural tendency towards emulation, the demand was greater in any area when education was better organised there. The difficulties in the way of the development of public education were financial. The position was most satisfactory where there were foreign or denominational schools. That was the case in Lebanon. Educational facilities required developing in the Moslem sections of Lebanon, and, above all, in the interior of Syria, where private, native and foreign, effort was less intensive than on the coast. The mandate had been carried out on those lines and considerable results had been achieved, but for financial reasons it was impossible to press on quickly with any scheme of development.

Mlle. DANNEVIG noted that according to the figures in the 1936 report the number of schools had fallen, though the number of pupils was increasing (apart from the Jebel Druse). That was specially disturbing, as it had already been pointed out that the classes were too large. In some areas of the Jebel Druse, teachers were compelled to spend a few days in one school and then go on to another, as there were not enough of them to teach in all the schools at the same time, but bad roads or bad weather often forced them to stay in the same place. In Norway, a different system was adopted in such outlying places. The teachers stayed three weeks or three months at each place before they went on to the next school.

M. DE CAIX said that there was considerable difference between Norway and the mandated territories: If Syrian children were left with tasks for three months to do at home between the two visits of the teacher, they would not be likely to do much. The home surroundings and educational attainments of the parents in the two cases were quite different.

Mlle. DANNEVIG noted that certain history text-books had been prohibited by the Minister of Education. If the reasons were national—she did not say nationalist—they were comprehensible, just as was the wish to regulate the *curriculum* of the schools according to the practical needs of the population.

M. DE CAIX said that the school books used in Syria and Lebanon took account of the national standpoint of each of those States. The Education Adviser, who advised the local administrations, had devoted attention to that point. Text-books showing regard for the ideas held in the country and taking account of its possibilities had been written.

Mlle. DANNEVIG was not sure whether the inspections undergone by the minority schools did not hamper the teaching given by those schools in the minority language and in accordance with tradition.

As to secondary schools, colleges and universities the information was very full and she had no questions to ask.

M. DE CAIX replied that he had never heard any complaints regarding inspection in the minority schools. The foreign schools were inspected by agents of the mandatory Power and the local schools by local officials.

#### PRISONS.

Mlle. DANNEVIG expressed satisfaction at the action taken on the recommendation of the Commission<sup>1</sup> as to the transfer of the prison for minors from Shouifat to Beirut in a special ward of the Prison des Sables and the improvement of the women's ward in the same prison (page 140 of the report).

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<sup>1</sup> See Minutes of the Twenty-ninth Session of the Commission, page 210.

## PUBLIC HEALTH.

Count DE PENHA GARCIA pointed out that malaria was endemic to a very marked extent throughout the territory. Some attempts had been made to combat the disease : but according to the report—in which information relating to public health was found scattered in five different sections—there appeared to be a lack of centralisation and co-ordination in the efforts made. He felt that the mandatory Power might take measures which would prove of the greatest value to the Governments which were to succeed it.

M. DE CAIX said that it would be a mistake to believe there was no co-ordination in health services. Co-ordination was in fact undertaken by the Army Medical Service, the head of which was the Inspector-General of Government Services. At the same time, public health needs differed according to the district, and the measures taken could not therefore be entirely uniform.

Count DE PENHA GARCIA enquired whether the Army Medical Officer who was at the head of the Health Services had any say in the drawing up of the Syrian or Lebanese budgets. Only 5% of the total revenue was allocated to public health ; and some of the work had, in fact, to be performed by private organisations—a circumstance which pointed to defects in the machinery of government.

M. DE CAIX said the Inspector-General of Health Services could make proposals, but they had to be kept down to what was financially possible. Expenditure on the score of public health was, moreover, to be found not only under the health chapter of the budget, but also under the chapter relating to public works.

So far as hospital work was concerned the situation inherited from the Ottoman Empire was in the highest degree archaic. Under the old system, there seemed to be no idea that health work was a duty of the State, and to a great extent private institutions, foreigners, or different communities in the country were left to do what was required. The mandate could not provide a complete remedy for this old defect in a few years.

Count DE PENHA GARCIA stated that, despite those considerations, he had the impression that the central health organisation was somewhat ineffective. It seemed to him that the French Government had moved much faster in its own Colonies.

Mlle. DANNEVIG drew the attention of the accredited representative to the very high infant mortality rate prevailing in the territory (page 91 of the report). Could it be ascribed to ignorance on the part of the mothers or to poverty ? What could be done to remedy it ?

M. DE CAIX replied that both causes were operative, but more particularly the first. The inhabitants produced their own milk and flour, but they should prepare the flour in a different way for young children. This, however, they did not do, and the method of feeding infants was very unsatisfactory. It should be added that climate was also in part responsible for the high infant mortality rates in Syria and Lebanon, as it led to more intestinal troubles in the summer.

## DEMOGRAPHIC STATISTICS.

The CHAIRMAN presumed that when, after emancipation, the country began to govern itself according to the principles of universal suffrage, a census would be taken.

M. DE CAIX replied that a census of the population had already been taken, but the inhabitants had sought to evade it. They were gradually registering, because they found that an individual not covered by the census had no legal existence, and could not approach the administration for anything or appeal in Court. The figures were therefore coming nearer to the facts.

## FORM OF ANNUAL REPORT.

The CHAIRMAN said that the Commission had now concluded its examination of the report, and asked his colleagues whether they had any other questions to put to the accredited representative of France.

M. SAKENOBE suggested that in the next report information relating to Syria and Lebanon should be given separately, especially in the matter of trade.

M. DE CAIX replied that that would inevitably follow from the steps preparatory to the application of the Treaty. He would personally study how best the information might be presented in the next report ; but he wished to point out to M. Sakenobe that it would not be possible to deal with Syrian and Lebanese trade separately, if the existing Customs Union were maintained.

**Syria and Lebanon : Examination of Various Petitions.**

PETITIONS (FORTY-SIX IN NUMBER) RELATING TO SYRIAN UNITY.

M. SAKENOBE stated that the petitioners did not appear to have a definite grievance against the Lebanese Government. He enquired as to their reasons for asking that Lebanon should form part of a United Syria.

M. DE CAIX replied that the only grievance of substance of the inhabitants of Tripoli was the difference in taxation in the districts of the former Mount Lebanon and the districts detached from the old Ottoman vilayets and combined in Lebanon in 1920. They also complained—with little justification—that these districts had a smaller share than the Mountain in the allocation of public expenditure. A Lebanese law had removed any unfairness in the matter of taxation. As for public expenditure, the Moslems of Lebanon, and those of Tripoli at least as much as the others, had derived considerable benefit from public expenditure.

The truth was that the people concerned were Sunnites, who desired to form part of a country with a Sunnite majority. It was difficult, however, to see how two weights and measures could be applied to the different communities in the territories. If the Alawites and Druses had had to give up their autonomy and be attached to Syria, why could not the Sunnites remain Lebanese? They lived in a State of Arab language where their culture and religion were fully respected. Must the territories be turned into a mosaic of denominational districts separated by winding frontiers regardless of geography? That would be the position if the Druses and the Alawites had had their way—and it would be only fair, if the demands of the Sunnites of Tripoli were granted. Action could not be taken on grounds which were really religious, when such grounds were not recognised in the case of others.

PETITION, DATED AUGUST 12TH, 1936, FROM M. NAMÉ TABET, BEIRUT (*continuation*).

M. PALACIOS said he was rapporteur for various petitions, most of which were characteristic of the opposition of certain political parties to the mandatory Power. Furthermore, most of them had been drawn up before the arrangements leading up to the conclusion of the Treaties had been made. As the latter had obviously eased the situation, how much now remained of the grievances of the petitioners?

M. DE CAIX replied that he did not see that anything remained of them.

M. PALACIOS pointed out that the petition from M. Namé Tabet was of importance because it described the nationalist movement and its aspirations. Surprisingly enough, the petition was drawn up in English. Was that by way of opposition to France? In any event, it contained *inter alia* a statement to the effect that the movement was anxious to give France an opportunity to regain public confidence. The petition contained many complaints about the action of the mandatory Power in the economic and political spheres. But as a good many of them had already been investigated in that and previous years in connection with the administration of the territory, as they covered most of its activities, and as those questions and disputes would have to be referred to again, both generally and particularly, he would refrain for the moment from asking M. de Caix for further information.

M. DE CAIX, in reply to a question by the Chairman, stated that if the petition had been drawn up in English, that was not necessarily designed as a deliberate slight to the mandatory Power, but probably because the author knew English better than French. In Syria and even more in Lebanon, there were a number of persons who had spent part of their lives in America and had learnt English, Spanish or Portuguese, but not French, which would have been far more likely to be their second language had they been educated in the schools of the country.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. de Caix for the help and information he had given to the Commission.

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FIFTH MEETING.

*Held on Wednesday, November 10th, 1937, at 10.30 a.m.*

**Western Samoa : Examination of the Annual Report for the Year ended March 31st, 1937.**

Mr. R. M. Campbell, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Mr. Campbell, who appeared before the Mandates Commission for the first time. Mr. Campbell was Economic Adviser in London to the New Zealand Government. Since the Commission dealt largely with economic matters, Mr. Campbell would no doubt be in a position to furnish much useful information.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. CAMPBELL made the following statement :

First, I wish to thank the Chairman for his words of welcome, and also to express appreciation of the fact that, although the programme of the Commission has been somewhat altered, it has been possible to retain the arrangement for my appearance here to-day. It is true that it is my first appearance before the Commission. Like Mr. Berendsen, who was here last year, I am a Civil Servant and was formerly attached to the Prime Minister of a previous Administration. I wish to make it clear, however, that it was not in a capacity having any direct concern with Samoa. Mr. Berendsen was and is very directly concerned with Samoa. In contrast with his experience, I am fully aware of the disadvantage which lies in the fact that I have never been in the territory.

On last year's report, there was a very thorough stocktaking of the whole position in Samoa ; advantage was taken of Mr. Berendsen's familiarity with details—one example being his ample dissertation on bananas<sup>1</sup>—which would be even farther from my knowledge than from the knowledge of the members of this Commission. With these limitations, I will do my best to give you, or rather to obtain for you, all the information you may require.

I shall, in accordance with the usual procedure, refer to one or two points in the annual report, and the only other document to which I shall refer at this stage is the report of the Commission's own proceedings at this time last year.

The annual report covers most if not all of the points on which queries were put to Mr. Berendsen last year but left unanswered. You may observe that the size of the report has been steadily growing. In 1935 and 1936, it covered 26 and 28 pages ; this year there are 31, indicating, I think, the desire to give adequate information.

May I say a word on the subject particularly mentioned by the Chairman—namely, the economic position ? I put that first not without certain misgivings, because I appreciate that while finances, trade and economic conditions are more easily measured and more precisely referred to, they are not the most important factor. Samoa is not the least of countries where the manner of life and social conditions are more important than precise considerations of pounds, shillings and pence. I do not, therefore, wish to lay too much stress on economic conditions.

The report shows a marked all-round improvement. If attention is paid, for instance, to the graphs on pages 29 and 30, the upward trend in trade—exports and imports—and in prices is very clearly shown. The price of copra continues to be of great importance, because the proceeds resulting from its sale are very widely diffused among the population of Samoa. The records show that 75% of the total copra is produced by natives and 15% by the New Zealand Reparation Estates.

The improvement shown in the prices of copra, bananas, cocoa and rubber is, of course, reflected in the whole business aspect of the mandate. It bears on the public finances, a table of which on page 8 of the report shows a small balance on the right side between revenue and expenditure.

Public works activity has been in the past year relatively intense for Samoa—roads, bridges, etc., being attended to. A new vessel has been provided. All this clearly reflects the improved economic conditions. They are improvements for which I would press no claim that all credit belongs to the Administration ; the effect of the worldwide rise in prices is

<sup>1</sup> See minutes of the Thirtieth Session of the Commission, page 118.

a factor. Reference should also be made to the misgivings reflected here in regard to the future course of prices, mention being made of the fact that while prices are higher in 1937 than they were during the depression, there is a receding tendency (page 4 of the Report).

So far as copra is concerned, for example, yesterday morning in London I ascertained the most recent prices which bear out that prices are falling but are still well above the depression levels. The price reached on the last sale was £15 per ton as compared with £20 per ton in March, and some copra still to arrive has been sold at £14 10s. *od.* We are more familiar with this situation because the copra from the Reparation Estates is sold in the United Kingdom through the Trade and Produce Section of the High Commissioner's Office in London.

Passing now to social services, the table on page 5 of the report shows a substantial increase in the number of staff employed in education, health and native affairs. There is, of course, a link between the improved public finance position and the social services.

As with economic conditions, I think it will be agreed that general social conditions are manifestly happier. So far as health is concerned, however, and despite the improved provision that has been made, you will have noted, and regret it as much as I am sure the Government in New Zealand does, a bad mark in connection with the high mortality rate. This is due to the epidemic in the year under consideration. Particularly tragic is the very high infantile mortality rate, and I need only say that this caused real concern in New Zealand and a renewed determination to do everything possible to correct it. New Zealand, it is not irrelevant to recall, has by far the lowest infantile death rate in the world, and there has been some concern on the part of the Government so far as the aboriginal Maori in New Zealand is concerned, whose infant and general mortality rate has been much higher than that for Europeans. That same concern will, I am sure, be felt regarding this bad record of infant and general mortality rates in Samoa.

I need not enlarge upon education and its extension nor on criminal statistics, although as regards the latter it may be noted that, from whatever cause, there has been a considerable decrease in cases (from 1,131 to 869, page 16 of the report).

The main point that emerges from this survey of social conditions is the growth of the population. You may recall that on the very day when the Commission was considering Samoa last year, a census was being taken in Samoa, the results of which are tabulated in the two first appendices to the report (pages 26 and 27), and which show a 42½% increase during the ten year period.

So far as the political atmosphere is concerned, the report bears out that the policy of allowing political freedom of expression has had its effects. Non-co-operation by the Mau with the Administration has ceased. The report being some months old, I might add that latest cabled information shows that the position is quite satisfactory.

A matter to which I will now refer in a little more detail under this heading is dealt with on page 110 of the Commission's proceedings at its thirtieth session. Mr. Berendsen mentioned eight requests that had already been acceded to by the Administration and listed thirteen that were outstanding. I have, in the form of a recent letter from the Prime Minister, a summary of the position so far as those thirteen outstanding matters are concerned.

The first of those points (to increase the number of Samoan representatives on the Legislative Council from two to four) has been put into effect.

On the second point (to increase the number of Fautua from two to three) it is stated that at the request of the Samoans it was decided not to appoint more than two Fautua.

Point 3 (to pay to members of the Legislative Council, other than the official members, an honorarium of £50 per annum) has been put into effect.

Point 4 (to pay to the Fautua an honorarium of £100 per annum) has not been put into effect for the following reason. The Fautua have for many years been paid an honorarium of £132 per annum. It was anticipated that they would become native members of the Legislative Council, and the proposal to reduce the honorarium to £100 was made on the assumption that they would also receive a further £50 as members of the Council. The Samoans have preferred however, to have other representatives than Fautua on the Council, and the honorarium for these two Chiefs has consequently been retained at the previous figure of £132.

Points 5, 6, 7, 8 and 9<sup>1</sup> have been put into effect.

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<sup>1</sup> The points in question are the following :

5. To arrange for the setting-up of a Finance Committee, before which would be placed full information in regard to the public accounts, revenue, taxation, etc.
6. To publish in the *Savai'i* full information in regard to the public accounts.
7. To make provision for the Legislative Council to discuss the estimates of the territory prior to their despatch to New Zealand for the approval of the Government.
8. To revoke immediately the Fono of Faipules and to arrange for a re-selection, so that the Fono will be fully representative of the Samoan people.
9. To fix the date for the re-selection of Faipules as at September 30th, 1936.

Point 10 (to extend the present system of education) is obviously a continuing problem. The following remarks supplement the report and refer to the position in August of this year :

“ Free tuition has been established in the Government European schools, and the only fees now chargeable are in the Administration Native Schools at Malifa, Avele and Vaipouli, where the small sum charged is intended to assist in meeting the cost of maintenance.

“ Free tuition is provided in Grade II schools and in the Mission Grade I schools, and the question of assistance to Mission European schools to enable them to provide free education is now under consideration. Additional accommodation has been provided at the Government European School at Ifi Ifi to allow for the increased number of pupils and an additional teacher has been appointed to the staff. Arrangements are being made for the early commencement of secondary education.”

As regards point 11 (to extend the present hospital and medical system throughout the territory) a building programme for the hospital has been approved and is under way. Two additional students have been sent to the Central Medical School, and enquiries are being made as to the possibility of further extension of medical services throughout the territory.

Points 12 (dentist) and 13 (census) have been put into effect.

For the rest, so far as the local political atmosphere is concerned, apart from documentary information, I necessarily rely upon having read as carefully as possible local material in the form of the Legislative Council debates and the local newspapers. There is, as you know, no lack of discussion, and while one does not wish—and I say this deliberately—to belittle the issues which bulk largely in those discussions and in Samoa itself, I think it can fairly be said that they do not reveal any very grievous injustices. So far as points for discussion do remain under this heading, the Prime Minister has advised us that in January of next year a delegation, the membership of which has still to be determined, is going from Samoa to New Zealand.

The CHAIRMAN. — Is that delegation the one referred to in the Press as being composed of Mr. Nelson and his daughters ?

Mr. CAMPBELL. — It is believed that the membership of the delegation will be slightly extended.

To draw these threads together, then, the general picture I suggest is that the situation within the territory is favourable. The population increase during this decade is significant, and particularly significant is the fact that, in spite of that increase, there is no evidence that it is pressing on the food supply.

So far as New Zealand itself, as the mandatory Power is concerned, I am sure you will appreciate that there is no undue complacency, if for no other reason than the epidemic I have had occasion to mention and the fact that reports are made annually, and this examination conducted by your Commission would counteract any danger in that direction. So far as New Zealand is concerned, there is a genuine striving to do the right thing. The final point to be made is that in New Zealand there is a very real increased consciousness of League of Nations affairs generally, aided by, and partly reflected in, the circumstance that New Zealand is a Member of the Council. There is a fervour for the League of Nations which some pessimists or realists might fear is disproportionate to the immediate effectiveness of the League ; but, however that may be, it has a bearing on the discharge of the mandate for Western Samoa, a mandate which New Zealand has the privilege and responsibility of holding under your auspices.

#### DEVELOPMENT AND RESULTS OF THE NEW POLICY BEING APPLIED IN THE TERRITORY : INTRODUCTION OF LOCAL SELF-GOVERNMENT.

The CHAIRMAN said he had listened with great satisfaction to the accredited representative's statement, and had been struck by its frankness and tone of careful self-criticism. The absence of such self-criticism in the past had sometimes compelled the Mandates Commission to express its own criticism all the more freely. He was fully conscious of the difficulties encountered by the mandatory Power ; and therefore greatly appreciated the accredited representative's attitude which made for careful co-operation. He said this because the Commission's dealings with Samoa in the past had had a somewhat curious history. The Minutes showed that there was scarcely a meeting at which the Commission had not been told that everything was for the best. The difficulties had only come to the Commission's notice in retrospect, and not always through the accredited representative. The Mandates Commission had been placed in a somewhat awkward position as a result of endorsing optimistic statements of accredited representatives which were afterwards disproved by events.

At the thirtieth session, the position had been entirely different. Mr. Berendsen had, on that occasion, told the Commission of the great changes which had taken place in the economic and the political sphere. As regards the economic aspect, the rise in prices had brought greater prosperity to the territory and had enabled social improvements to be introduced. The political changes were due to the change of Government in New Zealand. The change of policy in the territory had been announced in such triumphant terms—taxes had been remitted, the banished had returned, etc.—that the Commission was somewhat afraid that the Administration was overlooking past difficulties and possibly creating new ones.

The Chairman recalled these matters in order to enable the accredited representative to understand the remarks made by the Mandates Commission which had sometimes been resented by the Administration. He had no need to assure Mr. Campbell that the Commission had no political prejudices; but it wished it to be understood that, so far as it was concerned, the territory was administered by New Zealand and not by parties which happened to govern that country.

M. Rappard congratulated the Government on the success of its first year of administration. He wondered how far this was due to economic causes which, as the accredited representative had said, were not in the hands of the Government, and how far it was due to the humane spirit displayed by the new Administration.

The Commission could hope for nothing better than a series of reports as enlightening and as gratifying as the one at present before it.

COUNT DE PENHA GARCIA asked how the reversal in the policy towards the natives had taken place. Some experiments in that sense had been made previously but had not produced good results. What was the reason for the present success?

MR. CAMPBELL said the reversal in policy arose in New Zealand out of the change of Government at the end of 1935. Those who had succeeded to the Government had previously been opponents of the policy of coercion and attached importance to a policy of reconciliation. He asked to what previous experiments Count de Penha Garcia referred.

THE CHAIRMAN understood that Count de Penha Garcia had referred to Mr. Richardson's administration. He pointed out that such questions might place Mr. Campbell as a civil servant in an awkward position, since his replies might be interpreted as a criticism of the Government.

Personally, the Chairman attached great importance to the economic factor. The increased prosperity of the territory had made it possible to raise salaries and to remit taxes. He did not think it was possible to dissociate the economic from the political factor, and asked what share was taken by each of these factors in the improvement which had occurred. If the new Government had come into power at a time of economic depression, would the situation have improved to the same extent? In other words, could confidence be placed in the present improvement in the psychological position and would it resist an inevitable recession of prices and of general prosperity?

COUNT DE PENHA GARCIA understood Mr. Campbell's position as a civil servant, and did not ask him to give an opinion on the former policy of the Government. He asked what was the chief factor which explained the change in the attitude of the Samoans towards the Administration. Perhaps that change was due to a certain amount of self-government which appeared to have been granted, especially in local matters. The Mau had formerly been opposed to the Government but its character now seemed to have changed.

Did the mandatory Power think it feasible to increase the self-government of the natives, or was the statement to that effect in the report (page 4 of the report) merely the expression of a platonic wish?

MR. CAMPBELL thanked the Chairman and Count de Penha Garcia for their remarks regarding his own position as a civil servant. But both the previous and the present Governments were very tolerant of any comment which the accredited representative might be called upon to make. He therefore hoped there would be no reserve whatever in putting questions. If he could not reply, he would refer the questions to the Government.

As regards the reason for the improvement in the position, he personally did not attach as much importance as did the Chairman to the change in economic conditions. This would not explain the previous trouble, which he felt sure was not entirely due to the fall in prices. He had deliberately refrained from painting a too rosy picture of the position. Moreover, the latest report which he had received merely stated that the position was "quite satisfactory"—not an unduly strong expression.

Apart from the economic factor, there were also personal and administrative elements, as Count de Penha Garcia had pointed out.

COUNT DE PENHA GARCIA said he was greatly interested in the results of this experiment in self-government. The territory was small but provided an example of the evolution of a very important problem, the contact of Europeans with a native civilisation. The Samoans

were a race who were capable of opposing an administration or co-operating with it according to the policy adopted. He hoped future reports would give more information on the results of the policy of local self-government.

Mr. CAMPBELL promised that this would be done.

Mlle. DANNEVIG recalled her statement in last year's Minutes<sup>1</sup>, confirmed by the Accredited Representative, that the Samoans belonged to one of the strongest races in the Pacific. That being the case, was the improvement in their relations to the mandatory due to more sympathetic understanding by the Administration of the natives' desires and their individuality?

Mr. CAMPBELL was inclined to take that view, which he thought was also the view of the Government.

#### INTRODUCTION OF THE MANDATE IN A "BOOK OF LAWS" PUBLISHED IN THE VERNACULAR.

M. PALACIOS noted with satisfaction the statement on page 2 of the report that a reprint of the mandate was included in a "Book of Laws" at present being prepared in the vernacular for distribution throughout the territory. The wide distribution of that document would no doubt enable the native population to grasp the general lines of the regime under which they were governed.

#### QUESTION OF THE APPOINTMENT OF AN ADMINISTRATOR.

M. SAKENOBE observed that since July 1935 no Administrator had been appointed to the territory; but Mr. Turnbull continued to act in that capacity (page 3 of the report). Had the Government any difficulty in finding a suitable Administrator?

Mr. CAMPBELL said no difficulties had arisen on account of the delay in the appointment of an Administrator. Mr. Turnbull had been Secretary to the Administration and Deputy Administrator even when there was an Administrator in the territory.

#### NATIVE REPRESENTATION ON THE LEGISLATIVE COUNCIL : ROLE OF THE NATIVE REPRESENTATIVES.

M. SAKENOBE noted that it had been recommended to increase native representation in the Legislative Council from two to four. The report showed that only three native representatives had been appointed (page 3 of the report). Was there any special reason for this?

Mr. CAMPBELL said that evidently the Samoans had so far chosen only three Samoan representatives.

M. SAKENOBE hoped that a definite reply to his question would be given in the next report.

Mlle. DANNEVIG referred to the proceedings of the Legislative Council debates for 1936 and 1937. The native representatives had made clear and reasonable suggestions regarding improvements in connection with roads, taxes, education, etc. Did the Administration think the experiment of having those natives on the Legislative Council had been successful?

Mr. CAMPBELL replied that a complete expression of views in the Legislative Council was welcomed by the Administration.

#### COMPOSITION OF THE NATIVE ADVISORY COUNCIL OF FAIPULE.

M. SAKENOBE observed (page 4 of the report) that out of 39 members of the Native Advisory Council of Faipule, 33 were members of the Mau. Did that imply any undue influence on the part of the Mau at the election and did this high proportion represent the real position?

Mr. CAMPBELL was inclined to think that it reflected the genuine influence of the Mau.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 117.

#### EUROPEAN AND NATIVE POLITICAL PARTIES.

M. SAKENOBE noted from the report the organisation of the Labour Party and the United Progressive Party (page 3). Had those parties any political interests?

Mr. CAMPBELL did not gather that the existence of these parties was regarded as a menace but merely represented normal differences of opinion.

The CHAIRMAN asked if they were European parties. The statistics showed that there were only 255 male Europeans in the territory and it was difficult to imagine several political parties among such a small population.

Mr. CAMPBELL thought one of the parties in question was a Native Party constituted in opposition to the Mau. He doubted whether smallness in numbers precluded in Samoa the forming of a political party or faction.

#### RECRUITMENT AND ORGANISATION OF ADMINISTRATIVE STAFF.

M. SAKENOBE said that, since the Mau had agreed to co-operate with the Government, changes in the Administration were observable. For instance, it was stated on page 4 of the report that the former President of the Mau had taken up an appointment as Supervisor of Native Police. The appointment of a Samoan assistant to advise judges of the High Court at Apia in all cases where Samoans were involved had also been approved. Were there any other appointments to high positions?

Mr. CAMPBELL said that it had recently been decided that the Chief Judge should have associated with him in Samoan cases a Samoan assistant or Associate Judge, and also to reinstitute the system of district native judges with power in outlying places to deal with minor civil and criminal cases involving Samoans only.

He had no information regarding any other appointments of natives. The table on page 5 of the report gave particulars of the increase in the number of native officials, adding that a European official was in charge of each Department. Information could be given in the next report as to what offices were open to Samoans.

The CHAIRMAN, referring to the table regarding staff on page 5 of the report, said it was normal that in times of prosperity there should be an increase in staff. In the present case, however, the increase was as high as 14% or 15% in one year. Was there any special reason for this?

Mr. CAMPBELL said the increase related mainly to native Samoans employed in the Education and Health Departments.

The CHAIRMAN thought this increase was a result of the improved financial position. Was there not, however, a certain danger in going forward too rapidly, as the financial position might not be maintained?

Mr. CAMPBELL pointed to the table on expenditure on page 7 of the report, which showed that the increase in expenditure was not in the same proportion as the increase in the number of staff.

The CHAIRMAN supposed that the increase in the number of native employees had not a very great effect on the budget.

#### DEVELOPMENT AND RESULTS OF THE NEW POLICY BEING APPLIED IN THE TERRITORY (continuation).

M. PALACIOS observed that, judging from the report and the statements of the accredited representative, matters were developing in the territory in the way he had foreseen for some years in the Commission. Everywhere hostility had given way to co-operation. The time had come to express both satisfaction and apprehension: satisfaction because the co-operation of the various elements was indispensable to good administration and apprehension because it was always easier to oppose than to govern, and those in charge of the Government should be warned of the difficulties of reality and the snares of power.

In any case, the information supplied to the Commission was interesting and satisfactory. As regards native affairs, an account was given on pages 3 and 4 of the report of changes which appeared to be well inspired and had been carried out on a solemn occasion, namely, during the visit of the Ministerial Goodwill Mission from New Zealand. The Mau had ceased

to be considered as a seditious organisation. A new native organisation had made its appearance quite recently—this event having occurred at a time not covered by the report, would no doubt be dealt with next year—but it did not appear to disturb the existing harmony, since, as Mr. Campbell had said, it also strongly supported the Government.

The Administration also recognised the co-operation of the European elements (page 3 of the report). The Chamber of Commerce, the Planters' Association, the new political parties which, judging from what had been said, did not appear to be political parties, and the missions, were working in concert for the general good. The position would appear to be very far removed from that League of Citizens and the intrigues with which the Commission had had to deal on other occasions.

It was only to be hoped that all these elements would rise to the level of their responsibilities.

#### SITUATION OF " PERSONS OF MIXED BLOOD "

M. SAKENOBE noted that the policy of the Government was to prohibit the Chinese labourers coming into contact with Samoan women, yet, according to page 6 of the report, there were 898 inhabitants of part-Chinese, part-Samoan blood in the territory. Were those people assimilated to native life or were they regarded as Chinese ?

Mr. CAMPBELL replied that the relations between the Chinese and the Samoans, and between those of mixed race and the Samoans, were very good. The degree of assimilation would be dealt with in the next report.

Count DE PENHA GARCIA noted that persons of part-Samoan blood represented 5% of the population. Those persons were of various origins, some being partly Chinese and some partly European. The Government had apparently felt some concern owing to the fact that the total number was increasing. Particulars were given on page 4 of the report of an experiment under which an area of virgin bush land belonging to the Crown was allotted for settlement by these persons of mixed blood. Had those persons a tendency to revert to native society or did they regard themselves as superior to Samoans ? He would also like to know what the experiment was intended to achieve. Would the land allotted to them become their own property or would they be tenants ? He did not ask for an immediate reply to those questions, but would be content if further information were given in the next report.

Mr. CAMPBELL presumed that the settlers did not become owners of the land. He promised further information in the next report.

Count DE PENHA GARCIA said the result of the experiment would differ according to whether the land would be granted to the settlers as their own property or on lease.

#### LABOUR.

Mlle. DANNEVIG noted with interest from the proceedings of the Legislative Council for 1936 and 1937 that the wages of natives employed by the Government on public works had been raised to a minimum of 4s. a day. It evidently implied that the Samoans did good work. What had been the previous wage ? Were many native labourers employed by the Administration ? How did they spend the money they earned, since she understood that living was very cheap in the territory ?

Mr. CAMPBELL said that some such information could be had, but how wages were expended was a question that could only be answered by local enquiry.

#### SIXTH MEETING,

*Held on Wednesday, November 10th, 1937, at 3.30 p.m.*

**Western Samoa : Examination of the Annual Report for the Year ended March 31st, 1937 (continuation).**

Mr. Campbell came to the table of the Commission.

#### PUBLIC FINANCE.

The CHAIRMAN thanked the mandatory Power for the clear information given in the report (pages 6 *et seq*). The situation was favourable, though less so than in the previous year ; revenue had increased slightly but there had been an appreciable increase in expenditure, and the surplus of receipts over expenditure had fallen to £1,296 (page 7 of the report). The explana-

tions for this very natural state of affairs were fully set out in the report. In the stress of the depression, expenditure was of necessity reduced—probably below normal—and with an improvement in the economic situation it had been increased. He hoped expenditure would not have to be curtailed owing to a drop in revenue.

The Chairman noted that the territory was charged with a debt of about £330,000 (capital account plus loans, see page 11 of the report), and that the permanent charges on the public debt had risen from £9,727 to £11,330. Presumably this covered both interest and sinking fund.

What were the accredited representative's views, and the intentions of the mandatory Power, with respect to the amortisation of the debt, which did not seem to be proceeding at so rapid a rate as might be expected in view of the excess of revenue over expenditure? At what rate was it in fact proceeding, and when was it anticipated that the debt would be written off? It constituted a heavy burden for so small a territory.

Mr. CAMPBELL, citing a statement by the Prime Minister, said that the Sinking Fund was designed to redeem the loan in a period of thirty years, and this estimate was based on a contemplated average rate of interest of  $4\frac{1}{2}\%$  on the investment of the sinking fund moneys. But when general rates of interest fell, or were reduced, throughout the world, it was found that the sinking fund was unable to earn  $4\frac{1}{2}\%$  and despite the New Zealand Government's voluntary reduction of the rate of interest payable on Samoan loan moneys from  $5\frac{1}{2}\%$  and  $5\frac{1}{4}\%$  to  $4\frac{1}{4}\%$  (which was considerably below the rate at which the money lent to Samoa was itself borrowed by the New Zealand Government) the investment of the sinking fund moneys was unable to earn an equivalent rate of interest on its current investments from time to time. Unless the period of repayment was to be automatically lengthened for that reason, some new method of repayment had to be devised. Instead, therefore, of allowing the sinking fund to continue to earn less interest than was actually due on the loan, it was decided to apply all sinking fund payments at once towards repayment of the loan; but in order to keep the period of repayment within the specified thirty years it was arranged, on an actuarial basis, that despite those repayments interest at the rate of  $4\frac{1}{2}\%$  would still be payable on all sums so repaid. On the other hand, as the loan was repaid the interest on the loan itself at the rate of  $4\frac{1}{4}\%$  ceased proportionately. The net result of that adjustment was that the loan would be paid off in the specified period of 30 years, but that the Administration properly met the cost of ensuring the provision of the  $4\frac{1}{2}\%$  which was necessary for that purpose, and the net result of that adjustment combined with the New Zealand Government's voluntary reduction in the interest rate payable on the loan itself had been an advantage to the territory of some £1,300 per annum in reduction of permanent loan charges. It should, however, be noted that, owing to the annual difference between the rate of  $4\frac{1}{2}\%$  still paid on account of sinking fund moneys and the saving of only  $4\frac{1}{4}\%$  on loan interest, the permanent charges would actually increase by a small amount annually.

The CHAIRMAN was happy to hear these explanations. He now understood that there was no public loan for Samoa, but a debt owed by the territory to the mandatory Power. The procedure adopted was quite proper, and indeed the obvious one.

If, however, as stated on page 9 of the report, the total public debt actually amounted only to £121,940, would it not be paid off, at the present rate, in a far shorter period than thirty years? There could, of course, be no objection to the policy adopted, a most conservative one.

Mr. CAMPBELL said a precise reply would be furnished to M. Rappard's question.

#### TAXATION.

The CHAIRMAN noted that not only natives but also Europeans had been relieved of the personal tax (page 12 of the report). He presumed that was wise.

He understood from an article in the *Pacific Islands Monthly* for August 25th, 1937, that export duty had been reimposed on cocoa beans. Why—if the information was correct—had that tax been reintroduced, especially at a time when the financial and economic situation had improved?

Mr. CAMPBELL said his information showed that there was an export duty of £1 10s. od. on copra and £2 on cocoa. (Trade, Commerce and Shipping Report, 1937.) It might be that with cocoa, as with copra, the duty had in effect been reduced while prices were exceptionally depressed.

The CHAIRMAN said it was to be hoped prices would be maintained, seeing that the entire fiscal system was based on Customs revenue, which was liable to fluctuations almost as great as those in the price of copra.



IMPORTS AND EXPORTS : BANANA TRADE.

M. GIRAUD noted that there had been a considerable increase in the trade of the territory as compared with 1935, although the present figures did not yet come up to those of earlier years (page 12 of the report). The balance of trade was still favourable. Exports showed a considerable increase. Those of copra had reached the level of the best years ; the same applied to cocoa.

A record was to be noted in the case of bananas—a relatively new article of export—the figures for which had increased steadily since 1928 (there were no banana exports in 1927). All the bananas went to New Zealand. Did that market receive bananas from other sources ?

Mr. CAMPBELL said, with regard to the value of imports and exports, that the experience of Samoa was not dissimilar from the experience of the rest of the world. Allowance must be made for differences in the value of money.

As to bananas, he could only draw attention to Mr. Berendsen's description of the position, on page 118 of the Minutes of the thirtieth session of the Commission. Mr. Berendsen had emphasised that the banana was a new export, for the building up of which the Administration could reasonably claim considerable credit. New Zealand was Samoa's only market for bananas, but Samoa was not the sole source of supply of New Zealand, which obtained bananas from the Cook Islands, Fiji and elsewhere.

Mr. Berendsen had also emphasised that Samoa was given exceptionally generous treatment in the allocation of quotas.

M. GIRAUD said he had noted the information supplied in 1936. According to the *Western Samoa Mail* of Apia of February 20th, 1937, however, the mandatory Government had decided to make certain changes in the arrangements for the banana trade and would, in future, control the distribution of bananas itself.

Mr. CAMPBELL said that, as he understood the position, there had been no change affecting Samoa.

Since the Labour Government came into power two years previously, more than one commodity had been taken over as a direct Government responsibility. Butter and cheese, for instance, amongst New Zealand's main exports, were now Government property, paid for directly and exported by the Government. Similarly, the internal market was under Government control. And there were proposals regarding fruit. But, so far as he was aware, there would be no alteration affecting Samoa as a supply country. The principle of regulating the New Zealand market by means of import quotas remained unchanged.

The CHAIRMAN understood that the general principle of purchasing crops, dairy produce and fruit was based on the desire to ensure that the farmers obtained remunerative prices and were not the victims of fluctuation. If the New Zealand Government did not wish to gain or lose on those enterprises, and if it wished to secure rational and remunerative prices for farmers and for Samoan banana producers, it provided, in the case of overproduction, for the restriction of imports into New Zealand. That would deprive the consumer of the benefit of a drop in world prices.

Mr. CAMPBELL drew attention to the following passage in Mr. Berendsen's observations to which he had already referred :<sup>1</sup>

“ In 1932, when there was a completely free market in New Zealand for bananas, nearly twice as many were imported as could be sold, with the result that perfectly good bananas were being sold in Auckland at 1s. a case of 85 to 90 lb.—less than the cost of the case itself and less than one-tenth of the actual landed costs ”.

That was the background against which the position should be judged.

The CHAIRMAN said that the Mandates Commission was not there to judge of New Zealand's policy. It was a producer's policy, and as the Commission was interested in Samoa as a producer, it was delighted that producers were benefiting.

Mr. CAMPBELL said that was subject to the qualification that if prices were disastrous to producers, consumers would suffer from the chaotic state of the market. They would rather have a continuous supply with prices at 4s. or 5s. to producers, he thought, than have gluts and uncertain supplies at 1s.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 119.

The CHAIRMAN said the object of the policy was not to secure the consumer against the disappearance of the banana, but to safeguard the interests of producers. The Commission could only congratulate itself on the results, seeing that it was concerned with the welfare of the producer, Samoa.

M. GIRAUD drew attention to the table on page 12 of the report, showing the destination of the principal exports. The United Kingdom took first place for copra and cocoa, but as regards copra the highest figure in the table (6,872 tons) was indicated simply as destined for "European ports". What is the ultimate destination of this copra?

Mr. CAMPBELL said it was no doubt consigned to London for sale. If the ultimate destination could be traced, the necessary information would be inserted in the next report.

M. GIRAUD noted that imports had not increased to the same extent as exports. The principal articles imported were tobacco, benzine and foodstuffs (page 13 of the report). It was stated on page 17 that the return of material prosperity and increased prices for native products were reflected in a happier outlook generally. Did that mean that the additional imports were for the natives, who benefited in that way from the material prosperity of the territory?

Mr. CAMPBELL thought that was a reasonable inference, in view of the widely-diffused returns from the export of copra, for instance. There was necessarily a time-lag, however, before imports increased as a result of an increase in general purchasing power.

He noted that the percentage of imports from the mandatory country had fallen appreciably—from 38% in 1935 to 32% in 1936. He did not suggest that that had any great significance, but it showed that there was no monopoly of trade from New Zealand outwards to Samoa.

#### PARTICIPATION OF THE NATIVES IN THE MATERIAL PROSPERITY OF THE TERRITORY : SAVINGS BANKS.

M. GIRAUD enquired how the natives used their surplus wealth. Were they encouraged to save, or did they spend all their money?

Mr. CAMPBELL drew attention to the particulars about savings banks on page 11 of the report, showing that £63,600 stood to the credit of sundry depositors. He could not say, however, to what race they belonged.

Mlle. DANNEVIG asked whether the natives were encouraged to purchase useful objects for the improvement of their culture and standard of living.

Mr. CAMPBELL said that goods representing a change in the standard of living would be available for purchase by the natives, in so far as there was a demand for them. There was frequent communication between Samoa and the rest of the commercial world.

Mlle. DANNEVIG pointed out that much depended on whether the shopkeepers were enlightened and helpful, or whether they were merely out to enrich themselves. Were there no Government stores which offered useful articles for sale?

Mr. CAMPBELL thought not. The main articles sold by the Administration were articles, such as liquor, which were held under control for social and revenue reasons. General lines were left in the hands of private enterprise.

Mlle. DANNEVIG thought the Government might supervise the kind of article sold to the natives with a view to helping them to improve their standard of life. There were many ways in which they might spend their money to good purpose. Perhaps the high rate of infant mortality was due to unsuitable food and clothing, which made the children too weak to resist disease epidemics.

Mr. CAMPBELL said that the increase in the rate of infant mortality in 1936 was due to special circumstances and had no relation whatever to the type of article sold in the shops. However, he appreciated the significance of the general point raised.

JUDICIAL ORGANISATION : WORK OF THE LAND AND TITLES COMMISSION.

M. GIRAUD said it appeared from page 13 of the report that the functions of a chief judge were until recently performed by a magistrate from New Zealand, who paid periodical visits, but in March 1937 a permanent chief judge had been appointed.

The appointment of a permanent judge did not seem to be justified by an increase in the number of cases brought before the courts. In fact, it appeared from the tables on pages 14-16 that the number of criminal offences had decreased from 1,131 in 1935/36 to 869 in 1936/37. In its civil jurisdiction, the High Court had recorded judgments in 61 cases. Was the appointment in question then really necessary ?

Mr. CAMPBELL understood that the appointment was made because it was more convenient administratively to have a permanent judge than to depend on a visiting magistrate from New Zealand. Such minor matters as breaches of dog regulations, riding bicycles without lights, driving horses without reins, etc., would not come before the High Court at all. The chief judge might be concerned largely with civil affairs. The statistics of criminal charges would be an inadequate index to the volume of judicial work.

M. GIRAUD asked whether the appointment did not add unduly to budget charges.

Mr. CAMPBELL doubted whether there would be much difference one way or the other between the cost of maintaining a chief judge permanently in Samoa and the salary and travelling expenses of a judge of sufficient status from New Zealand.

M. GIRAUD drew attention to the particulars of the work of the Land and Titles Commission, which dealt with disputes relating to native land and Samoan names and titles (page 13 of the report). The average number of cases brought before that court was 25. The report added that, on an average the number of disputes now coming forward showed a slight decline. Was there any reason for that ?

Mr. CAMPBELL said that when the new administration had come into force, a good many titles to land might have needed straightening out, but there was a limit to this, and, in the ordinary course, their number would be reduced.

M. GIRAUD recalled that the accredited representative had referred that morning<sup>1</sup> to the re-establishment of district native magistrates. Did that measure form part of a plan for the reorganisation of justice ?

Mr. CAMPBELL knew of no plans for the comprehensive reorganisation of the judicial system. The only reorganisation consisted in what had already been done—the association of a Samoan Assistant with the Chief Judge in Samoan cases, and the appointment of district Samoan judges to deal with minor civil and criminal actions involving Samoans only.

WITCHCRAFT.

M. GIRAUD drew attention to the information concerning the three cases of witchcraft referred to by M. Palacios in 1936, which would be found on page 13 of the report.<sup>2</sup> It was stated that those incidents were of an isolated nature and of no special significance, and that witchcraft, in its generally accepted form, was not practised by the native Samoans.

At the same time, one case of witchcraft in the period 1936/37 was referred to in the table on page 14 of the report. Had the accredited representative any information about that case ?

M. CAMPBELL replied in the negative.

M. PALACIOS thanked the mandatory Power for the information given on this question. The cases quoted were not very interesting nor very different from those which might be found in civilised countries. M. Palacios considered the problem to be sociological in character rather than judicial, and he would have preferred that it should be examined under the heading "Social Conditions of the Natives", particularly if such a study would disclose details of primitive social customs.

<sup>1</sup> See page 53.

<sup>2</sup> See Minutes of the Thirtieth Session of the Commission, page 124.

#### POLICE : ACTIVITY OF THE MAU GUARDSMEN.

M. SAKENOBÉ drew attention to a statement in *The Times*, of July 26th, 1937, to the effect that a message from Apia reported the renewal of assertiveness by Mau guardsmen. When the Mau had been in opposition to the Administration in earlier days, it had had certain police formations. It seemed still to retain them in the form of guardsmen. Did the Administration recognise the latter as police ?

Mr. CAMPBELL said the July incident could be placed in its proper setting in a few sentences. The Prime Minister had explained that, at the end of July, some small difficulties had arisen owing to measures taken by a section of the Samoans to preserve the solemnity of the occasion in connection with the commemoration of the death of Tamesese. Europeans using the public thoroughfares were in some instances molested and some excitement was caused. The Acting Administrator, however, reported that the incident had been greatly exaggerated ; responsible Samoans had expressed their regret and their intention of avoiding any recurrence of the trouble, and the incident might be regarded as closed.

M. SAKENOBÉ said that what he wanted to know was whether the Mau guardsmen were recognised as police by the Administration. He had seen no reference to the police force in connection with the incident.

Mr. CAMPBELL said the *Western Samoa Mail* of July 31st, 1937, contained a fuller account than that communicated to the *The Times*. It stated that the charge was heard before the chief judge and sentence was passed. The police seemed to have functioned in the ordinary way. Evidence was given by a native police sergeant. The records showed that the case was a minor one.

#### ARMS AND AMMUNITION.

M. SAKENOBÉ asked what was the actual position with regard to unregistered fire-arms. There was a discrepancy between the figure for shotguns held by Samoans in 1936/37—347— and the figure for 1935/36—490 (page 17 of the report).

Mr. CAMPBELL thought it possible that a fee was payable on registration and some previous holders of guns had not registered. No doubt an explanation could be obtained, but he did not think any special significance attached to the figures.

#### EVOLUTION OF NATIVE SOCIAL CUSTOMS.

Mlle. DANNEVIG asked what was meant by the passage " It is inevitable that native social usages which previously were enforced physically must undergo some change when confronted by Christian teachings and European law " (page 17 of the report) ? Were there social usages which would be repellent to Christian and European ideas and required changing ?

Mr. CAMPBELL said that he would prefer to refer that question to those on the spot.

M. PALACIOS thought this somewhat elliptical passage required expanding. The real facts of the evolution mentioned would doubtless be very interesting.

#### LABOUR.

Mr. WEAVER was obliged for the replies to the questions he had asked in 1936 (page 18 of the report).

He understood that no decision had been taken with regard to the proposed repatriation of Chinese for the moment, but that an experiment in the employment of Samoan labour was being made on one of the estates. He would be glad of information with regard to the conditions of employment of that labour, for example, whether the Samoans were resident on the estates or lived in their villages, whether the contracts made with the heads of families were for fixed periods or tasks, the method of remuneration.

Mr. CAMPBELL said those details would be furnished.

Mr. WEAVER said the paragraph on unemployed Chinese labourers did not answer his question of the previous year<sup>1</sup> as to what happened to Chinese labourers who became unemployed through no fault of their own during the period of three years' guaranteed service.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 124.

and whether there was any form of relief. He gathered that in certain cases unemployed Chinese labourers received relief from the Benevolent Fund, but would be glad to know whether that was a general practice.

Mr. CAMPBELL said the report showed that, in fact, no able-bodied Chinese were unemployed at the moment. He presumed the question was what would happen should there be any unemployment. That question would be dealt with.

#### MISSIONS.

M. PALACIOS said the mandatory Power had been asked by the Commission for fuller information about the Missions ;<sup>1</sup> but the report contained very little on this subject (page 18). Could the accredited representative give a fuller description of the relations between the Administration and the Missions and of the work done by the latter ? If not, perhaps particulars might be supplied in the next report.

Mr. CAMPBELL pointed out that the relations between the Missions and the Administration continued to be of a harmonious nature (page 18). He would suggest that a fuller account appear in the next report.

#### EDUCATION.

Mlle. DANNEVIG was grateful to the mandatory Power for the information given on page 21 of the report in answer to the questions she had asked in 1936.<sup>2</sup>

She had understood the accredited representative to say that morning<sup>3</sup> that school fees were to be abolished, except in the case of a few native elementary schools. Was he referring to resident elementary schools ?

Mr. CAMPBELL said the position with regard to fees and the organisation of education was changing. His only information additional to that contained in the report had been given at the previous meeting.

Mlle. DANNEVIG presumed that the report was written before the changes were introduced, and would be glad to find fuller information in the next report.

It would appear that the mission schools were inspected by the heads of the respective missions. Were they not supervised at all by the Administration ? The London Mission Schools had about eight thousand pupils (page 19 of the report), but the London Missionary Society had only three European missionaries, and their task must be a heavy one if they did all the inspection, besides the teaching.

Mr. CAMPBELL was unable to say to what extent the mission schools were inspected by Government inspectors. He would ascertain the relationship between the inspectors employed by the Administration and the purely missionary schools. One would gather that there was not very much inspection.

Mlle. DANNEVIG noted that nearly all the Samoan children received education in their native language from Samoan teachers ; but the difficulty was the quality of the teaching. It was therefore important that the schools should be well inspected.

Mr. CAMPBELL thought it was at least debatable how far quality could be improved by inspection. There was much to be said for the view that what was most important was the selection of suitable teachers. Some of the most over-inspected educational systems were the least educational.

Mlle. DANNEVIG would have thought it the business of the inspectors to see that the teachers were suitable, and did their work well.

In 1936,<sup>4</sup> the Commission had asked whether larger credits could not be allocated for native education. It appeared from the annual report (page 7) that expenditure on education had been increased by £800 approximately (from £4,877 in 1935/36 to £5,619 in 1936/37). From what the accredited representative had said, it would seem that this increase was for native education, but larger credits would presumably have to be allocated once fees had been abolished.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 212.

<sup>2</sup> *Ibid.*, pages 124 and 125.

<sup>3</sup> See page 50.

<sup>4</sup> See Minutes of the Thirtieth Session of the Commission, page 212.

Mr. CAMPBELL pointed out that the number of persons employed in educational work had increased by almost 20% : that factor played some part in increasing expenditure.

Mlle. DANNEVIG noted that some European teachers were employed in Administration schools (page 20 of the report). Were they Europeans, as distinct from Samoans with the status of Europeans ? Were there women teachers, European or native, in the resident girls' schools ?

Mr. CAMPBELL said that according to the report some Europeans were employed in educational work. There would undoubtedly be some European teachers coming from New Zealand. There was a link between the education systems of the Dominion and the Islands. Obviously, there would be women in the resident girls' schools.

Mlle. DANNEVIG noted that it was the policy of the Administration to encourage the Samoans to participate in their own government, and that, according to the report, in no direction had this policy been more successful than in education and in medicine (page 20 of the report).

She presumed none of the schools mentioned in the report were secondary schools, but noted from the accredited representative's remarks that secondary schools were under consideration. When would they be opened, and would the teaching staff be recruited in New Zealand ?

Mr. CAMPBELL said that arrangements were being made to introduce secondary education in the near future.

Mlle. DANNEVIG drew attention to the following passage on page 20 of the report : " Ifi-Ifi Schools (European) — The roll number is on the increase and many children await admission. " Was there not room for all the European children ?

Mr. CAMPBELL presumed that parents were in an improved position to carry on their children's education, and so educational facilities would be required in addition to what were already available.

Mlle. DANNEVIG noted that a new superintendent of schools, who was until recently Education Officer in the Cook Islands, had now assumed his duties (page 20 of the report). What were his main duties ? She had been told that he did not inspect the mission schools.

Mr. CAMPBELL did not think that even in so small a country the Superintendent of Schools would have time personally to inspect all the schools. He gathered that the Superintendent was the chief administrator of education, and that his duties involved keeping in touch with the local administration, attending the Council, and so on. This official certainly took part in discussions affecting the territory as a whole.

Mlle. DANNEVIG, summing up, said she would be glad of an assurance that as much importance was attached to the quality of the native schools as to the number of children admitted.

#### ALCOHOL AND SPIRITS.

M. SAKENOBE said a very peculiar system of control seemed to be exercised over the liquor trade (page 21 of the report). He found it very difficult to form a general picture of the procedure. It would seem that the manufacture and import of alcoholic beverages by private individuals was strictly prohibited. The Administration alone imported spirituous liquors and alcoholic beverages for medical, sacramental and industrial purposes (page 21 of the report), and their sale to natives and Europeans was prohibited except on the prescription of a duly qualified medical practitioner. How did a European go about it when he wanted to obtain liquor ? Was there any limit to the quantity that might be prescribed, or any time-limit ?

Mr. CAMPBELL had not seen the system at work, but thought it should be fairly simple to picture. The Administration held a monopoly for import, partly to keep the liquor trade under control and partly for revenue purposes. Liquor was sold at the same retail price as in New Zealand, so that the Government obtained the equivalent of the duty and profit. The profit of £4,500 had been obtained in 1936/37. He imagined the administration could be reasonably simple from his knowledge of the working of the system of control adopted in the Province of Ontario in Canada, where there was also a State Monopoly. In Ontario, there was not limitation so much as a record of sales. Every purchaser had a liquor book in which the details of sales were entered.

The position in Samoa was dealt with in the 1928 report : but, if further information was desired, he would obtain it.

M. SAKENOBE said the important point was whether natives were given medical permits to obtain liquor, and, if so, what quantity they consumed.

He understood the object of the system was to prevent the natives from having free access to alcoholic drinks.

Mr. CAMPBELL said he would be happy to forward the results of enquiry.

#### DRUGS.

M. SAKENOBE asked why there were no convictions of natives or Chinese for attempting to obtain, or obtaining, drugs (page 22 of the report), when there had been twenty in 1934/35.

Mr. CAMPBELL said he would require to know the reasons for the twenty convictions before answering that question. It would seem to be a large number. The necessary information would be obtained.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA said the statistics for 1936/37 led him to two conclusions : (1) that the year had been particularly unsatisfactory from the health point of view in general; (2) that the reforms introduced had not had the effect of improving general health conditions. In particular, the figures for measles, diphtheria and whooping-cough were alarming (page 22 of the report). He wanted to draw the accredited representative's attention to the figures for infantile mortality (page 23 of the report), though their importance must not be exaggerated, since they were due to special causes.

He would be glad to know, in order to assist him to form a judgment, how deaths were declared and how the different diseases were classified.

Mr. CAMPBELL agreed with Count de Penha Garcia's opening remarks as to the bad experience, due to epidemics, in the year under review.

He had no useful information to add to that already furnished. Information as to the procedure for notifying deaths and diseases would have to be prepared locally.

Count DE PENHA GARCIA asked whether it was possible, with the present arrangements, to isolate infectious diseases.

The report stated that there were Women's Committees in 120 villages (page 23) ; such bodies were clearly capable of exercising a very useful influence on health conditions in the territory. How did the figure mentioned compare with the total number of villages in the territory ?

Mr. CAMPBELL felt sure there were means of isolating infectious diseases. Statistics of the number of villages could be given in the next report.

Count DE PENHA GARCIA said it was always difficult to provide natives with proper medical care. Special steps had to be taken. The system described on page 22 of the report seemed to be good in principle. He was glad to note that an attempt was being made to increase the number of native practitioners, because it was always easier for natives to get into touch with the native population. There were still too few of those practitioners, but no doubt their number would be increased in the near future. The possibility of attaching to European practitioners native assistants with sufficient knowledge to treat the natives might be considered. Some central control was of course necessary in circumscribing infectious diseases. He hoped that the next report would show that the situation had improved.

Mlle. DANNEVIG said that she had mentioned infant mortality earlier in the meeting<sup>1</sup> because it was stated on page 23 of the report that 1,057 children under ten years of age had died in the year under review out of a population of 56,264. Measles and whooping-cough, which were responsible for many deaths, were not mortal to children in Europe. The reason for the high death rate might be due to innate weakness, or to unsatisfactory conditions in the homes.

Mr. CAMPBELL thought it even more striking that the death rate for children under one year was 291 per thousand, as compared with 97 in the previous year, a figure which was already high (page 23 of the report).

<sup>1</sup> See page 57.

FORESTS.

Count DE PENHA GARCIA said it was unfortunate that advantage could not be taken of the extensive forests in the territory. Apparently there was no possibility for the present of developing the commercial exploitation of timber. He noted that plantations of teak had been planted.

DEMOGRAPHIC STATISTICS.

The CHAIRMAN said that the large increase in native population in the past ten years, as shown by the 1936 census, was very satisfactory (pages 26 and 27 of the report). But was not the accredited representative of opinion that it was due, at least in part, to improved statistical methods?

Mr. CAMPBELL had no reason to believe that the figures for 1926 were less accurate than the figures for 1936.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for his co-operation.

He expressed the hope that the mandatory Power would be able, in the near future, to send with him an accredited representative from the territory. The Commission had not had the pleasure for some years of discussing the report with some one who had had actual experience on the spot.

M. CAMPBELL thanked the Commission for its courteous and considerate hearing.

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SEVENTH MEETING.

*Held on Thursday, November 11th, 1937, at 10.30 a.m.*

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**Cameroons under French Mandate : Examination of the Annual Report for 1936.**

M. BESSON, Director of the Economic Agency of French West Africa, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed M. Besson and took the opportunity of congratulating him on his recent appointment to the position of Director of the Economic Agency of French West Africa.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. BESSON. — In the first place, allow me to thank you, Mr. Chairman, for your kind words. You are aware that one of the pleasures of my position is to come to Geneva and be amongst you.

As Director of the Economic Agency of West Africa, I shall be able, on the one hand, to study closely certain economic problems with which I am insufficiently acquainted, and, on the other, to give you the assurance that the affairs of Togoland, which is now placed under the supreme control of the Governor-General of West Africa, will be followed by me in Paris with the aid of the experience which I have gained of the administration of the mandated territory.

As regards the Cameroons, the Mandates Commission had, last year, the advantage of hearing Governor Repiquet explain the position of the territory, from which he had just returned.<sup>1</sup> This year, I will endeavour to give as faithful an account as possible of the work carried out by the mandatory Power during 1936. This work has been successful, thanks to the activity and great conscientiousness of the present Commissioner of the Republic, Governor Boisson. He has just returned to France by air to undergo medical treatment, and has requested me to greet the Mandates Commission, before whom he hopes to appear at its next session.

The Commission is too well acquainted with colonial questions not to know that the economic depression which so severely affected the West Coast of Africa has given place to an era of prosperity. This prosperity "breaks out", if I may so express myself, in the various

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<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, pages 21 *et seq.*



chapters of the annual report, and this fact will not have escaped your attention in your careful perusal of this document. As regards the internal political situation, you will have read the following happy statement : " The year 1936 was characterised by a veritable economic recovery and political tranquillity, which remained quite undisturbed. The black peasant, seeing his products fetch more and more remunerative prices, has recovered in that prosperity the cheerfulness and care-free life which are natural to him but which the severe depression of recent years had undermined " (page 41 of the report).

As regards the economic position, the report notes with legitimate pride the " economic recovery of the territory ", which passed through very difficult times in 1932/33. The rise in the prices of raw materials due to a general upward movement gave the year 1936 a character of very marked activity and recovery. You will have observed, *inter alia*, the statement in the report that palm kernels, which fetched 600 to 1,000 francs a ton at Duala on January 1st, 1936, went up to 1,425 francs and 2,850 francs on January 1st, 1937. Similarly, during the same period, the price of ground-nuts rose from 850 francs to 1,275 francs. Cocoa rose from 1,240 francs to 4,350 francs. In addition, much larger quantities were sold in 1936 than in 1935. The following are some instructive figures regarding exports :

	1935	1936
	Tons	Tons
Palm kernels . . . . .	37,000	44,000
Palm oil . . . . .	7,900	10,000
Maize . . . . .	61	4,000
Coffee . . . . .	1,300	2,000
Bananas . . . . .	7,700	16,000

This definite increase in colonial production resulted, as a logical consequence, in a greater purchasing power of all sections of the population of the Cameroons. Consequently, the imports into the territory increased in 1936. While they had amounted to 42,000 tons in 1935, they exceeded 47,000 tons in 1936. The natives purchased more cotton fabrics, more household articles, more artificial silk (59 tons against 39 tons in 1935). They consumed more wine and more beer. They smoked more. They travelled more, and the native mode of living is changing. " Almost everywhere ", says the report (page 98), " mud huts, roughcast and whitewashed, spacious, well-ventilated, provided with windows and strongly covered, are replacing the huts made of bark . . . In the villages, the old huts are destroyed and are being replaced by comfortable dwellings of cement covered with sheet-iron. " Lastly, the taxes were more easily paid—sometimes a sign of prosperity, in the Cameroons as elsewhere.

Without wishing to overburden the Mandates Commission with statistics, I must state that the economic rise reported for the year 1936 has become even more marked during the first seven months of 1937. This statement is not based on figures representing values, but on the tonnage figures of goods of general consumption. Similarly, as regards exports, the first six months of 1937 show surplus exports of 163,310 quintals. The Customs receipts—an incontestable factor—for the first six months of 1936 amounted to 10,800,000 francs, while those for the first six months of 1937 amounted to 22,170,000 francs.

The improvement in the economic situation has resulted directly in a budgetary position which many countries would be glad to record. Last year,<sup>1</sup> I had the honour of stating that it had been possible to pay five millions to the Reserve Fund. According to the latest figures cabled to me from the Cameroons relating to the closing of budget operations in 1936, the sum of 11,797,892 francs will be paid to the Fund. I will now give figures for the financial year 1936 which do not appear in the report, because they were not known in Paris when the report was printed. I have had them sent from the territory :

*Financial Figures for 1936.*

		(Final budgets.)
Local budget :		French francs
Ordinary revenue . . . . .		73,469,090
Ordinary expenditure . . . . .		<u>62,141,900</u>
	Surplus . . . . .	11,327,190
Extraordinary revenue . . . . .		5,180,000
Extraordinary expenditure . . . . .		<u>4,709,298</u>
		470,702
	Total surplus paid to the Reserve Fund . . . . .	11,797,892
Railway budget :		
Revenue . . . . .		18,978,140
Expenditure . . . . .		<u>13,341,771</u>
	Surplus . . . . .	5,636,369

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 21.

I should be grateful if the Chairman would authorise me, when financial questions come up for discussion, to give the Commission a short statement on the chapter of the report dealing with public finance. In this connection, we think we have complied with the Commission's wish ; but we should be glad to have its opinion as to the method in which this chapter is presented.

Last year,<sup>1</sup> the following question was put to the mandatory Power : Since certain States no longer belong to the League of Nations, what is the position of certain countries belonging to the conventional Congo Basin ?

You very rightly pointed out that a part of the territory of the Cameroons was included in the conventional Congo Basin. We have considered the question from the legal point of view. The legal issue may be summarised as follows :

“ Have the Powers which have ceased to be Members of the League of Nations *ipso facto* lost the right granted to them by the Convention signed on September 10th, 1919, at St. Germain, to economic equality in the territories included in the conventional Congo Basin, and in particular in the portion of the French zone of the Cameroons which is itself situated in that basin ? ”

In reply to this question, the French Government affirms that these Powers have lost their right to appeal to the principle of economic equality. Indeed, while the Convention of September 10th, 1919, repeats literally from the Berlin Act the geographical definition of the district in question, it nevertheless expressly reserves the benefit of the system in question to countries which are parties to (1) the 1919 Arrangement and (2) to the Covenant. That is to say, two conditions are postulated. The non-fulfilment of either of them is sufficient to invalidate the original rights. Such is the French Government's opinion on the point raised.

To resume the general statement on the Cameroons territory, I will briefly state that the territory is enjoying full prosperity, its natural resources are being methodically developed and the progress made ensures constantly increasing material and moral well-being to the native populations. In conclusion, I am glad to refer to the hard work and qualifications of all my compatriots who are entrusted with the duty of co-operating in the work of the mandatory Power.

#### **Commemoration of Armistice Day.**

At 11 a.m., the Commission, on the Chairman's proposal, observed one minute's silence in honour of the memory of those who fell in the Great War.

#### **Cameroons under French Mandate : Examination of the Annual Report for 1936 (continuation).**

##### **GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE (continuation).**

The CHAIRMAN thanked M. Besson for his interesting statement ; the information he had furnished was very satisfactory and supplemented the particulars given in the annual report. He asked him to thank the Governor, M. Boisson, for his message and to send him the Commission's best wishes for his recovery. The Commission was glad to know there was a possibility of his attending a later session.

##### **STATISTICAL INFORMATION REGARDING THE TERRITORIES UNDER MANDATE.**

The CHAIRMAN recalled that last year<sup>2</sup> M. Orts had stated that the Commission would be grateful if the mandatory Power would be good enough to insert in the reports each year a table similar to that concerning the territories included in the document containing statistical tables relating to public finance, trade and demographic movements in the territories under mandate.

In order to facilitate the bringing up to date of that document by the Secretariat, the Chairman again expressed the hope that the mandatory Power would add the table in question to its annual reports.

M. BESSON took note of that suggestion.

#### **FRONTIER BETWEEN THE CAMEROONS UNDER BRITISH MANDATE AND THE CAMEROONS UNDER FRENCH MANDATE.**

Count DE PENHA GARCIA observed that on page 44 of the report it was stated that the organisation of the mission for the delimitation of the frontier between the Cameroons under French mandate and the Cameroons under British mandate was on the point of completion, and that the work would probably begin in November 1937.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, pages 28 and 39.

<sup>2</sup> *Ibid*, page 49.

The Decree of August 25th, 1937, had determined the composition of the mission responsible for "determining, pegging-out and surveying the said boundary-line". The mission was composed of a Chief Colonial Administrator, a surveying officer, a topographer and a secretary-accountant, together with the locally recruited native personnel.

Had the accredited representative any recent information as to the present state of the question? Had the mission begun its work?

M. BESSON gave the following particulars: In August 1937, the United Kingdom Government had sent to the French Government draft instructions for the use of the two Commissions. The French Government, which had certain objections to make on points of detail, had replied by a counter-draft communicated to the Foreign Office in the second half of September 1937. As an agreement had now been reached, the two missions would shortly get into touch with each other on the spot; and it had been decided that work should begin about December 10th or 12th, 1937.

The CHAIRMAN observed that for a long time past the Mandates Commission had been anxious that this delimitation should be carried out, and he was very glad that a Franco-British agreement had now been reached. He hoped that the next report would give an account of the result of those operations, and that the frontiers would thus be finally delimited.

Count DE PENHA GARCIA asked whether, apart from the geographical frontiers determined by orography, hydrography or in some cases by an imaginary line such as a degree of longitude or latitude, account would also be taken of social frontiers—that was to say, frontiers the drawing of which affected the various groups of the population.

M. BESSON replied that the French mission had received very wide instructions in that connection. Moreover, the head of the mission was a Head Administrator, who had served for years in the Cameroons and had an expert knowledge of social questions. That official would certainly see that, as far as possible, the boundary-line did not divide tribes or important groups.

#### POLITICAL REFUGEES FROM SPANISH POSSESSIONS ON THE GULF OF GUINEA.

Count DE PENHA GARCIA asked whether some of the political refugees coming from the Spanish possessions on the Gulf of Guinea, referred to on page 44 of the report, had settled in the country as colonists.

M. BESSON did not think so. He believed that most, if not all, of them had been repatriated or sent to Europe, as they preferred.

#### ECONOMIC EQUALITY: CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE OF NATIONS (*continuation*).

The CHAIRMAN thanked M. Besson for the explanations he had given in this connection in his statement. The Commission had to ensure that States Members of the League enjoyed commercial equality, in so far as this was granted to them under the mandate itself and other international Acts.

M. BESSON again explained that, as concerned that part of the conventional Basin of the Congo situated within the Cameroons under French Mandate, his Government maintained that States which had ratified both the Covenant and the Convention of St. Germain of September 10th, 1919, were alone entitled to commercial equality. It followed that States which had withdrawn from the League could no longer lay claim to such equality.

M. VAN ASBECK said the French view apparently differed from the Netherlands view: as concerned the Netherlands and the other States which had not ratified the Convention of St. Germain, it was still the Act of Berlin that applied.

Were States non-members of the League which had ratified the Convention of St. Germain entitled to commercial equality?

The CHAIRMAN said it seemed that in the French view they would not be so entitled, since the Convention of St. Germain only ensured advantages to States which had acceded to the Covenant. The text of Article I of that Convention read as follows:

"The signatory Powers undertake to maintain between their respective nationals and those of States, Members of the League of Nations, which may adhere to the present Convention a complete commercial equality in the territories under their authority . . ."

To sum up, if they were to enjoy commercial equality, States must, in the French view, be both Members of the League and signatories of the Convention of St. Germain.

It would be for the Commission to decide whether or not it should leave the matter as it stood. For the time being, he would merely take note of the accredited representative's statement, which was of special interest to the Commission as directly concerning the inhabitants of the territory.

#### PUBLIC FINANCE : RAILWAYS.

M. BESSON said that, in response to the Commission's request,<sup>1</sup> the services concerned had endeavoured to draw up this chapter of the annual report as clearly as possible. He hoped the Commission would appreciate the effort made and would agree that there had been an improvement in that respect.

He then commented briefly on the main headings of the chapter, and gave, in particular, the following explanations: The expression "special budget" was synonymous with "local budget" (page 13 of the report), and the expression "from African sources" with "from native sources". Only the financial year 1935 was examined in the report, because the information for that year was complete, starting from the adoption of the budget in 1934 and concluding with the establishment, on May 31st, 1936, of the final accounts for that period. The final figures for the year 1936 had only become known in the preceding month, and it was those figures that he had given in his preliminary statement.

The CHAIRMAN expressed surprise that the grant representing the participation of the Air Ministry in the creation of the airport at Duala appeared under ordinary, and not under extraordinary, revenue, since it was not a subsidy of an annual character (page 15 of the report).

M. BESSON replied that the grant had been entered under ordinary revenue because it was intended to contribute to the normal equipment of the territory. The extraordinary revenue was solely made up of special deductions from salaries (a temporary measure, moreover) and of sums withdrawn from the Reserve Fund, which more or less corresponded to a current account in a bank.

In reply to a question by M. van Asbeck as to what the economic agency mentioned on page 15 of the report in the list of grants was, M. Besson gave the following particulars. There had formerly been a special economic agency for the Africa territories under French mandate (the Cameroons and Togoland). For reasons of simplification and economy, it had been amalgamated with another agency, that of the so-called "autonomous" colonies—that was to say, the colonies not included in the "Federations"—viz., Martinique, Guadeloupe, St. Pierre and Miquelon, the French Possessions in India, etc. This new agency was worked by means of a common fund constituted by the payment of grants from the colonies concerned. The sum of 655,000 francs in question had been taken from this common fund for the working of the "Cameroons" section.

In reply to a question by the Chairman, he explained that the debts due (table on page 17 of the report) related to the service of the loan. As there had been no new issues, substantial savings had been made under that item. The territory had no other liability besides the loan. In other words, the debts in question consisted of payments in respect of the loan during the financial year (service of the loan, interest, amortisation).

The CHAIRMAN confessed that he was not entirely clear as to the distinction made (in the same table on page 17) between "European destination", "African destination", and "Mixed expenditure", in regard to such items as the staff of the Commissariat of the Republic, and General Administration.

M. BESSON pointed out that the following paragraphs on page 18 of the report threw some light on the matter:

"Expenditure under 'European destination' includes sums paid to European staff and expenditure relating to the various allowances they receive.

"Expenditure under 'Native destination' includes sums paid to native staff and expenditure relating to the various allowances they receive. This table, by reason of its purely accounting character, only gives a very imperfect idea of the aims pursued and of the actual use made of the funds available to the Administration.

"It is clear that, in the last resort, the activity of the various services is expended for the benefit of the native population."

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 210.

The CHAIRMAN thought that this was entirely reasonable ; but it did not explain the third heading : " Mixed expenditure ". He thought it would be better to simplify the report in future, and to include no information which was not absolutely clear.

M. BESSON, referring to the " Special budget for large-scale public works " (page 19 of the report) said that, in view of the satisfactory condition of the finances, the Administration of the territory considered that it would be expedient to incur expenditure to the full amount of the credits made available as a result of loans contracted by the territory. In order to make this section of the report perfectly clear, he explained that it covered : (1) the total amount of the loans ; (2) the amounts which the territory had been authorised to expend during 1935 ; (3) the amounts which it had been decided to draw for that same financial year ; and (4) the actual expenditure, which only represented part of those withdrawals. As was shown in the report, " the margin between estimated expenditure and actual withdrawals gave proof of a determination to draw upon the available funds only to the extent strictly necessary to meet liabilities. " This procedure should be regarded as a measure of precaution.

Turning to the third budget—namely, the subsidiary budget relating to the operation of the Cameroon railways (page 21 of the report)—M. Besson explained that it might be compared, as to character, with the budget of the Swiss Federal Railways. In both cases the principle followed was that the Government could, in no circumstance, have recourse to the railway budget to meet expenditure incurred under the ordinary budget. All the expenditure on the railway system had been covered by the normal resources of the territory from 1916 to 1932. In the last-mentioned year, the cost of replacing the 60-cm. gauge by the 1-metre gauge on the Otelé M'Balmayo section had been borne by amounts taken from the loan funds.

M. Besson referred the Commission to page 143 of the report, where, under item 3, a reply was given to an observation made by the Mandates Commission.<sup>1</sup> He added that the link between the three budgets of the territory was constituted by the " loan service ", which appeared on page 18 of the report under Ordinary Expenditure, heading I : " Sight Liabilities ". The loan service covered all the various loans, including that for expenditure in connection with the railways. If the Commission desired, however, the accredited representative would endeavour—although such a step would involve great difficulties—to indicate as clearly as possible the amounts relating to the capital construction costs of the Cameroon railways, which the mandatory Power had had to meet.

The CHAIRMAN pressed for the submission of the figures in question to the Commission, since an account of the income and expenditure was insufficient to allow a precise view of the actual financial situation of the railways to be obtained. Obviously, a railway system which did not pay its way might yet prove entirely justifiable, especially from an economic standpoint. At the same time, it would doubtless be admitted that importance attached to knowledge of the amount involved in capital construction costs ; for that amount was an essential prerequisite to a clear estimation of the value of the undertaking.

M. GIRAUD thought he could clear up the matter by explaining the view prevailing in France in respect of construction costs of railways in the colonies or mandated territories. It was considered that such work constituted expenditure which the colony concerned would subsequently recover through the development made possible by the railways. In other words, the colony (or territory), by taking upon itself the cost of its equipment, was content to be compensated at a later date by an increase in prosperity. For that reason, the amortisation of such expenditure was not taken into account in the operation budgets of colonial railways.

M. VAN ASBECK enquired as to the origin and purpose of the " Railway replacement fund ", detailed on page 27 of the report.

M. BESSON replied that this was not a fourth budget, since it was exclusively based upon railway profits. He undertook to give fuller information on this point in the 1937 report.

The CHAIRMAN asked whether, in the absence of a special loan, a part at least of the general loan had not been earmarked for the railways, and whether, for instance, recourse was not had to such a sum for rolling-stock renewals, the withdrawals being made good subsequently.

M. BESSON replied that he would supply explanations on that point also in the next report.

The CHAIRMAN thought that it emerged from the Commission's examination of the report that, while the method of presenting the budget had been considerably improved, further simplification and clarification was still desirable on certain points. The present situation did, nevertheless, appear highly satisfactory ; the Reserve Fund, into which inroads had been made in previous years, was gradually being replenished, a fact which gave obvious proof of an improved financial situation.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 210.

TAXATION.

M. GIRAUD recalled the statement made last year by the accredited representative,<sup>1</sup> according to which the institution of lists of names for the native tax having given good results in the Adamawa, this work would be undertaken in the remainder of the territory. Was the accredited representative in a position to supply information as to the extent to which that proposal had been carried out?

M. BESSON said that he had no figures on that point; but he believed that the application of the method had gradually been extended, on account of its advantages in permitting a closer control over the collection of taxes.

IMPORTS AND EXPORTS: QUESTION OF FUTURE MARKETS.

M. GIRAUD found that the economic situation of the territory, which was already highly satisfying in 1935, had still further improved during 1936 (page 81 of the report). Exports had reached 150,242 tons and 168 million francs in 1936, compared with 126,043 tons and 98 million francs in 1935. The bulk of the export trade of the territory still consisted of oil products. All the products (except timber) were making progress. The prices paid to the natives, which were rapidly rising, had no doubt provided a very effective stimulant.

As to imports, the report showed (pages 82-84) that they amounted to 47,571 tons and 126 million francs in 1936, as compared with 42,025 tons and 88 million francs in 1935. The increases were particularly noticeable in the items clothing and household requirements, the natives having profited from the brisk demand for goods on the market to feed and clothe themselves better and to live more comfortably. Imports of salt, wine, beer and tobacco had also increased considerably (page 82 of the report).

In short, the position of the territory appeared to be extremely favourable.

Could the accredited representative say what were the future prospects of the territory so far as the maintenance of the present markets for Cameroons products and the possibility of finding fresh markets for them were concerned? The exports of bananas had more than doubled in 1936, having risen from 7,729 tons to 16,865 tons (page 82 of the report). Did not such an advance represent dangers from the point of view of marketing this product? Since the French market was in danger of being saturated in the near future, did it not now appear necessary to look to foreign markets for the sale of the future production?

M. BESSON replied that the country was developing rapidly and production was increasing at a greater rate than before. This situation, nevertheless, raised two questions: first, would the rise in the prices of raw materials continue? It was very difficult to reply to that question. Secondly, could markets be found for colonial raw materials, apart from the mandatory Power. It would appear from the preliminary investigations he himself had made that there was a large market abroad for the Cameroons, particularly for cocoa-beans, bananas and, to a lesser extent, ground-nuts. M. Besson did not wish to prejudge the future, and would confine himself to stating that, for the moment, the position was satisfactory. He hoped new markets would be found. This was the more necessary because the market of the mandatory Power had almost reached saturation point, as far as bananas and cocoa were concerned.

TRADE RELATIONS BETWEEN NATIVES AND NON-NATIVES.

M. VAN ASBECK said he would like to know how the native agricultural products intended for export were marketed. Were they purchased by European factories or by European export firms, either directly or through middlemen? Were such purchases made at equitable prices? It would appear that, as native production extended and increased, the problem of trade relations between natives and non-natives would become more important.

M. BESSON replied that the two systems existed side by side. Obviously, the development of the black peasantry would bring about closer relations between native producers and the various exporters, and account would probably have to be taken of this in future.

PARTICIPATION OF THE NATIVES IN THE PROSPERITY OF THE TERRITORY: QUESTION OF SAVINGS BANKS.

M. GIRAUD thought the prosperity of the native producer was also interesting from the standpoint of savings. Could the Commission be told what the native did with his money? Did he spend it at once, as was frequently the case in the colonies, or did he put it aside? Was there any Post Office Savings Bank?

M. BESSON did not think there was a savings bank at present. He thought there was some talk about opening one. Details would be given in the next report.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 38.

#### AGRICULTURAL DEVELOPMENT.

M. SAKENOBE asked what were the principal agricultural products cultivated by the native.

M. BESSON replied that these products varied in the different regions ; but, generally speaking, the natives cultivated food crops, such as cassava, and crops bringing in a profit, such as cocoa, bananas, rubber, and, in the north, some ground-nuts. Native farmers received considerable help from the agricultural co-operatives referred to on page 72 of the report. These co-operatives would develop into much larger societies in time.

M. SAKENOBE asked whether native production formed a small or, on the contrary, the major part of the agricultural exports.

M. BESSON replied that it was the policy of the French Government steadily to promote the interests of what was called the "black peasantry". The major part of the products exported were produced by small native landowners.

Count DE PENHA GARCIA asked if fuller information could be found in the next report as to the nature and use of *totaquinas*, which was referred to on page 68 of the report.

M. BESSON took note of the request.

#### EUROPEAN COLONISATION.

Count DE PENHA GARCIA asked what was meant by "European colonisation", referred to on page 72 of the report. Did it refer to permanent colonisation, or simply to colonists who were exploiting to make money and would leave after they had done so ?

M. BESSON replied that this referred to planters who held and worked concessions. There was no question of re-peopling the Cameroons with Europeans.

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#### EIGHTH MEETING.

*Held on Thursday, November 11th, 1937, at 4 p.m.*

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#### Cameroons under French Mandate : Examination of the Annual Report for 1936 (continuation).

M. Besson came to the table of the Commission.

#### GENERAL ENQUIRY IN COLONIES AND MANDATED TERRITORIES CONCERNING THE MORAL, MATERIAL AND SOCIAL DEVELOPMENT OF NATIVE POPULATIONS.

M. VAN ASBECK stated that a law dated August 12th, 1936, followed by several decrees in February 1937, opened an enquiry in the mandated territory and elsewhere. The Commission of Enquiry was "instructed to ascertain the legitimate requirements and aspirations of the populations". Why had it been decided to open this enquiry ?

M. BESSON explained that the enquiry was of a general character covering all the colonies, protectorates and French mandated territories. It was not due to any incident in the Cameroons ; any such incident would, in any event, have been reported to the Mandates Commission. It was, in fact, a vast piece of work that was about to be undertaken ; a piece of work with which the French Government had wished to associate the International Labour Office and distinguished Frenchmen.

M. VAN ASBECK drew the attention of the accredited representative to a decree dated September 23rd, 1936, by which M. Justin Godard was charged with a mission of study and supervision with regard to matters concerning labour, health and social legislation. Could the accredited representative give the Commission any information about this enquiry.

M. BESSON pointed out that this enquiry also did not specifically envisage the Cameroons. It related mainly to Indo-China, Madagascar, etc., and had been mentioned at the International Labour Conference, to which the results on these lines had been reported. He thought he would be in a position in 1938 to give the Mandates Commission information with regard to the social reforms introduced in the territory in accordance with the principles laid down by M. Moutet, Colonial Minister, who attached very special importance to the rational development of native populations.

ETHNOGRAPHICAL MISSION IN THE CAMEROONS UNDER FRENCH MANDATE.

M. VAN ASBECK drew attention to another decree, dated October 8th, 1936, charging M. Marcel Griaule with an ethnographical mission in the Cameroons, with a view to carrying on the programme fixed for the Dakar-Jibuti ethnographical mission.

M. BESSON explained that this was a simple study mission, whose report had not yet been received.

STRENGTH AND DISTRIBUTION OF THE EUROPEAN STAFF.

M. SAKENOBE noted (page 11 of the report) that the European staff of the command and the administrative services had an establishment of 205 officials, that of the health service being 59. He would be glad to know how these officials were spread over the seventeen regions of the territory.

M. BESSON said that a table would be given in the next report.

NATIVE ADMINISTRATION : TRANSFER OF CERTAIN MOUNTAIN TRIBES TO THE PLAIN :  
ADMINISTRATION OF THE KIRDIS.

M. VAN ASBECK said that it appeared from the report (page 41) that the year 1936 had been marked by genuine economic recovery and by political tranquillity which nothing had disturbed. With regard to the Moslem countries in the north, the report pointed out that the rapprochement policy applied to the Kirdis had given satisfactory results (page 41 of the report). It had been possible to take a census of most of them, and they had paid their taxes without difficulty. In addition, these natives had slowly but regularly continued to slip down towards the plain. As for the Bororo shepherds of the Adamawa region, attempts had been made to settle them and to make them semi-sedentary. In the Bango division, a few Bororos had regularly entered their names on the control sheets and tax lists, which had never happened before. This migration of populations created what was known in English as the "native strangers" problem (natives settled in a tribe which was not their own). Could the accredited representative say what were the reactions of the natives to contact with populations with whom this policy of "domestication" was being pursued? Did they welcome the newcomers readily? Did they establish good neighbourly relations with them? When different populations came into contact in this way, how were customs settled? Did the various customs continue to exist side by side? What law was applied?

M. BESSON explained that, in every court in which a French judge sat, it was the rule that there should be native assessors to enlighten the judge as to the custom to be enforced. The assessor was always chosen from among natives who were versed in the customs of the native concerned.

The migrations referred to by M. van Asbeck, which were carried out under the Administration, had raised no difficulty, thanks to the supervision and the moral influence exercised by the officials, who explained to the natives the utility of migration.

M. VAN ASBECK asked whether the amalgamations in Kirdi country were voluntary or enforced.

M. BESSON replied that these transfers were arranged and conducted by the Administration with the object of improving the standard of living of the mountain peoples. They had been studied carefully in recent reports and, furthermore, approved by the Commission.

M. SAKENOBE asked on what scale migration of mountain people to the plain took place. Was it the intention of the French Government to remove all the mountain peoples to the plain? Did it not think that contact between these peoples and the peoples of the plain would entail certain risks? The peoples removed to the plain would find a change in their manner of life and their activities. They would need new agricultural implements, and money would be required to purchase them. Had they been given money? Or, on the contrary, did the Administration confine itself to advising mountain peoples to descend to the plain without taking steps to organise them when they followed its advice?

M. BESSON replied that M. Marchand had already given the Commission very detailed information on these points<sup>1</sup>. The intention was to clear a poor and almost inaccessible region of peoples who could only live there in a wild state. The settlement of these peoples in the plain had been carried out with the help of funds from the budget. The operations had entailed

<sup>1</sup> See Minutes of the Twenty-second Session of the Commission, pages 206, 207 and 214.



no difficulty. On the other hand, from the health point of view, it could be said that it was far easier to care for them in the plain than in the mountains, where their villages were almost inaccessible.

M. SAKENOBE asked whether the Administration had enough land to bring all the peoples of Northern Cameroons down to the plain.

M. BESSON replied that there was a good deal of room on the plain. He would endeavour in the next report to say how many natives had been transferred, and what area of land had been handed over to them.

M. SAKENOBE pointed out that it was stated on page 44 of the report that, in August 1936, the command of the Poli subdivision (Benue region) had passed to the civil authority and that the Uangai station, under a non-commissioned officer, had been suppressed. Were that station and subdivision formerly under the military authority, because there had been disturbances?

M. BESSON replied that there had been disturbances three or four years previously, and they had been reported to the Mandates Commission. Everything was in order, since the military authorities had now been replaced by civil authorities.

#### RECRUITMENT AND DUTIES OF THE CHIEFS.

M. VAN ASBECK thanked the accredited representative for the statement relating to the native administration on pages 42 *et seq.* of the report. He would be glad to know how the native chiefs referred to under this head were to be regarded. Were they leaders of their people who were entrusted with their duties by the people, or were they rather officials of the French Administration?

M. BESSON replied that they were not officials but collaborators; intermediaries between the Administration and the native population. The only exception to this was the Moslem chiefs in the north, who had very great influence. The lesser native chiefs were sometimes appointed by the notables and sometimes appointed by the Administration. Generally speaking, the Administration tried not to create chiefs where they were not called for by tradition.

M. VAN ASBECK referred to the following passage on page 43 of the report:

“ Every year a larger number of villages in Kirdi country are amalgamated in groups or cantons directed by chiefs of their own race; others have been incorporated for a longer or shorter period in the Foulbe Lamidats, whose authority they accept. Lastly, there are a fair number of independent villages which are in the direct charge of European officials. This situation is, however, quite provisional, and is merely a stage towards the constitution of further native commands or combination with those already existing.”

M. BESSON explained that, as would be seen from another passage in the report (page 42), the Administration, prior to the French mandate, had thought fit to introduce superior chiefs where traditionally there had been none. The present system, which consisted in not creating new commands, but in placing independent villages under the authority of European officials assisted by native intermediaries, had not given bad results.

M. VAN ASBECK reverted to the distinction he had mentioned at the beginning of the discussion. If a chief were subordinate to a European—that was to say, was more or less an official—he would tend to feel dependent on his white superior. The real native “chief”, the real leader of the people, was able to act more independently and to show greater frankness.

M. BESSON replied that frankness or want of frankness was a personal matter. Moreover, he did not quite understand what M. van Asbeck meant by “official” chiefs. Generally speaking, village chiefs were not remunerated. They had certain benefits in kind and were sometimes paid in return for collecting taxes. The “chiefs” could only be regarded as more or less active collaborators with the white authorities. In any case, it was the Sultans in the north who had given the authorities most trouble in the Cameroons.

M. VAN ASBECK said this exchange of views gave him the general impression that the chiefs were really leaders of the native populations, at any rate in the plains, whereas in the north they were of the nature of officials. A common feature in the north and the other parts of the territory was that the native “chefferies” had no financial autonomy.

M. BESSON explained, with regard to the latter point, that a European agent was responsible for collecting the taxes with the help of the native chiefs.

In reply to a question by M. van Asbeck, he said that the chiefs were only removed from office if they adopted an attitude which made action by the mandatory Power difficult.

Mlle. DANNEVIG asked whether any of the chiefs, large or small, of the territory had been educated under the mandatory Administration, and whether this had made any difference to the way in which they discharged their duties.

M. BESSON pointed out that schools for chiefs were dealt with in the previous report. The Administration was endeavouring to provide education for the sons of chiefs. It was only at the initial stage as yet, however.

#### POLYGAMY.

In reply to several questions by Mlle. Dannevig, M. BESSON explained that, generally speaking, the best educated chiefs might perhaps be better than the others; but no very definite conclusion could be drawn from an experiment which had only just begun. He was not sure, as Mlle. Dannevig seemed to think, that a polygamous chief was less qualified to take charge of the natives under his orders than another. It even was a fact that, in the northern territory, certain chiefs had retained the custom of having large harems, and it would be a long time before that practice disappeared.

In 1936, the mandatory Power had introduced a decree modifying the status of native marriage. Polygamy was, of course, losing ground among the peoples who were becoming Christian, but it was still very firmly established in the north of the territory and among the fetishists. For the rest, the inhabitants of the territory were more likely to be induced to practice monogamy as a result of changes in their standard of life and social position; and the arguments in its favour would of course be strengthened in proportion should the prosperity of the country decrease. It would be given up last by the chiefs, who were the wealthiest section of the people. On the whole, the women themselves did not object to polygamy; for, when there were four or five of them, each had less work to do than if she were alone.

Mlle. DANNEVIG asked whether the French Administration was trying to push forward the introduction of monogamy or was watching developments.

M. BESSON said that one proof that the Administration was not indifferent to these matters was that it had introduced legislation on native marriage.

#### JUDICIAL ORGANISATION : RIGHT OF REPRIEVE.

M. VAN ASBECK noted that certain changes had been made in the judicial organisation of the Cameroons by a decree dated January 11th, 1936 (page 149 of the report). The most important was that the *juge de paix* with wide jurisdiction at Yaundé had been substituted for the Prosecutor of the Republic of Duala, in so far as public prosecution in his area was concerned (page 31 of the report). Could the accredited representative explain the reasons for those changes and say whether they had led to the desired results? In the second place, had appeal procedure really suffered from the remoteness of the Court of Appeal, a point discussed at length in 1936?<sup>1</sup>

M. BESSON replied that the office of *juge de paix* with wide jurisdiction was a colonial institution. These magistrates could assume the rôle of public prosecutors. The reasons for the changes mentioned by M. van Asbeck, were economic; but it was also a fact that the port of Duala, where the court was situated, was a long way from Yaundé. Appeal procedure had not suffered from the remoteness of the Court of Appeal.

M. VAN ASBECK noted a reference on page 35 of the report to six death sentences. It was stated that the files had been transmitted in due order to the Head of the State, so that he might exercise his right of pardon. What decision had he reached?

M. BESSON said that that procedure was obligatory. It naturally took longer when the sentence was pronounced in a colony or mandated territory and not in the home country.

In reply to other questions by M. van Asbeck, he said it happened fairly frequently that the President of the Republic commuted a death sentence. If the Commission wished, a list of pardons could be supplied. The right of pardon conferred on the President of the Republic had never been delegated.

M. VAN ASBECK said there would seem to be some objections to that state of affairs, both personal to the person sentenced and in point of fact for the prestige of justice, as Lord Hailey had said with regard to Ruanda-Urundi in 1936.<sup>2</sup>

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 40.

<sup>2</sup> See *ibidem*, page 155.

PRISONS.

M. GIRAUD drew the accredited representative's attention to the table on page 38 of the report. Some of the figures would seem to call for comment. He would be glad to know, in particular, why there had been so many deaths among prisoners in the Logone and Mandara regions. Generally speaking, there were figures in the report which might usefully be explained, if only in a footnote.

M. BESSON said he would take note of M. Giraud's suggestion for the future.

ARMS AND AMMUNITION.

M. SAKENOBE thought the information concerning arms and ammunition would be better placed immediately after the information about the military clauses, and not under the heading of shooting (pages 71 and 72 of the report).

M. BESSON took note of this observation.

SITUATION OF WOMEN.

Mlle. DANNEVIG was anxious that the accredited representative should not misunderstand the point of the questions she asked about the condition of native women. She was well aware that the mandatory Power had done much to improve the position of native women through the laws promulgated.

She would like some information on the position of widows. Could a widow inherit from her husband, or did the property left by him go to the sons or male relatives of the husband? She was quite aware that the customs of Moslems and Fetishists differed in this respect.

M. BESSON said that Mlle. Dannevig's observations had to a great extent been responsible for the reforms introduced by the mandatory Administration.

As to the question of dowries, a Moslem woman in any case kept her dowry, should her husband die: but with the Fetishists, this custom varied. A short study might be given in a subsequent report on this special aspect of marriage and widowhood.

Mlle. DANNEVIG drew the accredited representative's attention to the following passage (page 97 of the report):

"In the southern regions, the number of widows who avoid the customary obligation automatically to become the wife of an heir of the deceased has increased considerably. Their position is greatly improved thereby, and there is no very marked objection on the part of the heirs. The woman can return to her family of origin; only in the case of re-marriage would she be required to refund the dowry."

It was precisely because of that practice that it would be interesting to know whether a widow could inherit from her husband; for, if she could, it would be easier for her to refund the dowry.

M. BESSON said that information on that point would be given in the next report.

Mlle. DANNEVIG explained that she would be very interested to learn whether women, who contributed so much in the Cameroons towards the maintenance of their husbands, lost all their earnings when they became widows. It was difficult to reconcile what was said in the report as to the right of a woman to bring a case against her husband with, on the other hand, a possible inability to inherit from him on his death. That women in the Cameroons were skilful and able to earn a livelihood was sufficiently indicated by the rate of the tax, which was about the same for women as for men.

M. BESSON explained that the two propositions referred to by Mlle. Dannevig were only inconsistent if regarded as generalisations. In fact, the reference was no doubt to different peoples. However that might be, the question would be studied and dealt with in a later report.

In reply to further questions from Mlle. Dannevig, M. Besson repeated that, when the Administration had to settle disputes between natives, it always obtained the assistance of an assessor who was familiar with the relevant customs. Sentence was passed according to custom, unless the latter was contrary to what was usually called normal and regular law. The European magistrate was called upon to display a certain flexibility in that connection and to take account of the normal development of the native.

Mlle. DANNEVIG asked whether care had been taken to bring these liberal laws to the notice of women and girls. How could widows who did not wish to marry the heirs of their deceased husband, and girls who did not wish to accept as a husband the man on whose behalf the dowry had been paid, ascertain what help they were entitled to claim from the Administration ?

M. BESSON explained that one of the most curious things about a " black " country was the speed with which information passed from mouth to mouth. Information such as that in question spread in the markets ; and there were also palavers at which an Administrator or his representative told the village all about the new laws and tax assessments.

LABOUR : RECRUITMENT OF LABOUR IN RELATION TO THE DEVELOPMENT OF A NATIVE PEASANTRY.

Mr. WEAVER noted that the number of workers employed in private undertakings, which had been as low as 17,348 in 1932, had risen to 51,983 in 1936 (page 109 of the report). According to the report, this pressing call on native labour had not caused any recruiting difficulties ; but on the other hand it was obvious that it might at some stage clash with the policy of constituting a native peasantry.

Had that stage already been reached ?

According to the Duala Chamber of Commerce (see *Quinzaine coloniale* of April 25th, 1937), the planters " are wondering whether they will have sufficient workers to gather in the harvest, and the forestry undertakings are also in great difficulty ". In addition, the President of the Duala Chamber of Commerce, when receiving the new High Commissioner for the Cameroons, said : " As regards the planters who, in the Cameroons, form the most important core of colonisation for the whole western coast of Africa, their position in many cases is simply desperate ".

Was it as a result of this situation that the Administration, by its Ordinance of May 10th, 1937, had opened a central labour office under the Commissioner of the Republic and under regional offices in the various districts ? The President of the Duala Chamber of Commerce in his speech to the High Commissioner said : " Our Assembly and our rural groups unanimously demand the creation of regional labour offices which, through the intermediary of the Administration (knowing, as it does, the resources and the reserves), will bring together the supply and—under its control—the demand ; they will even encourage supply by benevolent and tutelary pressure which will result in fruitful activity for all ". Was it the aim of the Ordinance of May 10th, 1937, to satisfy this demand that gentle pressure should be exercised in order to make labour more abundant ?

M. BESSON said he did not need to go into the views of the French Government in respect of labour legislation or into the very strict instructions given by the Minister for the Colonies, M. Moutet, for the protection of native workers. A great deal of work had been done in that connection and all misgivings should be dissipated. There were undoubtedly difficulties in recruiting labour ; and the difficulties had increased very considerably in the last two years on account of the fact that natives who were now able to do so wished to cultivate their own land rather than that of the undertakings ; but they were not ill-treated in order to compel them to work with the white people. In general, the report for 1936 was not up to date as regards labour questions, since fresh legislation was being introduced on the subject. The increase in the number of workers referred to by Mr. Weaver was due to the re-opening of a great many undertakings after the slump.

Mr. WEAVER asked if he was to conclude that there was at present no conflict between the requirements of employers and the establishment of a native peasantry.

M. BESSON said the development of that peasantry was certainly accompanied by some recriminations on the part of the employers, who feared a shortage of labour.

Mr. WEAVER pointed out that, according to the *Quinzaine coloniale* of June 10th, 1937, the Cameroons Chamber of Commerce " urged the Administration to intervene with the chiefs of cantons and villages to advise and induce them to conclude collective contracts of a duration limited to two or three months and to give them the support of their authority in order that the contracts might be carried out ; in case of need, the chief might be authorised to collect a small charge per man and per working day ". What were the collective contracts in question ?

M. BESSON said a suggestion had simply been put forward by the Cameroons Chamber of Commerce, and the entire matter would be settled by the ordinance which was to be introduced for French West Africa.

Mr. WEAVER noted that new labour legislation would soon be introduced in the Cameroons, and reserved any questions which he might wish to put on this point until the examination of the report for 1937.

REGULATIONS RELATING TO EMIGRATION.

Mlle. DANNEVIG drew the accredited representative's attention to a passage in a circular sent on May 1st, 1936, by M. Repiquet to the chiefs of districts (pages 205 and 206 of the report); it was worded as follows: ". . . no native may leave his administrative district of origin without special permission from the competent authority or without holding a labour contract drawn up under the statutory conditions".

Moreover, a Decree of October 19th, 1937, made the following provisions:

" *Article 1.* — Natives of Cameroons origin may not leave the territory without a personal permit issued by the Commissioner of the Republic or by the district chiefs whom he may specially delegate for this purpose.

" *Article 2.* — The emigration permit is subject to the observance of the following provisions:

" (1) The payment of a security, with the intention of ensuring, if necessary, the return of the immigrant . . .

" (2) The establishment of a passport under the statutory conditions.

" These provisions are applicable to women who may be married in the Cameroons to persons originating from other French or foreign colonies."

Why had these regulations been formed? They seemed to limit the freedom of the natives considerably.

M. BESSON said they were necessary for reasons of police and security. Moreover, it was in the interest both of the natives and the employers that labour should remain available on the spot.

FREEDOM OF CONSCIENCE: MISSIONS.

M. PALACIOS said the report contained very little information on religious matters, especially on the inner work of the missions—nothing but a few lines on page 107. It appeared from them that no change had been made in the legislation regarding public worship. On the other hand, it was stated that "undoubted progress has been made in Christianising natives in the southern districts. Their conversion is limited by the zone of Moslem influence and no progress is to be noted by these two religions."

A Decree of October 13th, 1937—which was consequently outside the period under examination—provided that the admission and discharge of new female boarders in religious establishments should be reported in writing on the 15th and last days of each month by the mission concerned to the office of the head of the subdivision—an amendment to the provisions of March 28th, 1933. M. Palacios hoped that the next report would give all necessary information about this new decree and would state, in particular, the reasons for the provisions which it contained. He hoped it would also contain fuller information about religious matters.

M. BESSON said he would comply with M. Palacios' request.

EDUCATION SCHOOLS FOR SONS OF CHIEFS.

Mlle. DANNEVIG had gathered the impression from reading the annual reports and listening to the accredited representative's statement that the French Administration seemed to think it necessary to give certain young men education preparing them to fulfil certain administrative positions before proceeding to provide general education for the population. It also seemed to her that instruction in the French colonies and territories was more literary than in the mandated territories. She had therefore read with interest the statement on page 118 of the report that "the next effort will be to develop village schools which do not involve a removal of the school-children . . . These preparatory schools will be directed more towards a substantial but practical instruction." Hitherto only the mission schools had given that kind of instruction, and it was a matter for congratulation that the mandatory Administration, thanks to the credits which it now possessed, could take up the matter. The entire population would benefit from it. She would, however, like to know whether her interpretation of the report on that point was correct.

M. BESSON said it was.

Mlle. DANNEVIG hoped that the development of the village schools would not result in checking the development of the district schools, which, according to the report (page 118), "appears for the moment to have reached its culminating point." The number of 364 pupils who had passed their examinations in the higher school since 1923 did not seem very high (page 117 of the report). Of these, 114 had become teachers of the official schools—a very small number for a territory with from two to three million inhabitants.

M. BESSON said the experience obtained in certain French colonies showed that it was advisable, as far as possible, not to educate people above their station.

Mlle. DANNEVIG thought the native women pupil teachers were relatively fewer in the State schools than in the mission schools and asked if no improvement in this respect might be hoped for. The education of girls was recognised to be of great importance as regards raising the general moral and cultural situation of the native.

M. BESSON drew Mlle. Dannevig's attention to the statement in the report (page 119) to the effect that the object of the education of the native woman was not to prepare her for an examination but to train a staff of nurses, midwives, and pupil teachers, and that for this purpose a minimum of instruction was required which the housekeeping school could not give. The training of the native women staff still suffered from the women's traditional position of inferiority in native society. In other words, the mandatory Administration desired to create staffs, but it needed time.

Mlle. DANNEVIG observed (page 118 of the report) that a fresh reorganisation of the occupational school of the Duala railways was under consideration; by opening a boarding-school, this would enable recruitment to be extended to children from the various districts of the territory and would also raise the general education of the pupils. Was the accredited representative in a position to give particulars regarding this reorganisation?

M. BESSON said these particulars would be given in the report for 1937.

Mlle. DANNEVIG noted (page 119 of the report) that the schools for sons of chiefs established under the Ordinance of December 27th, 1933, to the number of six, would not be able to work normally for some years, for the reasons given in the annual report for 1935, page 128. On reading the latter document, it would appear that the main reason for this delay was that the sons of chiefs who were at present being educated in the official schools had not yet reached a level which would enable them to follow the instruction in the special schools to advantage. Could the accredited representative state whether the general education of these young men was progressing and when their training as future chiefs could be started?

M. BESSON referred Mlle. Dannevig to page 119 of the report for 1936, which stated also that the sections of the sons of chiefs provisionally established in the various district schools comprised in 1936 about a hundred pupils following the normal syllabus. This syllabus might last three or four years, after which the sons of chiefs could, apparently, be sent to the special schools.

Mlle. DANNEVIG said that, according to the report (page 121), the grants made to the various denominational bodies had not exceeded 78,300 francs in 1936. In 1935, they had been still smaller, amounting to only 75,900 francs. The Decree of August 29th, 1936, provided for an increase of two-thirds in the amount of these grants as from January 1st, 1937. What was the reason for that increase?

M. BESSON replied that it was due to the increase in the number of pupils.

Mlle. DANNEVIG asked whether the pupils in the village schools would be taught in French.

M. BESSON replied that the language used in the village schools was the native tongue, but the pupils were also taught the rudiments of French.

#### ALCOHOL AND SPIRITS.

M. SAKENOBE recalled that M. Repiquet had stated last year<sup>1</sup> that the Cameroons was one of the countries in which alcoholism was least prevalent. Nevertheless, the natives consumed palm wine and millet beer. As the Cameroons was in the zone covered by the Convention of St. Germain, M. Sakenobe would like to know what restrictions had been imposed in that territory with regard to the consumption of alcoholic beverages and what cases had been brought before the courts on charges of drunkenness.

M. BESSON took note of the question. Information would be furnished in the next report.

M. SAKENOBE noted that the import of wine, and especially of Portuguese wine (page 139 of the report), was considerably on the increase.

M. BESSON said that this wine was consumed, not by the natives, but by Europeans, who were now buying more because they had more money to spend.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 48.

M. SAKENOBE said that a law had been promulgated on September 1st, 1937, to prevent the infringement of the regulations regarding beer. He hoped to find in the next report an explanation of the reasons which had led to the adoption of that law.

M. BESSON explained that the law applied to all the colonies. The report for 1937 would state what effect it had had in the Cameroons.

#### DRUGS.

M. SAKENOBE observed, according to the table on page 141 of the report, that 10 kilogrammes of laudanum had been imported and 20 kilogrammes manufactured locally. What was the reason for this ?

M. BESSON replied that this quantity had been used to replenish the stocks.

#### PUBLIC HEALTH.

COUNT DE PENHA GARCIA had gathered the impression, after perusing the report, that the Cameroons was at present suffering from a veritable outbreak of diseases of all kinds and that, although the mandatory Power was doing its utmost to improve the situation, it had not been altogether successful. Leprosy, in particular, was still causing ravages ; 6,203 new cases had been detected (page 135 of the report).

M. BESSON said that he had before him a very interesting report on leprosy, which showed that the seriousness of the situation had not escaped the attention of the Medical Service of the territory. All the medical officers had been instructed to track down lepers and, as the Commission was aware, the detection of leprosy in the Cameroons was extremely difficult. In the first half of 1937, 2,000 lepers had thus been discovered. Investigating parties visited all the villages, and by this means the Administration was able to find out which families had lepers in their midst. That system was of course slow, but it was one of the most effective. Leprosy must have taken root in the territory a long time ago ; and the increase showed by the latest statistics was simply due to the fact that the list of lepers was becoming more and more complete. In order to attract them, veritable colonies had been organised, where they were fed free of charge.

COUNT DE PENHA GARCIA thought it was important, above all, to prevent lepers from coming into contact with the healthy population ; the propaganda carried on by the investigating mission of the mandatory Administration could not fail to produce satisfactory results. He wished to draw the attention of the accredited representative to the results obtained in certain islands of the Pacific, which were, however, very sparsely populated, by means of injections with a certain serum. Perhaps an experiment could be made with that serum in the Cameroons ? In any case, he was glad to note the efforts made both by the mandatory Power and by the religious and lay missions in the territory.

With regard to malaria, the percentages given on page 132 of the report were somewhat alarming. A vigorous campaign to combat malaria should, he thought, be organised.

On page 136 of the report, it was stated that alcoholism was widespread throughout the territory. But, while it was rarely met with in the southern regions, it was very prevalent among the Islamic tribes in the north, where cases of cirrhosis of the liver, local paralysis and even alcoholic psychoses were to be found. In that connection, Count de Penha Garcia pointed out that the regions in question were covered by the Convention of St. Germain.

He also desired to draw attention to the fact that, as he had observed last year,<sup>1</sup> the chapter of the report dealing with public health was practically confined, as regards all the aspects of the Administration's programme, to figures. On page 130, for instance, it was stated that 10,762 rats had been *caught*. This probably meant that they had been destroyed. Would it not be possible to add a few brief comments to those figures, which would give the Commission some general guidance as to what conclusions should be drawn from the point of view both of the results obtained and of future policy ?

Lastly, with regard to the Permanent Health Committee mentioned last year,<sup>1</sup> which was to study and propose a programme of health organisation and to prepare a plan of action for each region, Count de Penha Garcia would like to know what progress had been made.

M. BESSON said that the Committee had already been set up. Information on the matter would be given in the next report.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 49.

Mlle. DANNEVIG observed, from the tables on pages 123 and 124 of the report, that there was no European woman doctor or native female nurse in the Administration's service in the territory. On the other hand, the Catholic missions employed twenty native female nurses (page 130 of the report), the Protestant mission sixty-eight (page 131), etc. Was she right in assuming that, when the village schools had made further progress, it would be easier for the Health Service to recruit native women?

M. BESSON said that the missions had only a small number of qualified female nurses and that the Government's object was to increase the number of official nurses. It also proposed to appoint social assistants for the whole of French West Africa.

Mlle. DANNEVIG and Count DE PENHA GARCIA praised the excellent work done by the "native crèche" established by Mme. Bonnacarrère.

#### LAND TENURE.

M. VAN ASBECK did not want to open a long discussion on the problem of registration. It had been discussed thoroughly in 1936.<sup>1</sup> He would confine himself to putting forward a few considerations. In the first place, the effect of the registration system referred to on pages 75 *et seq.* of the report was to subject the property to which it was applied to the system in force in the home country. That was the European property system, the first and main consequence of which was that the owner was free to dispose of his property. He could transfer or mortgage it if he so desired. It was not without certain misgivings that M. van Asbeck noted that certain landed property, which, up to the present, had been governed by the customary laws, might in future be freed from those laws and be brought under the system applied in the metropolitan country. That constituted a danger to tribal cohesion, especially if the practice of registration was also applied outside the towns. Secondly, if the registration system had been introduced to safeguard property, he felt obliged to point out that this desire was met by the so-called process of "constatation" of rights in property, which did not interfere with local customs and faithfully complied with the provisions of Article 5, paragraph 2, of the mandate dealing with the transfer of native property. The third question concerned control by the public authorities.

M. Repiquet had rightly stated last year before the Commission that, in the eyes of the Administration, a transfer effected in violation of Article 5 of the mandate was null and void, but the Administration's right of investigation was only fully valid if it were exercised prior to the transfer. Any preventive action in that connection was bound to be weakened by the introduction into the territory of the European system of registration, with all it entailed in the way of freedom to dispose of property.

In addition, the Decree of July 21st, 1932, contained no provision ensuring the exercise of supervision over transfers by the Administration. The gravest danger was possibly that resulting from the right allowed to the native under the registration system (the system to dispose freely of property) to mortgage property. Once the mortgage had been taken out, there was nothing to prevent the property held as security from being transferred, if the mortgagee were entitled to it. Notwithstanding the provisions of the mandate, therefore, land might be transferred from a native to a non-native. The Mandates Commission had already submitted observations to the Council on the matter.<sup>2</sup> What were the views of the mandatory Administration on the question?

M. BESSON said that the question was a very delicate one, and the mandatory Power did not of course take the same view of registration as M. van Asbeck. It was convinced that registration was a benefit and not a danger, not only in the Cameroons, but in many other territories as well. The problem of the native peasant's indebtedness, and the mortgaging of native property in particular, was one with which the French Government was very familiar, and registration had to some extent enabled the situation to be remedied. In M. Besson's opinion, the Decree of July 1932 in no way infringed the principles laid down in the mandate. The text formally expressed respect for Article 5 of the mandate.

M. VAN ASBECK drew the attention of the accredited representative to the fact that, under Article 16 of the Decree of July 1932, the provisions of the French Civil Code and of French laws were in principle applicable, in general, to registered property and the rights attaching thereto.

M. BESSON thought that the spirit of the mandate was to prevent the spoliation of the native. That spirit was respected, since the legislation relating to concessions prevented the transfer of native property without authorisation.

M. VAN ASBECK pointed out that, precisely by having his property registered, the native caused it to become subject to French law.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, pages 42 to 44.

<sup>2</sup> See *ibidem*, page 210.



M. BESSON thought that a distinction should be made in that connection. In the case of natives, the process of "constatation" was mainly employed, whereas registration was customary among Europeans.

M. VAN ASBECK did not agree. The previous reports gave quite another impression. Moreover, Article 16 of the Decree of July 1932 stipulated that the provisions of the French Civil Code and of French laws were in principle applicable, in general, to registered property and the rights attaching thereto, and that that was also the case with native-owned land, the owners of which (finding that their property had not the characteristics of individual property laid down in the Civil Code) established, by process of registration, the absence of any conflicting rights *in rem* in respect of the property.

The CHAIRMAN said that the process of registration appeared to enable the natives to take out a mortgage; and, once a mortgage had been taken out, foreclosure on the property was possible. It was not clear, under the present procedure, at what moment the Administration had the right to intervene to enforce the provisions of Article 5, paragraph 2, of the mandate, which were reserved in Article 16 of the Decree of July 1932. It was an important question, and the Commission would have occasion to revert to it.

M. GIRAUD, while recognising the theoretical importance of that question, wondered whether its scope was really very wide; the reason why a very much simplified process of "constatation" of their rights had been established for the natives was precisely because they rarely availed themselves, in practice, of the procedure for registration, owing to its complexity.

M. VAN ASBECK replied that the report for 1934 (page 91) expressly mentioned the possibility henceforward of freeing, by means of registration, native property from the customary rules and bringing it under the French legal system.

The CHAIRMAN thought that, in any case, the point should be cleared up.

#### MINES.

Count DE PENHA GARCIA said that the report stated (page 79) that mining activities had made considerable progress in the Cameroons during 1936. Did the mandatory Administration consider that the future prospects of the development of the mines in the territory were very favourable?

M. BESSON replied that the prospecting of the territory had not yet been completed, but that three or four years ago it was not anticipated that so large a quantity of gold, for instance, as was at present being produced would be extracted. It was probable that all the mining resources of the territory were not yet known. For the moment, only those regions which were easiest of access had been prospected; but the more difficult regions would be tackled very shortly.

#### DEMOGRAPHIC STATISTICS.

The CHAIRMAN noted that a very thorough enquiry had been carried out into demographic questions (page 99 of the report): but it was not clear whether the increase in the population was due to an improvement in statistics or to a lower death rate. He would have to postpone judgment as to the benefits afforded to the country by the mandatory regime, until it was seen whether the death rate showed a decline.

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Besson for the information he had given to the Commission, and the mandatory Power for the report submitted, which gave evidence of the latter's desire to furnish a comprehensive survey.

#### NINTH MEETING.

*Held on Friday, November 12th, 1937, at 10.30 a.m.*

#### **Ruanda-Urundi: Examination of the Annual Report for 1936.**

M. Halewyck de Heusch, Director-General at the Belgian 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 M. Halewyck de Heusch, one of the most long-standing and faithful collaborators of the Commission.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. HALEWYCK DE HEUSCH made the following statement :

At the Mandates Commission's thirtieth session,<sup>1</sup> the Governor-General of the Belgian Congo made a complete survey of the position in Ruanda-Urundi and gave very full explanations as to its administration, the policy adopted, the social work done by the Government, and material developments in the mandated territory.

The position has not changed sufficiently in the country in a few months to warrant a further general statement. From the economic and financial standpoint, however, such rapid progress was made in 1936 that the Commission might like to have supplementary information on this subject.

To take economic affairs first, trade in the products which are of special importance to the native has expanded considerably. From 1935 to 1936, to take transactions between natives and non-natives alone, the sale of the most generally consumed foodstuffs—peas and beans and sweet potatoes—rose from 1,583 to 2,789 tons ; in addition, there were dealings on the market in 1936 in 18,924 head of large cattle, as compared with 8,715 during the previous year.

These developments in production and trade have been promoted, on the one hand, by the energetic steps taken for some years past to fight cattle plague, which is now only of a sporadic character, and, on the other hand, by draining operations in low-lying land for increasing the amount of cultivable land at the disposal of the natives ; 10,000 hectares of dried marshland are now available, in addition to the 24,000 hectares available on December 31st, 1935—an increase of 41%. An agricultural engineer, who is an expert on hydraulic work, was entrusted with the special task of draining the principal marshes in Ruanda. For this purpose, he made 80 kilometres of canal and straightened the lower reaches of the river Nyabugogo.

Turning to cultivation for profit, you will see that the cultivation of cotton produced very important results. Production amounted to 2,010 tons—the highest in the history of Ruanda-Urundi—an increase of 16% over the preceding year.

The native coffee plantations have been even more successful. In 1931, the yield was 70 tons. This figure rose to 223 in 1934, 450 in 1935, and 1,200 in 1936—an increase of 167%, as compared with the earlier period.

The natives have become wealthier, not only from cattle-breeding and cultivation : 42,900 of them found work in European undertakings in the country—9,000 more than the number of workers employed in 1935.

On the whole, the movement of trade has advanced considerably. Imports at the ports of Ruanda-Urundi have already risen from 8,973 tons in 1935 to 12,751 tons in 1936—an increase of 42% ; and exports have risen from 6,280 to 8,773 tons—an increase of 40%.

The figures for foreign trade are impressive. The value of exports, which was 45,025,000 francs in 1935, increased by 65.1%, amounting to 74,342,000 francs. If you will compare exports to the Belgian Congo with the figures for the previous year, you will see that their value has increased by 196.5%. It will be found that, although goods sent to other countries during these two years have not increased to anything like the same extent, they have nevertheless risen by 43.7%.

During the session held in November 1936, one of the members of the Commission said that, while the exports of Ruanda-Urundi rose by 15,672,000 francs, or 53.4%, from 1934 to 1935, imports only increased by 7,849,000 francs, or 25.6% ; and he asked—I think it was M. Rappard who expressed this doubt<sup>2</sup>—whether the natives were really benefiting from the upward movement, seeing that imports of the goods bought by natives were not following the same movement as goods sold by them and afterwards exported.

As a matter of fact, there is a very natural time-lag here : before he can buy, and thus push up imports, the native customer, impoverished by years of depression, must have time to build up his resources.

That is why imports did not increase much until 1936. In that year, their value rose from 38,466,000 francs, the 1935 figure, to 57,720,000 francs, the percentage of increase being 50. The value of imports to the Belgian Congo increased by 87.2% ; the figure for other countries is 45.3%.

The balance of trade in 1936 nevertheless still remained in favour of the mandated territory. The total value of exports brought it up to 16,621,000 francs over the figure for imports.

Public finance improved side by side with the improvement in the economic situation. On the revenue side, there were very large increases. Import duties brought in 6,306,000 francs in 1936, as compared with 4,658,000 francs in 1935, and export duties 3,543,000 francs,

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 131.

<sup>2</sup> See *ibidem*, page 152.

as compared with 2,398,000 francs. Native taxation produced additional revenue of 4,126,000 francs. Revenue from posts and telegraphs increased by nearly 64%. Investments consisting of securities of the mining undertakings brought in 2,213,000 francs in dividends—more than five times as much as in the preceding period.

Receipts amounted in all to 42,309,000 francs—2,214,000 francs more than in the previous year, although the Belgian subsidy of 8 million francs was reduced by one-half.

The general accounts for the periods 1935 and 1936 both closed with a balance in hand. But, setting aside the grant from the mandatory country, the accounts for 1935 showed a deficit of 964,000 francs, whereas there was a balance in hand in 1936 of over 7 million francs. Including the grant, the balance in hand is a little over 11 million francs.

In former years, the Government of Ruanda-Urundi expended very large sums on providing the country with the necessary economic equipment, particularly a vast road system, which served to prevent famine, to open up the country to administration and civilisation, and to develop the various parts of the country and open them up for commercial purposes. The public debt thus incurred amounted in the end to 165 million francs. Fears were then expressed in the Mandates Commission as to the territory's ability to shoulder so heavy a burden. M. Halewyck de Heusch had attempted to reassure the Commission, especially by drawing attention to the mineral resources of the country. At the present time, the Administration of Ruanda-Urundi was beginning to reap the benefit of what might at one time have seemed too bold a policy. The Commission's agenda provided for the examination of the report for the year 1936. The Commission would be glad, however, to hear in advance that, in the year 1937, the financial situation in Ruanda-Urundi had become so prosperous that, in the last few months, it had proved possible to pay off 15 million francs, reducing the public debt to 150 million francs.

The CHAIRMAN thanked M. Halewyck de Heusch for his statement. He was particularly glad to hear that in a single year the public debt of the territory had been reduced by nearly 10%. This news was such as to allay the apprehensions the Commission had had occasion to express in the past.

#### DEVELOPMENT OF "CENTRES EXTRA-COUTOUMIERS".

M. PALACIOS recalled that last year<sup>1</sup> the Commission had submitted an observation a reply to which was to be found on page 232 of the 1936 report. The reply furnished satisfactory information with regard to the status of non-European inhabitants of the territory who were not subject to the system of chefferies. A distinction was made between (a) administrative and (b) private law status. For administrative purposes, Arabs and Indians had the same status as Europeans. Then there were a certain number of indigenous elements, mostly arabised, who independently of any native chefferies, lived on the outskirts of urban centres, where they constituted new groups; they were under the direct administration of the official representative of European authority in the locality. Nevertheless, these "communautés extra-coutumières" were not without notables of their own. Their individual members came under the jurisdiction of the European courts. The private law status of all the inhabitants of the territory was determined by their respective national laws.

In the Belgian Congo, urban groups of this kind had a special status under a Decree of 1933. Why were not its provisions applied to the populations in question in Ruanda-Urundi?

M. HALEWYCK DE HEUSCH replied that the groups in that territory were far too small. It would only be worth introducing the somewhat complicated arrangements in force in the Belgian Congo in dealing with large groups. But that was not the position in Ruanda-Urundi. As would be seen from page 25 of the report, the black population not subject to the system of chefferies amounted to about 21,000 people, a large number of whom lived in small "communautés extra-coutumières". It was scattered over the whole vast territory in quite small groups. The idea of extending to Ruanda-Urundi the arrangements in force in the Belgian Congo was not excluded: but they would not be introduced until the communities in question were sufficiently developed.

#### FRONTIER BETWEEN RUANDA-URUNDI AND TANGANYIKA : CONVENTION OF NOVEMBER 22ND, 1934.

Count DE PENHA GARCIA noted from page 19 of the report that the Bill approving the Convention for the delimitation of the frontier between Ruanda-Urundi and Tanganyika, signed on November 22nd, 1934, which had been approved by the Council of the League of Nations,<sup>2</sup> had lapsed owing to the dissolution of the Belgian Legislative Chambers and that a new Bill had been introduced.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 211.

<sup>2</sup> See *Official Journal*, November 1935, page 1147.

The accredited representative had already informed the Commission at its thirtieth session<sup>1</sup> that the Bill would be submitted in November 1936.

During the examination of the annual report on Tanganyika for 1936,<sup>2</sup> the accredited representative of the United Kingdom had said (meeting on June 1st, 1937) that he understood the necessary legislation had not yet been passed in Belgium.

Could the accredited representative tell the Commission whether the Convention and the Supplementary Convention had received the approval of the Belgian Legislative Chambers and whether the Convention had entered into force?

M. HALEWYCK DE HEUSCH replied that the Bill to approve the Convention had passed through all the stages of parliamentary procedure, having been adopted both by the Chamber of Representatives and by the Senate. It was therefore only awaiting signature by the King. But the United Kingdom and Belgium had recognised that the Convention must be brought officially to the notice of the United States of America, which, at the time of the allocation of the mandates, had agreed to that proposed for the mandates for Tanganyika and Ruanda-Urundi. The requisite communication had been made; and if, as seemed certain, there was no objection to the Convention on the part of the United States Government, the Bill would be sent forward without further delay for the Royal Assent.

COUNT DE PENHA GARCIA presumed he might conclude that it would shortly come into force.

#### INTERNATIONAL CONVENTIONS : GENERAL CONVENTION FOR THE PROTECTION OF FAUNA AND FLORA.

COUNT DE PENHA GARCIA thanked the mandatory Power for furnishing, on page 19 of the report, a list of international Conventions which had been applied in the mandated territories in 1935/36. It appeared from that list that the four supplementary Conventions to the extradition treaties, to which the accredited representative's attention had been drawn at the thirtieth session of the Commission,<sup>1</sup> had been extended to the mandated territory.

Attention should be called to one of the Conventions which had come into force—the general Convention for the Protection of Fauna and Flora in a natural state, together with its Protocol, signed in London on November 8th, 1933. Had any regulations been made for the enforcement of that Convention?

M. HALEWYCK DE HEUSCH replied that there were two National Parks in the territory. One, in Kagera, had been opened in pursuance of the Convention for the Protection of Fauna and Flora. The other, the Albert National Park, which extended into the Belgian Congo and Ruanda-Urundi, was already in existence before the signature of the Convention. No one was allowed to shoot, fish, or grow crops in those parks or even enter them without permission, with the exception of small groups of natives already settled there, who could, moreover, be expropriated in return for fair compensation and a grant of land of equivalent value outside the parks.

COUNT DE PENHA GARCIA was glad that there already existed a reserve to meet certain purposes of the Convention and that, generally speaking, the Administration realised the need for protecting the fauna of the territory.

He added that the Commission would be glad if the accredited representative would see that information relating to the application of international Conventions in the mandated territories was regularly inserted in the annual report in future, as in the present year.

#### ECONOMIC EQUALITY : CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE OF NATIONS.

COUNT DE PENHA GARCIA pointed out that, in its report to the Council on its thirtieth session,<sup>3</sup> the Commission had made the following observation with regard to economic equality :

“ The Commission would like to know what treatment the mandatory Power proposes to apply to imports of products from States which have ceased to be Members of the League of Nations.”

In reply to that observation, it was stated on page 232 of the report that “ all countries which trade with the Belgian mandated territory, whether they are Members of the League

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 149.

<sup>2</sup> See Minutes of the Thirty-first Session of the Commission, page 20.

<sup>3</sup> See Minutes of the Thirtieth Session of the Commission, page 210.

of Nations, have ceased to be or have never been members, are treated on a footing of complete equality". It was added that "the Government of Ruanda-Urundi has no intention of changing this rule of commercial policy and establishing a differential regime".

That reply did not say whether, in the case of States non-members of the League, benefits had been obtained for the mandated territory by way of reciprocity, as in the case of other territories.

Furthermore, an exchange of views had taken place between M. Orts and the accredited representative at the thirtieth session of the Mandates Commission<sup>1</sup> with regard to the relation between the terms of the mandate for Ruanda-Urundi and the Convention of St. Germain-en-Laye. M. Orts had asked whether the Belgian Government was of opinion that, in a mandated territory included in the economic equality zone provided for by the Convention of St. Germain-en-Laye, the provisions of that Convention took precedence over those of the mandate. The accredited representative had said that a reply could be given in the next report, but that he was in some doubt as to whether the Belgian Government could be asked to express a theoretical opinion, and whether the Commission was entitled to put to it a number of legal questions and theoretical problems which had nothing to do with the facts and acts of the Administration, which alone were under its supervision. The Chairman had said he thought the Commission could put such questions, because the mandatory Power must have an opinion as to the extent of its rights and obligations.

The annual report contained no information on the question, which was in any case somewhat theoretical and only of relative importance in view of the existence of complete economic equality. Nevertheless, Count de Penha Garcia would like to know whether the mandatory Power had considered the question, and if so what point of view it adopted.

M. HALEWYCK DE HEUSCH said that his Government's reply in the report met the wish expressed by the Mandates Commission in its report to the Council, which related only to the intentions of the mandatory Power in regard to the treatment of countries not members of the League. The mandatory Power had stated its intentions: it did not propose to make any discrimination between nations. All nations without distinction would be on a footing of commercial equality.

But Count de Penha Garcia wished to know whether, in the Belgian Government's opinion, a State which did not belong, or had ceased to belong, to the League was legally entitled to claim such treatment as a right. That was felt in Belgium to constitute a highly delicate and complex problem, for which there was no immediate occasion to find a solution, inasmuch as it did not arise in practice in Ruanda-Urundi and its relevance to that territory was purely theoretical under present conditions. The Belgian Government considered that it would only have to consider the question if a concrete case of a demand for differential treatment arose.

COUNT DE PENHA GARCIA agreed that, from the point of view of the countries which might have trade relations with Ruanda-Urundi as a whole, the question was, in fact, theoretical. Nevertheless, from the point of view of the territory, it might be of some importance. In other territories, reciprocal regimes had been introduced, in certain cases, with countries which were no longer entitled to economic equality. Ruanda-Urundi might some day be faced with a similar situation, and the question was therefore of some importance.

M. HALEWYCK DE HEUSCH understood Count de Penha Garcia's objection as follows: he disputed the alleged purely academic character of the problem on the ground that, where a State enjoyed equality of treatment only as a concession, it was possible to make the concession conditional on a grant of reciprocity, and that in practice a mandatory Power not taking that line would be reasonably open to criticism.

His answer was that, even when so put, the point was still hypothetical. What reciprocal benefits could Ruanda-Urundi usefully obtain from countries which were not members of the League? The trade figures given in the report showed that the exports from the mandated territory to the three countries not members of the League which exported their goods to Ruanda-Urundi amounted to nothing or next to nothing. In the case of Japan, the vessels which brought the Japanese goods to the territory were only too anxious to find cargoes in Ruanda-Urundi to cover the cost of the return voyage. In the case of Germany, cassiterite, cotton and coffee might be of some interest: but those products could enter Belgium duty free, and the Belgian market accordingly held out such attractions as to absorb the whole of the supply. No reciprocity agreement would be able to offer better treatment in German or other territories.

The CHAIRMAN concluded that it was not the Customs regime, but the absence of goods, which made the conclusion of reciprocal agreements unnecessary.

COUNT DE PENHA GARCIA did not think it should be deduced from the present situation that there might not be a different situation in the future. For instance, the effect in Syria

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 151.

of a reciprocal system had led to an increase of nearly 600% in Syrian exports to Japan. It was possible, therefore, that later on the mandatory Power would have to change its policy with regard to the economic regime of Ruanda-Urundi.

The CHAIRMAN did not think that the discussion of this question, which was not only complicated but delicate and inopportune, should continue. The Commission might congratulate itself on the present position. It should suffice to note the Belgian Government's statement that there was complete economic equality, that, while not raising the question of law, it reserved complete freedom as regards the future, and that, under present circumstances, the trade relations of the territory with States non-members of the League were not in any way adversely affected by the absence of reciprocity. In the circumstances, it would not appear to be desirable for the Commission to press the matter further.

- ADMINISTRATION : NUMBER OF EUROPEAN OFFICIALS AND NATIVE EMPLOYEES IN THE ADMINISTRATION.

M. VAN ASBECK asked whether the " general services of the mandated territory " included in the table on page 21 of the report were divisions of the Secretariat or departments working under the direction of the Vice-Governor-General.

M. HALEWYCK DE HEUSCH replied that the first column of the table related to the services of the Central Administration, and the two following columns to the external services in the local governments. The former could be compared to ministerial departments. Their heads were directly responsible to the Governor, who was empowered, in certain cases, to delegate his functions.

M. VAN ASBECK was surprised to observe that, as stated in the same table, the teaching service was included in the judicial service. Considering the importance of education in a territory of this kind, did not that service deserve to be a separate body under the orders of a competent director ?

M. HALEWYCK DE HEUSCH explained that the measure in question had been taken in connection with a reorganisation of the services. It did not mean that the persons who dealt with judicial questions were the only persons dealing with education. It simply meant that the two services had the same director at their head ; but there was provision for an assistant to the latter with special functions in regard to education.

M. SAKENOBE observed that, whereas the number of officials in the residency of Urundi had not changed for several years, the number of Ruanda officials had fallen from seventy-eight in 1934 to sixty-three in 1935 and fifty-two in 1936 (page 21 of the report). What was the cause of that constant decrease ?

M. HALEWYCK DE HEUSCH replied that there were no special causes beyond reorganisation of the services and a better classification of activities, which had allowed the staff to be reduced without ill effects on the proper administration of the territory. This adjustment had been made possible by improvements in the road system in the residency of Ruanda, which had made it much easier and quicker to move from place to place and so enabled the same official to deal with a more extensive area. In Urundi, where the roads were fewer and communications more difficult, it had proved impossible to cut down the number of officials.

M. SAKENOBE observed that it was chiefly the veterinary services that had been reduced ; which fact did not seem to have much connection with improvements in the road system.

M. HALEWYCK DE HEUSCH explained that departures on leave had also to be taken into account. The staff table was drawn up each year at a fixed date—namely, December 31st. It might be that a certain number of veterinary officers were absent on that day : but that did not mean that the actual effectives of the service had been appreciably altered. In any case, the reduction of the figure in the table must not be taken as indicating a new method of administration.

M. VAN ASBECK thanked the mandatory Power for the information provided on page 22 of the report concerning the approximate number of natives working within the Administration. He hoped that future reports would contain information making it possible to follow the evolution of that question.

He also noted with satisfaction that, in 1936, the political situation had been, generally speaking, very satisfactory (page 66 of the report). He would draw especial attention to the fact that dismissals of chiefs and sub-chiefs in Ruanda-Urundi had been very few (page 65). Nevertheless, on page 70, it was said that a chief in the territory of Bururi had been deposed

for having committed many extortions from the natives under his authority. According to the report, the chief had fled with four accomplices, members of his family, and had taken refuge in the territory of Tanganyika. What were the results of the judicial enquiry ?

M. HALEWYCK DE HEUSCH replied that he had no supplementary information on the subject.

#### TRAINING OF CHIEFS : METHOD ADOPTED BY THE ADMINISTRATION FOR GIVING INSTRUCTIONS TO CHIEFS.

M. VAN ASBECK observed, on page 65 of the report, that the time was not far away when all the chiefs and sub-chiefs in Ruanda would know how to read and write and would be won over to civilised ideas. On page 97, he noted with satisfaction that the special section for future chiefs of provinces or "chefferies" would be placed under the direction of a territorial administrator. It was particularly gratifying to observe that the training of future chiefs would be entrusted to a man with practical experience of the administration of the territory.

Having said this, M. van Asbeck felt a certain amount of apprehension. Most of the chiefs of Ruanda knowing henceforward how to read and write, the Administration resorted more and more to written communication with the native chiefs (page 65 of the report). Was there not a danger of losing that direct contact, the importance of which could not be over-estimated ?

M. HALEWYCK DE HEUSCH replied that, as far as he knew, the authorities did not make overmuch use of written communications, and they kept in touch with the native authorities by means of periodical meetings. It was useful, moreover, for the chiefs to have written instructions at their disposal that they could keep and consult. Nevertheless, he would draw the attention of the mandatory Administration to M. van Asbeck's remark, so that it could be sure that written instructions were used as reminders and not as its sole means of communication.

#### LANGUAGE.

Mlle. DANNEVIG asked if the same language was used throughout the country ?

M. HALEWYCK DE HEUSCH replied that the monthly paper (page 65 of the report) which M. van Asbeck had just mentioned was published only in Ruanda, where the people spoke a single language. In Urundi, the language was different and there was no such paper, since the chiefs there were not sufficiently educated.

M. VAN ASBECK asked what was the cause of such a marked difference between the two territories.

M. HALEWYCK DE HEUSCH replied that missions and mission schools had been developed later in Urundi.

#### LEVIES.

M. VAN ASBECK observed, from page 66 of the report, that the system of buying back levies in foodstuffs with money had been extended indiscriminately to all the territories of the two Residencies. Nevertheless, the passages in the following pages of the report, dealing with the progress achieved in each territory, showed that such was not the case. How could that discrepancy be explained ?

M. HALEWYCK DE HEUSCH replied that the passages quoted related to two different sorts of levies. On page 66, the reference was to levies in foodstuffs : these had now been abolished throughout the country. The following pages related to levies in labour : it would be seen that these had been abolished in certain districts. The system of money redemption in the latter cases was only beginning and the experience to date was still tentative.

#### NATIVE TREASURIES.

M. SAKENOBE pointed out, on page 67 of the report, that native treasuries had been set up in each of the provinces of the territory of Nyanza. Was that step to be regarded as an innovation ? What was the object of those treasuries and what was the policy of the Administration in regard to them ?

M. HALEWYCK DE HEUSCH replied that the Mwami had himself asked for the establishment of treasuries of this kind, having seen them in operation in the Congo. They were something new in Ruanda-Urundi, and there was not yet any clearly fixed policy in regard to them.



The Administration would wait to see the first results of the experiment before deciding on a policy. The existence of the treasuries enabled the chefferies to finance certain expenditure at their charge, such as the construction and maintenance of local roads. Subsequently, the income might be used for other purposes such as welfare or other social work.

M. SAKENOBE considered that the method might be a very useful way of encouraging the development of native administration. The Mandates Commission would certainly follow with the greatest interest the evolution of that policy.

#### REORGANISATION OF THE KIBUYE AND GABIRO TERRITORIES.

M. SAKENOBE pointed out that, in December 1935, the territories of Gabiro and Kibuye and their provinces had been annexed to neighbouring territories (page 66 of the report). Since the Kibuye territory was quite small, it was only natural that, with improvements in the system of roads, it could be dismembered and incorporated in other territories for administrative purposes. Such was not the case in the Gabiro territory, which was one of the largest, and was situated, moreover, in the north-east of the mandated country. The seat of the territorial Administrator was at Gabiro, in the very middle of the territory. It was therefore difficult to understand why the territory had been divided and incorporated in others. Had not that caused serious inconveniences to its inhabitants?

M. HALEWYCK DE HEUSCH explained that the districts making up the territory of Gabiro were very sparsely inhabited: they were, for the most part, desert—which was one reason why they were chosen as the site for the reserve known as the National Park of Kagera. It had not therefore been thought necessary, after the big extension of the road system, to keep an administrator there, with all the organisation which that involved. But this did not mean that no attempt was made to populate and exploit the areas in question. On pages 225 and 226 of the report—section relating to legislation—would be found two ordinances fixing respectively the rate of the tax on large live-stock and the rate of the poll tax and the supplementary tax for the year 1937, one article of which granted exemption from tax payments to natives prepared to establish themselves in certain parts of the former Gabiro territory and to undertake certain labour for its exploitation.

M. SAKENOBE asked which administrator dealt, in that case, with the inhabitants on the Tanganyika frontier. Was the seat of the Administration still at Gabiro or had it been removed?

M. HALEWYCK DE HEUSCH replied that the administrator appointed to deal with the inhabitants of the Tanganyika frontier region had his seat in the Kibungu territory.

#### PUBLIC FINANCE : TAXATION : MOTOR TRANSPORT SERVICE.

The CHAIRMAN observed with great satisfaction the improvement in the finances of the territory, and congratulated the mandatory Power on the clearness with which that chapter of the report was set out (pages 30 *et seq.* of the report). The increase of assets compared with 1935, which, according to the table on page 42, exceeded 2,000,000 francs, was in reality appreciably higher than that figure. The extraordinary grant of Belgium, which was 12,000,000 francs in 1934 and 8,000,000 francs in 1935, was no more than 4,000,000 francs in 1936. Similarly, other exceptional sources of income had also considerably decreased. On the other hand, the effective assets (income from Customs, various taxes, etc.) had increased to a great extent, which was the most obvious sign of a real increase in the territory's prosperity.

Nevertheless, attention should be drawn to a number of points. Whereas the income-tax from professions and companies had only very slightly increased, from roughly 1,250,000 francs to 1,475,000 francs, the native tax and the tax on cattle, which had brought in 10,000,000 francs in 1934, had produced 15,000,000 francs in 1936, an increase of 50% (page 42 of the report). Should it be inferred that the natives were called upon to bear more than their share of the increase in taxation, or was there another explanation of the phenomenon?

M. HALEWYCK DE HEUSCH replied that the slower rate of increase in the case of the income tax was partly due to the fact that the European and assimilated population, which paid this tax, was very small in comparison with the native population. In 1936, there were more than 3½ million natives and only 932 European inhabitants and 738 inhabitants of other non-native races. Of the Europeans, nearly a half were officials and missionaries. As the salaries of officials had not increased, the income tax on that class of taxpayer had not yielded any larger returns than hitherto, while the missionaries, for their part, were exempt from taxation. There accordingly remained some twelve hundred persons responsible for a part of the increase in the income tax returns.

M. Halewyck de Heusch said "a part", because there were also the companies. But, in the case of the companies, it must not be forgotten that dividends were only paid a year after the financial year to which they related, and that they were not taxable until they were paid. Accordingly, the revenue effects of the increased profits earned in 1936 would not be apparent until 1937.



The CHAIRMAN remarked that his question had not arisen out of any difference he had observed between the absolute figures, but was based on the fact that direct taxes paid by the natives had increased by 50% from 1934 to 1936, whereas the increase in taxes paid by the white men could be regarded as relatively negligible. The first part of the accredited representative's reply therefore did not explain that phenomenon. On the other hand, the Chairman realised the full value of the second part of the reply, dealing with companies. He therefore expected to find, in the next report, an appreciable increase in the yield of the tax on companies.

The Chairman asked why the income from the Automobile Transport Service had decreased by more than one-half, falling from 681,000 francs in 1935 to 314,000 francs in 1936 (page 42 of the report).

M. HALEWYCK DE HEUSCH replied that it was a mere matter of accounting. Formerly, the administrative services were debited with the price of motor transport effected for their account, and the sums due were entered as receipts. In the course of 1936, that complication was done away with and the Administration was provided with motor transport without any formality.

#### REVENUE DERIVED FROM THE EXPLOITATION OF THE MINES.

The CHAIRMAN asked how the total of mining royalties had weakened so considerably, when the mines were so flourishing (page 42 of the report).

M. HALEWYCK DE HEUSCH replied that, apart from the Customs receipts, the mines yielded two forms of revenue to the Ruanda-Urundi treasury—namely, mining royalties and dividends on Government holdings in the companies. The yield from those two sources of income was not, however, simultaneous; the two forms of income corresponded to two distinct periods, the mining royalties to the period of prospecting, when the ore, extracted more or less irregularly, was subject to a 10% duty on its gross value, and the dividends to the period of regular extraction, when the Administration had drawn what was due to it on its share holdings. But, in 1936, the two principal mining companies, which had hitherto been largely engaged in prospecting, had reached, in the case of certain important deposits, the stage of regular extraction. That explained, on the one hand, the decline in the different mining royalty returns and, on the other hand, the large increase in dividends on shares and other holdings, from 426,600 francs in 1935 to some 2,213,000 francs in 1936 (page 42 of the report).

Count DE PENHA GARCIA asked whether the system of mining royalties applicable during the prospecting period could not be adopted instead of the other, which benefited the Government only when the exploitation gave results. It seemed as if the first system offered more guarantees for the Government. What was the opinion of the accredited representative?

M. HALEWYCK DE HEUSCH replied that the first method, which consisted in levying a tax of 10% on all the ore extracted, had no doubt the advantage of being simple and uninterruptedly productive; but it could only be provisional in character, since it did not represent a fair and proper distribution. All shares of the companies should participate according to a fair system of regulations drawn up beforehand.

Count DE PENHA GARCIA added that, under the second system, since the Government shares were not transferable, the revenue was only derived from interest, and there was no prospect of any capital increase.

M. HALEWYCK DE HEUSCH said it was of course a fact that the increase in the value of non-transferable shares had no practical interest for Ruanda-Urundi.

#### POLICY OF THE MANDATORY POWER IN THE MATTER OF THE UTILISATION OF SURPLUS REVENUE.

The CHAIRMAN wondered what use would be made of the excess income in 1936, which would probably be increased still further in 1937. There were two possible solutions—either the repayment of part of the debt, so as to decrease the expenses of the territory, which was the solution recommended on the whole by the Mandates Commission, or the investment of the excess income, so as to derive new income therefrom. In the special case of Ruanda-Urundi, would not the latter method be the more lucrative? Thanks to the generous provisions of Belgium and the Belgian Congo, the interest on the public debt of the territory was so small that, from the financial point of view, Ruanda-Urundi would benefit by remaining in debt, if it could invest its surplus income at 3½ to 4%—which would be quite easy.

M. HALEWYCK DE HEUSCH said that the Chairman's suggestion was very interesting and deserved close examination. The wish to relieve Ruanda-Urundi as far as possible of the burden of the interest on the public debt had already occasioned a decision, which he explained as follows :

The question had arisen whether, instead of liquidating the public debt, it would not be preferable to take steps with a view to the revision of the Convention of October 15th, 1932, which imposed upon Belgium and the Belgian Congo the payment of a part of the interest on the debt over a number of years, and to request that that contribution be cancelled. By that means, the formation of new debts would be avoided. In any case, in 1951, the loans which the 1932 Convention procured for Ruanda-Urundi would be reconsidered, and a liquidation settlement would be made.

The solution reached was a negative one. However small might be the interest to be paid by Ruanda-Urundi on its public debt, it nevertheless existed. On the other hand, the yearly sums advanced by the Belgian Congo and Belgium as a contribution to the expenses of the territory's debt produced no interest. It was therefore to the advantage of Ruanda-Urundi to liquidate a public debt which was a source of expense rather than to avoid the formation of a new debt which would cost it nothing.

The CHAIRMAN declared that the Commission was relying on the mandatory Power to adopt that method of utilising the excess income which would be the most favourable to the territory.

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#### TENTH MEETING.

*Held on Friday, November 12th, 1937, at 4 p.m.*

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#### **Ruanda-Urundi : Examination of the Annual Report for 1936 (continuation).**

M. Halewyck de Heusch came to the table of the Commission.

#### **PUBLIC FINANCE (continuation) : TAXATION (continuation).**

M. HALEWYCK DE HEUSCH, in reply to a question put by the Chairman, explained that the item " Receipts from civil occupation ", at the bottom of the comparative table on page 42 of the report, given for the year 1935 only and not for the years 1934 and 1936, represented adjustments to the accounts for the period prior to the acceptance of the mandate. The accounts for the war period and the first year or two after the war had been the subject of a very lengthy and careful audit, and only after they had been audited was it possible to enter the favourable balance under receipts. The item therefore related to the straightening-out of financial transactions effected during the war and the years preceding the constitution of the new Government in its final form.

In reply to Mlle. Dannevig, he explained that the yield from the polygamy tax had increased, not because there were more polygamists, but because the rate of the tax had been raised. The rise in the tax was calculated both to bring in a larger sum and to discourage polygamy. Those who practised polygamy were in a more comfortable situation at the present time, and it was thought expedient to tax them more heavily. It was not the women, but the polygamists themselves, who paid the tax.

The CHAIRMAN noted that, while the expenditure on certain items had increased, that on other items had fallen. The reduction under the item " Health Services " in the table on page 44 of the report seemed somewhat difficult to explain in a period of prosperity.

M. HALEWYCK DE HEUSCH replied that everything was explained by the fact that an epidemic period had been followed by a normal year. In 1934, the Administration had been obliged to incur considerable expenditure to stamp out exanthematic typhus, which broke out that year. The epidemic had fallen off considerably in 1935, and this had already reduced the costs. But in 1936 it had disappeared completely, and consequently there was a very considerable reduction in the expenditure on the health service. During the year in which the population had been suffering from the epidemic, there had been a particularly marked increase in expenditure in the item " Equipment, drugs, transport, etc. ".

In reply to another question, M. Halewyck de Heusch said that, in recent years, the veterinary service had also been involved in supplementary expenditure to deal with cattle plague.

Mlle. DANNEVIG pointed out that the sum provided in 1936 for " European staff, native staff, pupils and equipment " under the heading " Education and Public Worship " amounted to only 12,000 francs (page 43 of the report). In what way was such a small sum utilised ?

M. HALEWYCK DE HEUSCH replied that the Nyanza school, the last of the two formerly maintained directly by the Government, had been closed for good in 1935. The expenditure under the item in question would in future cover only minor costs—costs of inspection, etc. The General Inspector of Schools came from the Congo, and his salary was paid out of the budget of the Belgian colony.

Mlle. DANNEVIG asked whether provision had been made for expenditure on European staff and inspection of the other schools shown under the same head.

M. HALEWYCK DE HEUSCH replied that the sum entered under the head " Vocational Schools of the Religious Missions " on page 43 of the report was used to pay for the supplementary services involved in the teaching given in the vocational schools. Handicraftsmen, in particular, were trained in those schools. The recognised religious schools which provided primary education received the grants entered under the next item on the same page.

The sums entered under the two heads in 1936 were not the same as those mentioned in the corresponding items, Nos. 34 and 35, in the accounts on page 38 of the report, although the totals were the same. The reason was that, until 1934, the structure of the budget and of the accounts was different from that adopted in 1935 and 1936, and the items were made up differently. This had made it very difficult to draw up the comparative tables for 1934-1936 on pages 42 *et seq.* of the report. Those difficulties would not arise in the next report, as the three budgets for comparison—those for 1935, 1936 and 1937—would have been drawn up on the same lines.

Mlle. DANNEVIG noted that the sums provided for remunerating the coloured staff had fallen in nearly all the chapters. She asked whether less coloured staff was employed or whether wages had fallen.

M. HALEWYCK DE HEUSCH replied that it had been possible to regroup the coloured staff on lines that were more advantageous to the Treasury; but their wages had not been reduced.

Mlle. Dannevig having pointed out that the expenditure on the coloured staff of the Health Service had fallen by nearly three-quarters in 1936 (table on page 44 of the report), M. Halewyck de Heusch observed that this reduction was more difficult to explain in that, according to the information on page 75, the coloured staff of the Service in question had become very large. He wondered whether the expense had not been charged to another item in the accounts, as he saw from the table on page 44 that the expenditure on sanitary brigades composed of natives had increased, since 1935, from 42,200 francs to 165,600 francs. However, the question would be elucidated in the next report.

The CHAIRMAN thanked M. Halewyck de Heusch for the very clear way in which the different chapters of the budget were presented.

#### IMPORTS AND EXPORTS : BALANCE OF TRADE : CATTLE.

M. GIRAUD first took note of the remarkable results obtained in the mandated territory, as brought out in the statement made by the accredited representative at the last meeting<sup>1</sup> and in the very full chapter dealing with economic affairs and the movement of trade (pages 125-189 of the report). It appeared from page 151 that the balance of trade, which had become favourable in 1935, when the excess of exports amounted to about 6½ million francs, had remained favourable in 1936—and to a far greater extent, seeing that the difference in favour of Ruanda-Urundi was about 16,600,000 francs.

It would be seen that exports had increased very considerably. That was due in particular to exports of coffee, gold, cassiterite, and also cattle (page 148 of the report). It should also be noted that the export of sisal was recorded for the first time.

M. Giraud would not revert to these various points. But he noted specially that the export trade in cattle on the hoof had increased considerably in value. That was brought out clearly in the table on page 148 of the report; these exports amounted to 8,000 tons in 1936, as compared with 1,283 tons in the previous year. The reasons for the increase were given in the report, and he would not dwell on them; but he would be glad to know whether cattle were exported to the Congo to meet the permanent requirements of consumers in the neighbouring territories. This, he thought, was an important point, for, if so, cattle production would be of importance to the mandated territory, which could be sure of a market.

M. HALEWYCK DE HEUSCH replied that these large exports of cattle were a very interesting fact with which the mandatory Power had not counted at the beginning of its administration. For many years it had been thought that the export trade of the territory in the future would consist in consignments of minerals, cotton, coffee and skins. But the mining and agricultural

<sup>1</sup> See pages 81-82.

undertakings in Kivu had demanded cattle, which Ruanda-Urundi could easily supply. Consequently, there was this important movement of trade of which the Commission was informed. There was every reason to suppose that this source of revenue would continue, as the Congo undertakings which purchased from the territory were permanent and were making progress.

M. GIRAUD noted that there had been an increase in nearly all classes of imports. According to the report this was due mainly to larger purchases of cloth, ready-made clothing, haberdashery and ironmongery, as well as mining equipment. He asked whether it would not be possible, in the next report, to give a table similar to the table of exports on page 148, showing the totals, for the chief imports, of the figures at present appearing in three different tables (tables of imports from the Belgian Congo via Tanganyika, from the Belgian Congo via Kiva, and from countries other than the Belgian Congo) (pages 154 to 160 of the report).

M. HALEWYCK DE HEUSCH replied that this request would be complied with in the next report.

The CHAIRMAN noted with interest that Belgium was by far the largest market of the mandated territory, the products of the territory being exempt from Customs duty on entering Belgium. At the same time, most of the imports came from Japan (page 185 of the report). That was a somewhat curious situation.

It should also be noted that large supplies of certain products came from Tanganyika (page 154 of the report). For instance, that country furnished most of the oil and petrol for motor-cars. Were those products stored in Tanganyika, or were there refineries there ?

M. HALEWYCK DE HEUSCH replied that these goods were stored in Tanganyika. In reply to a further question, he was unable to say whether the goods referred to in the statistics of Ruanda-Urundi as coming from Tanganyika had been taken from the free ports of the latter country or simply from ordinary depots where they would have been stored after paying Customs duty.

#### PRODUCTION OF AND TRADE IN COTTON.

M. VAN ASBECK asked whether the agreement mentioned by Governor-General Ryckmans in the previous year<sup>1</sup> between the Government and the Ruzizi Company for the production and purchase of cotton had been renewed.

M. HALEWYCK DE HEUSCH replied that the agreement would come to an end in 1938, not in 1937 as indicated in error in November 1936. It would probably be extended for about ten years. Replying to further questions, he gave the following explanations. The agreement offered practical advantages for the purchase of cotton in specially circumscribed districts. The natives who grew cotton in these districts were free, however, to sell it on markets outside the zone if they wished. The Administration fixed a minimum purchase price. It was 0.80 franc per kilogramme in 1936 and 1 franc in 1937 ; it might amount to 1.20 francs in 1938. Generally speaking, the natives were content with the minimum price. The regime in force seemed to satisfy them.

M. VAN ASBECK asked what were the markets "supervised by the Administration" referred to on page 135 of the report.

M. HALEWYCK DE HEUSCH replied that they were both purchasing centres of the Ruzizi Company and markets outside the zone. Very little cotton was sold on foreign markets, as the purchaser was required to hold a licence to purchase which was only issued to persons owning suitable equipment to gin the cotton in satisfactory conditions. The system just described applied only to cotton and not to other commodities.

#### CURRENCY CIRCULATION : PARTICIPATION OF THE NATIVES IN THE PROSPERITY OF THE TERRITORY : QUESTION OF SAVINGS BANKS : CO-OPERATIVE SOCIETIES.

M. GIRAUD noted that the report contained information, under the head "Currency Circulation", about the metallic holding at the Bank of the Belgian Congo and in the hands of the various accountants of the Administration (page 147 of the report). He would be glad to know whether information could not also be given about the note circulation, as that would throw an interesting light on economic fluctuations.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 154.

The report showed that the territory was prosperous. As exports were increasing, the natives might be presumed to have increased purchasing power; were there any savings banks in the territory to encourage the natives not to spend all their money on odd purchases at the trading stations? Since the chiefs seemed to be fairly enlightened, perhaps they might be induced to explain to the natives that it was to their interest not to squander all their money.

Mlle. DANNEVIG wondered whether the goods sold to the people, especially by Indian merchants, were of good quality. She thought it was of great importance that the natives should be offered goods that were of value to them.

M. HALEWYCK DE HEUSCH said he did not think the natives were cheated. The goods sold to them were, of course, not first class but of a good average quality, and they made no complaints.

He had not heard of any savings banks in the territory up to the present. He doubted whether the time had come to open savings banks in Ruanda-Urundi, because, with the ideas they held at present, the natives were not very willing to part with their money. They liked to hoard, and, for that reason, they refused to take notes, as they preferred to hoard coin.

M. GIRAUD thought this hoarding was an interesting sign: in some parts of Africa, the natives had no idea of saving.

He asked whether there was any agricultural credit institution to make advances to the natives, on the lines of the co-operative system, for instance.

M. HALEWYCK DE HEUSCH replied that there were no institutions of that kind. As for co-operation, it arose naturally from the organisation of the native communities, which carried out collectively certain work such as reforestation, drainage, etc. There were no co-operatives in the European sense of the word.

M. VAN ASBECK had been struck by the accredited representative's statement about the natives' natural tendency to co-operate. Could not this tendency be utilised in current economic operations—joint purchase of seeds, improved farming, etc.?

M. HALEWYCK DE HEUSCH replied that to a great extent those operations were carried out jointly, owing to the formation of the natives into communities under the authority of chiefs who represented them and who took their decisions after consulting the notables. Attempts could, of course, be taken to develop the activities of the communities.

#### DEVELOPMENT OF THE ROAD SYSTEM : PORTERAGE.

M. GIRAUD had been very interested in the maps on pages 127, 128 and 129 of the report, which showed what great progress had been made with the road system of the territory. On page 117, however, there were statistics with regard to portering which showed that instead of diminishing it had increased year by year since 1933. That seemed to be inconsistent with the progress made with the road system.

M. HALEWYCK DE HEUSCH replied that, judging from the general totals of the tables on page 117 of the report, portering had in fact increased in the territory taken as a whole. If, however, the totals for each Residency were examined, it would be seen that, while portering was increasing in Urundi, it was, on the contrary, decreasing in Ruanda. It was in the latter country that the road system had developed most. There were still a good many roads to be constructed in Urundi, and as trade and other operations were increasing, the number of porters would no doubt continue to increase for some time.

#### JUDICIAL ORGANISATION : INFLUENCE OF CHRISTIANITY ON NATIVE CUSTOMS.

M. VAN ASBECK, referring to page 71 of the report, noted that "statistics showed a very marked increase in the number of matters brought before the native courts. This was chiefly due to the work done by the European authorities in making customary jurisdiction more efficient." He inferred that, on the whole, the people had confidence in the native courts.

He noted that, on pages 71 and 72 of the report, answers had been given to three questions put in 1935<sup>1</sup> and 1936,<sup>2</sup> and he wished to thank the mandatory Power for those particulars.

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 35.

<sup>2</sup> See Minutes of the Thirtieth Session of the Commission, pages 142 and 155.

M. van Asbeck laid stress on the fact, as was stated in the report (page 71), that, despite the spread of Christianity among the people, a large number of natives remained attached to their old customs. It was often said that conversion to Christianity and devotion to customs were irreconcilable. That allegation was contrary to the present-day experience of several missions. In fact, the missions encouraged their converts to keep up customs not incompatible with the spirit of their new religion. M. van Asbeck approved the passage in the report describing the Government's policy in that connection.

M. HALEWYCK DE HEUSCH said his Government's policy was to protect native customs to the fullest possible extent.

M. VAN ASBECK asked what was the reason for the Ordinance of February 28th, 1937, prohibiting natives from leaving their dwellings between certain hours of the night, unless they had a permit and carried a lantern. Was that measure merely preventive, or had it been occasioned by misdoings?

M. HALEWYCK DE HEUSCH replied that the purpose of the ordinance was preventive. It was generally applied in the centres throughout the Congo and Ruanda-Urundi. It was introduced because it was rather difficult to keep a watch on the movements of the natives at night. To assist in the protection of persons and the safeguarding of property, regulations concerning their movements had been introduced.

#### SITUATION OF WOMEN : POLYGAMY.

Mlle. DANNEVIG noted, on page 72 of the report, that, when a native with several wives wished to become a convert to Christianity, since he could only keep one wife he was obliged to return the others to their kinsfolk. What was the position of wives who were thus returned? Had the dowry to be returned? What was the attitude of their family to them, and what became of the children?

M. HALEWYCK DE HEUSCH replied that, in some circumstances, the dowry might have to be returned. He could not say what attitude the family took up to a wife brought back by her husband. All the questions raised by Mlle. Dannevig were decided in palavers, and the solution varied according to the particular case. It should not be thought, however, that such problems arose often: polygamy was not very common in Ruanda-Urundi.

Mlle. DANNEVIG recalled that, in earlier reports, the mandatory Power had always stressed the privileged position enjoyed by the native women of the territory, who had been able to choose their husbands themselves, and had an honourable place in the family. Those statements did not seem to accord with the ease with which husbands were able to repudiate their wives.

M. HALEWYCK DE HEUSCH explained that polygamy, on the one hand, and conversion to Christianity, on the other, created very difficult situations. In fact, there was a conflict between two forms of civilisation. In cases of repudiation, the native courts examined each particular case on its merits, but it could not ignore the right to adopt a Christian faith. The Administration could hardly raise objections to the repudiation of a wife by a polygamist: advocating monogamy, as it did, as a higher rule of civilisation, it could not go back on itself and prevent a second wife from being returned to her family after a conversion to Christianity. The native courts weighed *ex aequo et bono* the consequences of each case of repudiation for religious reasons which led to a dispute.

Mlle. DANNEVIG trusted that the Administration, in such cases, concerned itself with the fate of the repudiated wives, who found themselves in that position largely owing to missionary propaganda. Obviously, there would be great differences in their position, according to what age they were, and it was natural, therefore, that each particular case should be examined on its merits. Was it not a fact that the Protestant missionaries showed themselves less strict in the matter of polygamy among the newly converted natives than did the Catholic missionaries? The position of these women had occupied the attention of the women's organisations, who interested themselves in the status of women in Africa and would like to have as much information on this point as possible.

M. HALEWYCK DE HEUSCH replied that attention was devoted to the position of repudiated wives. The persons concerned reached a friendly settlement as regards the family and financial consequences of repudiation. Failing such settlement, the matter was brought before the native courts. It was then that the territorial administrator in control of the court intervened. He saw to it that the legitimate interests of the repudiated wife were safeguarded. Where the judgment of the court disregarded them, he would quash it, or have it referred to the native court of appeal.

PRISONS.

M. VAN ASBECK noted, on page 82 of the report, that the percentage of deaths as compared with the total number of prisoners had increased in 1936 (2.23 as against 1.80 in 1935), which showed that the situation as regards health in the prisons had been less satisfactory in that year, despite the efforts of the Administration to lower the rate of sickness in penitentiary institutions and to introduce still further prophylactic measures. What was the reason for that situation and what steps had the Administration taken to deal with it ?

M. HALEWYCK DE HEUSCH said that this fresh outbreak of sickness must be ascribed to certain foci of epidemics which had been found to exist in the Urundi prisons. In spite of all the prophylactic measures taken on the admission of fresh prisoners, the disease, which was sometimes difficult to detect at the outset, found its way into the prisons and the prisoners contracted it from one another.

In reply to further questions by M. van Asbeck, M. Halewyck de Heusch confirmed that the new prison at Usumbura had been completed. The Administration preferred to collect persons under custody in prison rather than in camps, where it was more difficult to keep a watch on them, and there was more danger of their escaping. The situation as regards health did not seem to be less satisfactory in prisons than in camps.

POLICE : MAINTENANCE OF ORDER.

M. SAKENOBE, referring to page 23 of the report, noted that the corps of native police, on December 31st, 1936, comprised eight non-commissioned officers and 159 men, distributed between four stations at Usumbura, Kitega, Nyanza and Kigali respectively, which meant that there were three stations in Urundi and only one in Ruanda, i. e. that there were only forty-four police in all in the latter territory, as against 123 in the former. What was the reason for this concentration of forces in the Urundi territory ?

M. HALEWYCK DE HEUSCH replied that in Ruanda, Kigali was the only place of any great importance, whereas in Urundi there were several such places. The manner in which the native police were assigned was not of much consequence, therefore. A few years previously, native police had been employed on a large scale, but with rather poor results. They had therefore been abolished in 1932, with the exception of a few stations, where the only satisfactory members of the corps were concentrated. Order was satisfactorily maintained by detachments of the public forces, who had advantageously taken up again the police duties of the native officers who had been dismissed.

In reply to a further question by M. Sakenobe, the accredited representative explained that no difficulty was experienced in recruiting the police. Former soldiers from the Belgian Congo were preferred, because they were very well trained and inspired greater respect.

M. SAKENOBE noted that expenditure on the maintenance of the public forces had decreased in 1936 by approximately 200,000 francs (page 22 of the report). It seemed that this decrease had been obtained chiefly through a reduction in the expenditure on the African members of the force, where strength had been reduced by some eighty six men.

It would be noted on the same page of the report that the troops had not had to intervene to maintain order, whereas in the preceding year they had had to intervene on four occasions.

M. Sakenobe pointed out that the figures given on page 22, for the sums spent on the maintenance of the public forces, were different from those given on page 44.

M. HALEWYCK DE HEUSCH, replying to the last point, explained that the discrepancy between the figures on pages 22 and 44 was due to an oversight. The figures given on page 22 were those transmitted from Africa at the close of the financial period ; just before the report was printed, they had had to be corrected in accordance with the final figures established at Brussels. The figures on page 44 had been corrected and were quite accurate ; the figures on page 22 had been overlooked when the final text was established. There was not much difference, however, between the two sets of figures.

As for the other observations, it was true that the African contingent of the public forces had been reduced by eighty-six non-commissioned officers and men. Experience had shown that a smaller number of men would suffice for policing the territory. At the time of the incidents in the preceding year, order had been quickly restored with part of the detachments at the disposal of the authorities. Everyone was aware, moreover—particularly the natives—that the Administration could call upon the public forces of the Belgian Congo, which could be brought to the territory in a very short time, if necessary. Moreover, Ruanda-Urundi had made substantial savings, while public order had not been affected.

ARMS AND AMMUNITION.

M. SAKENOBE noted on pages 196, 198, 208, 217 and 218 of the report that certain ordinances of the Governor-General of the Belgian Congo concerning arms and ammunition had been extended to apply to Ruanda-Urundi ; one of those, in particular, related to increases in the taxes charged on the sale of arms to the natives.



M. HALEWYCK DE HEUSCH said that was so. He explained that the main object of the decree on page 208 and the ordinance on page 217 was to replace the original descriptions "flintlock arms and ordinary powder known as 'traded' powder" by "muzzle-loading rifles, flint or rod, ordinary powder known as 'traded' powder, and caps and percussion caps of all kinds for rifles with ramrods". These descriptions were fuller and prevented infringements of the law. But the former legislative provisions had been maintained.

#### MEASURES TAKEN TO ENSURE THE MORAL AND SOCIAL WELFARE OF NATIVES WORKING IN THE MINES.

M. VAN ASBECK asked whether, in view of the considerable development of the mining industry in the mandated territory (see page 66 of the report), the Administration had not to deal with certain urgent problems of a special nature similar to those which had arisen in the mining districts of Northern Rhodesia and the Congo. He also wished to ask whether the Administration had considered taking measures to provide for the moral and social welfare of natives who left their homes in order to go to the mining centres. He noted on page 118 of the report that a large number of "permanently engaged workers established their homes nearer to the mine employing them, and acquired a plot of ground in the neighbourhood which they then had cleared by their wives and children". That was, he thought, a reassuring feature.

Apart from these particulars, there was nothing in the report to show what kind of social measures had been taken in connection with the mining organisation. M. van Asbeck would like to know whether the Administration had concerned itself with the moral and social welfare of the workers, and whether it had endeavoured to counteract the injurious influences to which natives taken far from their homes were exposed.

M. HALEWYCK DE HEUSCH replied that the natives who settled round about the mining centre continued to live a family life there, and had plots of land as in the district they had left: they thus continued to lead the kind of life—socially very sound—to which they were accustomed. Was it not necessary to regulate settlement of that kind? Up to the present, the problem had not arisen, as the newcomers had had no difficulty in getting on to good terms with the local population. It was a fact, however, that if the mining centres were so developed that family migration was greatly increased, there would be no land available in the neighbourhood after a time and the legislature would have to step in. Generally speaking, there was no need as yet for the European authorities to intervene.

#### NATIVE ADMINISTRATION : SUPERVISION OF THE CHIEFS : LEVIES : DISTRIBUTION OF CATTLE.

Count DE PENHA GARCIA thought the mandatory Power was to be congratulated on that part of its report which related to native policy (page 65). The particulars given on the working of the administrative system, under which the natives were kept in their natural social units, but were gradually led towards a higher stage of civilisation through the action of their own chiefs, were especially interesting. The system was an excellent one, but implied that care must be taken that the local administration did not let itself ignore those abuses of power which were common among natives. It seemed that in the mandated territory such lack of restraint need not be feared, thanks to the wise policy followed by the mandatory Power, which could be seen, for instance, in its attitude to the chiefs, who, even when deposed, retained a certain rank.

Another provision worthy of note (page 66 of the report) was the useful one under which natives could henceforth redeem, by a sum of money, the obligation they owed to their chief, in which case they were not obliged, when working in the mines, to return to their villages to carry out their duties towards the chief. The mines benefited by this as well, being able to maintain a permanent staff. It appeared from the report that the European officials supervised very closely the manner in which the native chiefs carried out the administration.

In connection with the explanations in the report (page 65) of the relations between owners of cattle and their dependants, Count de Penha Garcia would like to know whether that system, under which owners of large herds distributed their cattle among a certain number of dependants, was peculiar to one district or whether it was general throughout the territory.

M. HALEWYCK DE HEUSCH replied that the custom was general throughout the mandated territory. The decision adopted in 1936 by an assembly of notables, to which reference had just been made, related only to the Nyanza district (in Ruanda), to which the competence of the notables in question extended.

#### PRECAUTIONS AGAINST FAMINE : REGULATIONS OF APRIL 7TH, 1936.

Mlle. DANNEVIG noted, on page 124 of the report, the particulars of the measures taken to protect the country against famine, which had been supplemented in 1936 by regulations, dated April 7th, which required the natives of the mining districts of Ruanda so to increase



the area under cultivation by them as to be able to supply the workers in the mines with food, while continuing to produce enough foodstuffs for their own needs. She would like to know how this decree was applied, what results it had given, and whether it might be said that there was no longer any danger of famine.

M. HALEWYCK DE HEUSCH replied that the decree was a local one and related only to six native provinces. The increase of labour which it involved for the natives of the mining areas was quite small. To the 50 ares of compulsory cultivation, it only added 3 or 4 ares, to be sown with peas or beans, and 1 or 2 ares, to be planted with wheat, ground nuts (*arachides*), potatoes or manioc. The decree was considered quite fair. It was a sensible step in the interest of the natives themselves, who would be tempted to underfeed in order to be able to sell to the mines foodstuffs they needed for their own consumption. The decree had given good results. It might now be taken that, generally speaking, the danger of famine was averted.

#### LABOUR : LABOUR INSPECTION.

Mr. WEAVER thanked the mandatory Power for the information given in reply to his questions in the previous year.<sup>1</sup>

With reference to page 115 of the report, he asked whether the "work done in the interest of the native communities and of the workers themselves", to which reference was made, had been carried out during the days of compulsory labour due as a contribution by the natives.

M. HALEWYCK DE HEUSCH replied that the native sub-chiefs devoted to that kind of work a part of the contributions to which the natives were subject. The latter owed three days of labour a year to the chief, and ten days to the sub-chief. Of the ten days due to the sub-chief, the latter would devote a part to the work in question.

Mr. WEAVER asked what was the exact meaning of the expression "man-year" used in the tables regarding labour (pages 116 *et seq.* of the report).

M. HALEWYCK DE HEUSCH answered that the system of calculating in "man-years" provided a common unit which enabled the statistics of one year to be compared with another.

He explained that the number of "man-years" was obtained by dividing the total number of days of labour service in any given year by 300—that was to say, by the number of days of the year less Sundays and holidays.

Mr. WEAVER noted a considerable increase in the number of workers employed (page 115 of the report), although the report stated elsewhere (page 66) that no difficulties were experienced in recruiting labour. In view of the continued increase in the numbers employed, he asked whether further consideration had been given to the question of providing a specialised labour inspection service.

M. HALEWYCK DE HEUSCH replied that no decision had yet been taken for the establishment of a specialised labour inspection, but that the proposal was under consideration. As regards the recruiting of labour, the reports had always indicated that there was no difficulty in the matter.

Mr. WEAVER drew attention to a statement in the newspaper *Le Soir*, of Brussels, of February 10th, 1937, to the effect that "the seasonal exodus of the populations from Ruanda to Uganda is continuing; the British authorities have appointed officials to deal especially with the question and have also created at Masaka a camp reserved solely for emigrants from Ruanda. In one month, more than thirty thousand natives passed through the Masaka camp." He asked whether the Belgian authorities had also taken measures to safeguard the health of the migratory workers while in the mandated territory.

M. HALEWYCK DE HEUSCH replied in the affirmative. The recruitment of labourers for the Congo was carefully regulated in Ruanda-Urundi, as in the Congo itself. But a great number of natives entered Tanganyika Territory irregularly by devious routes without procuring permits. It was obviously difficult to take steps to protect them.

Mr. WEAVER recalled that he had referred to the question of the health of migratory workers in the previous year, and that M. Ryckmans had replied that an enquiry had been instituted in the Belgian Congo into the state of health of seasonal workers, more especially from the standpoint of malaria.<sup>1</sup> Had that enquiry been extended to the mandated territory and could the accredited representative give the Commission any information as to its results?

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 163.

M. HALEWYCK DE HEUSCH replied that the enquiry had been continued in the Belgian Congo. He had no information as to the results which it had given for the territory under mandate. In the next report, account would be taken of Mr. Weaver's desire for information on this point.

In reply to Mlle. Dannevig, who asked what quantity of food could be procured with the wages of 50 centimes paid to a porter for a journey of less than 10 kilometres, and if it was sufficient to feed him for one day or if he relied on his wives for his food, M. Halewyck de Heusch said that the wage in question—which, it should be pointed out, was only the payment for part of a day's work—was sufficient to purchase 2 kilogrammes of manioc or 1 kilogramme (sometimes 1½ kilogrammes) of beans or peas.

#### FREEDOM OF CONSCIENCE : MISSIONS.

M. PALACIOS noted from the short general statement on the question on page 87 of the report that no important change had taken place in 1936 in the position of the religious institutions, and that the missionaries of various confessions had continued to devote themselves to the welfare of the population. The application of the provisions of the previous year regarding the establishment of chapel-schools and the installation of catechists had given rise to no difficulty. The difficulties which had arisen in previous years in connection with that question appeared, according to the report, to have been happily overcome. The distance between the chapel-schools of different confessions had been fixed at 2 kilometres. He asked if that arrangement was to the satisfaction of the native chiefs and of the missions.

The tables relating to the activity of the various missions (pages 90 to 93 of the report) showed that the number of Christians had, in general, increased during the year 1936. The number of Catholics, in particular, had increased among the chiefs and sub-chiefs of the territory at the expense of the pagans, while the Protestants and Adventists had remained at the same figure as in 1935. The Moslem population had also greatly increased—namely, from 10,900 in 1935 to 11,600 in 1936 (page 94). He thought the increase in the number of Catholics was due to the example given by the Administration, since the other Christian religions, such as the Protestants and more particularly the Adventists, tended to decrease.

M. HALEWYCK DE HEUSCH, replying to the one question in M. Palacios' statement, said that the arrangement reached in regard to the distances to be kept between chapel-schools of different confessions had not given rise to any dispute. It was interpreted in the manner stated on page 87 of the report. The solution reached might be considered satisfactory to all parties concerned.

#### EDUCATION : QUESTION OF THE EDUCATION OF FUTURE CHIEFS IN NON-CATHOLIC INSTITUTIONS : FREEDOM OF CONSCIENCE (*continuation*).

Mlle. DANNEVIG noted from pages 231, 43 and 50 of the report that the ordinary expenditure on education had risen from 1,974,000 francs in 1935 to 2,214,000 francs in 1936.

The report for 1935 had stated that the Belgian Government was negotiating with the Protestant missions with a view to the creation at Astrida of a home for Protestant children. The report for 1936 (page 96) stated that the Protestant missions had, up to December 31st, 1936, not given a reply to the Government's proposal. She would like to know whether the question had been settled since that time.

M. HALEWYCK DE HEUSCH answered that the reply from the Alliance of Protestant Missions in Africa was received in 1937. It was in the negative, in spite of the favourable opinion given in Brussels by the President of the Belgian Society of Protestant Missions. The local body said that the conditions offered did not allay their apprehensions in regard to the religious influences of the intermediate school at Astrida. The Government had no alternative but to accept that refusal.

Mlle. DANNEVIG noted (page 97 of the report) that, during the fourth quarter of 1936, the two central schools at Zaza had been closed on account of the epidemic of cerebro-spinal meningitis which had broken out in the district. She asked if the schools had since been re-opened.

M. HALEWYCK DE HEUSCH answered that he had no information on the subject : but it appeared certain that the schools had been re-opened. The epidemic did not in fact attack the two schools, and they had only been closed as a measure of prevention. In Ruanda, in which Zaza was situated, the malady had ceased to be prevalent in November 1936.

In reply to a further question by Mlle. Dannevig, M. Halewyck de Heusch said that the workrooms of the Catholic missions, in which seventy-five young girls did sewing, were real apprenticeship workshops giving a form of vocational education. The chapter of the report dealing with public instruction was therefore the proper place in which to refer to them.

The CHAIRMAN, in the absence of M. Orts, who took an interest in the question at the thirtieth session of the Commission, asked whether steps had been taken to enable children not belonging to the Catholic religion to stay at the chiefs' school at Astrida. He would like to know why the favourable opinion of the Protestant Mission Centre at Brussels had not been followed by the local missions.

M. HALEWYCK DE HEUSCH said that the measures taken or proposed to enable Protestant children to attend the intermediate school at Astrida—it was chiefly to that school that the measures in question related—had been stated in the last report to be exemption from religious instruction and the establishment of a home in which the children could be given education and moral training by a Protestant clergyman.

In reply to the second question, the accredited representative said that the local Protestant missions considered that the solutions proposed were not calculated to allay their apprehensions in regard to the influence of the Astrida school in the confessional sense. They accordingly asked for the establishment of a new intermediate school specially for non-Catholics, to be financed by the Government in the same way as the existing school.

The Government had been unable to accede to their request, partly because of the expenditure, out of all proportion to the territory's resources, which it would involve, and partly because of the very small number of Protestants in the country; including even catechumens, they only represented 3.51% of the Christian population and 0.65% of the total population.

The CHAIRMAN thought that the existence of a single chiefs' school, where the chiefs were subject to the exclusive influence of a single confession, made it possible to direct the political future of the territory in a sense definitely favourable to one of the religions. He understood that it was difficult to open a second school on account of the expense. He would, however, like to know whether the proposal to open the second school was considered definitely impracticable. If the mandatory Power abandoned every effort to satisfy the legitimate demands of the non-Catholic missions, it might be possible to consider, for instance, the co-operation of the Protestant missions in the instruction given in the school in question.

M. VAN ASBECK thought the solution mentioned on pages 96 and 97 of the report, the effect of which was to secularise the instruction given to the chiefs, would be satisfactory if it were possible for children of other confessions to attend the school without passing through the boarding-school, which was entirely under the influence of the Catholic missions.

M. HALEWYCK DE HEUSCH said that the first essential, in any judgment as to the present position, was to keep clear the distinction between the different schools which had been established at Astrida. There was the primary school, the intermediate school and the higher specialised school. The last named comprised four sections, one of which (namely, that for medical assistance) was set up in 1936. The three other sections (for the training of veterinary assistants, agricultural assistants and chiefs) had just been organised, and were to open in 1938. Each of those sections would have an official as director, and the teaching would be given by laymen.

In reply to a further question, he added that in 1936 all the pupils attending the intermediate school at Astrida were boarders.

The CHAIRMAN noted that all the pupils at the Astrida school were boarders; since the boarding establishment was subject to one confession, the pupils of other confessions could not, in practice, follow the courses.

M. HALEWYCK DE HEUSCH replied that the principle of boarding was not sacrosanct; he saw no reason why day pupils should not be admitted to the school. It might also be possible, as M. van Asbeck had suggested, to arrange for board accommodation for the pupils of the Protestant missions: but that was just what the local Protestant missions had just refused.

The CHAIRMAN added that the question arose, not only for the Protestants, but also for the Moslems and pagans, who should be in a position to benefit from the education given to the chiefs.

M. HALEWYCK DE HEUSCH, in reply to a question by M. van Asbeck, said the objections of the Protestant missions were directed against the intermediate school directed by the Frères de la Charité. The Protestant missions had not so far indicated that they had misgivings regarding the higher specialised school recently founded.

Count DE PENHA GARCIA thought the principle of freedom of conscience was safeguarded by the fact that, if the Protestants desired, they could also possess a school or enable children of their confession to follow the courses in the existing school. Native policy was a matter for the mandatory Power, and the Mandates Commission could scarcely give instructions as to the manner of dealing with education in the territory.

The CHAIRMAN nevertheless pointed out that, if the Government entrusted the training of chiefs to one confession, it conferred on that confession a considerable privilege which hardly seemed compatible with freedom of conscience. It was not sufficient to secularise instruction in the school if the candidates could not benefit from the instruction given in that school, which was called upon to provide the territory with chiefs, without passing through a particular religious school.

M. VAN ASBECK noted that, in fact, the candidate must always pass through the Astrida intermediate school, which was subject to the Catholic religion.

M. HALEWYCK DE HEUSCH replied that the Belgian Government was not prepared to admit that the teaching of the intermediate school which it had founded was confessional in character. It was of course true that a course of religious instruction was given in the interests of civilisation; that course was the one which interested 97% of the Christian population—that was to say, the Catholic population. But anyone not of that religion was not obliged to attend. It was also no doubt true that the professors who were specially trained for teaching in the colonies were of the Catholic confession. They were perfectly entitled to be so. The Commission would not ask questions as to the religious convictions of the professors, if the latter were laymen. Why should the wearing of a religious habit be a ground for exclusion?

The CHAIRMAN said that, when the Mandates Commission observed that the persons leaving the Astrida chiefs' school were not of the Catholic religion, it would be convinced that the present system did not operate exclusively for the benefit of the Catholics. It should, moreover, be pointed out that the vast majority of the population had not yet been converted to Christianity. The position would arise that the chiefs would be Christians and Catholics, while the persons under their administration would be pagans. It had been proved, on several occasions, that Christianity had a tendency to undermine the tribal system. By creating a system of education under which it was necessary to be a Christian in order to be a chief, was there not a risk of the tribal system being undermined?

M. HALEWYCK DE HEUSCH said that, if up to now the great majority of chiefs and sub-chiefs were Christians, that was because the process of Christianisation had been specially directed to their conversion. Those responsible for the work were within their rights, and the Government could not interfere in any way.

Mlle. DANNEVIG asked whether the difficulties which had arisen in connection with the inspection of mission schools by inspectors from the Belgian Congo had been overcome.

M. HALEWYCK DE HEUSCH said that no difficulties had ever arisen. It was merely a case of temporary obstacles of a personal character.

Mlle. DANNEVIG had calculated that the number of pupils per class in some schools was as large as 70. This did not appear to be very satisfactory.

She noted from the tables relating to the Moslem schools that the number of these schools had decreased in 1936 by one (page 112 of the report). The number of teachers had dropped by two and the number of pupils had decreased from 529 in 1935 to 411 in 1936. She asked whether the accredited representative could give the reason for that decrease, since the Moslem population was increasing considerably.

M. HALEWYCK DE HEUSCH replied that he had no information on the subject. Explanations could only be given by the Moslems themselves. The report merely recorded the particulars furnished by the latter, as their schools were not in receipt of grants, and were not therefore subject to Government control.

#### ALCOHOL AND SPIRITS : DECREE OF MARCH 23RD, 1936.

M. SAKENOBE noted that there had been no change during 1936 in the legislation relating to spirits. It was also stated (page 122 of the report) that no cases had been brought against Europeans in respect of offences against the regulations concerning the possession and use of and traffic in alcoholic beverages, and only three against natives.

The table on page 28 of the report showed that 143 natives had been punished on account of public drunkenness. For the previous year (see report for 1935, page 36), the number of infringements of the alcohol regulations was 122. The increase in the number of natives found drunk was doubtless due to the consumption of native beer. Moreover, the statistics given on page 123 showed a considerable increase in beer imports, which had risen from 59,000 to 95,000 litres, whereas there had been only a slight increase in the imports of wine containing less than 15° of alcohol and there was even a slight decrease in imports of wine containing more than 15°. M. Sakenobe would like to know whether that increase in imports was due to the increase in the European population, or whether it was a sign of the country's greater prosperity.

M. HALEWYCK DE HEUSCH replied that it was difficult to state the exact reason. Import figures for a single year might be deceptive, as stocks might have been renewed during that particular year. In his opinion, there was no other reason for the increase in the imports of beer.

M. SAKENOBE noted from the tables on page 123 of the report that there was a considerable export trade in wine, beer and spirits to the Belgian Congo. He would like to know whether those alcoholic liquors were imported into the mandated territory for re-export to the Belgian Congo.

M. HALEWYCK DE HEUSCH replied that Usumbura, the capital of Ruanda-Urundi, was a fairly important trading entrepôt for Kivu in the Congo ; in particular, Kivu bought in Usumbura some of the beer, wine and spirituous liquors which it consumed. As the tables on page 123 showed, Ruanda, in its turn, imported beverages of the same kind from the Congo ; but those came from areas other than Kivu.

M. GIRAUD said that the report stated (page 122) that the regime applicable to alcohol had not been modified in 1936 ; but the documents annexed to the report contained a Decree of March 23rd, 1936, which appeared to have fixed new duties on alcohol and alcoholic liquors (page 199 of the report). Was the effect of those changes to increase the duties ? The point was of interest for the reason that in a territory like Ruanda-Urundi, where there were no distilleries, Customs duties on imports afforded the most effective means of restricting consumption by making alcohol dear.

M. HALEWYCK DE HEUSCH replied that the purpose of the increase of duties in question was as stated by M. Giraud.

#### DRUGS.

M. SAKENOBE noted (page 123 of the report) that no cases of drug trafficking had been reported in the territory in 1936. Turning to the list of offences committed by natives (page 28 of the report), he observed that a native had been sentenced for the possession and sale of drugs and eleven natives had been sentenced for smoking Indian hemp. It was stated in the report for 1935 (page 36) that the natives in question came under the extra-tribal regime. He would like to receive an assurance that no Indian hemp was cultivated in the mandated territory.

M. HALEWYCK DE HEUSCH said that, as M. Sakenobe had stated, offences against the laws on narcotic drugs were committed by strangers from the east coast of Africa or from Asia who smoked hemp. He could assure M. Sakenobe that no trace of the cultivation of Indian hemp had been discovered in the mandated territory.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA thought that, judging by the map on page 74 of the report, which showed the part of Ruanda-Urundi that had been medically surveyed, the medical supervision now exercised over the territory appeared to be satisfactory, since more than half the country had already been inspected by local or itinerant medical officers. Admirable progress had been made, but there was still a great deal to be done. The year 1936 had been favourable on the whole. Nevertheless, leprosy was still very prevalent and there had been epidemics of meningitis (page 78 of the report). The results of the preventive measures adopted could not be definitely ascertained as yet. Malaria, however, appeared to be on the decline, the number of deaths having remained stationary as compared with the figures for 1931/32 (page 79 of the report). At the same time, there was still a great deal to be done from the medical standpoint.

Nevertheless, last year<sup>1</sup> Count de Penha Garcia had had occasion to draw attention to the decrease in the number of doctors practising in the territory ; the accredited representative had stated at that time that the report for 1936 would show that the number of medical officers had been brought up to its former strength—namely, twenty-three. However, the annual report for 1936 (page 75) gave the number of medical officers on December 31st, 1936, as fifteen. In the chapter entitled "Activities of approved doctors" (page 81), it was stated that four doctors attached to the Church Missionary Society had been authorised to practise medicine and had been accepted as members of the Medical Aid Service for Natives. It also appeared (page 82 of the report) that the two mining companies in the territory possessed three doctors and (page 113) that the medical laboratory of Astrida had been under the direction of a medical specialist who had been assisted during the second half of the year by another doctor. For the year 1936, therefore, the number of doctors was apparently twenty-four. He had the impression that the medical service ought to be strengthened in the territory, as it was obvious that doctors were lacking in certain regions.

M. HALEWYCK DE HEUSCH said that it was not very easy to give the exact number of Government medical officers in any one financial year, because the number might vary from month to month as a result, in particular, of departures on leave. Where some twenty persons were concerned, it was difficult to name an average. It was necessary accordingly to take the

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 171.

number at a fixed date ; and the date traditionally taken for the purpose was December 31st. It was a fact that, on that date in 1936, the number of medical officers in Ruanda-Urundi was only fifteen. But the number had been much higher at other periods in the year ; and the budgetary appropriations for the purpose had been drawn up and approved on a basis of twenty medical officers. Taking, however, the lower figure of fifteen, and adding to it the four doctors attached to the Church Missionary Society and the three doctors of the mining industry, it would be found that there were twenty-two doctors in all actually present in the territory on December 31st, 1936.

It would perhaps astonish Count de Penha Garcia to learn that the medical authorities responsible for the territory were of opinion that the number of Government medical officers was excessive. They were not there to give treatment to individuals who came to see them, as doctors did in Europe. If the doctors in Ruanda-Urundi were to do as doctors did in Europe, the number required would not be twenty but many hundreds. What actually happened was that the medical officers passed in review large numbers of people, who were brought in, examined and given treatment on simple practical lines which enabled a great deal of valuable work to be done in a short time. The medical officer was accompanied by public health agents, medical assistants and nurses ; and these dealt, under his direction and supervision, with affections—nearly always of the same sort—of which they had a wide knowledge and experience. The Public Health Service thought that, with this system, the number of medical officers might well be reduced.

Count DE PENHA GARCIA observed that, in certain countries, the difficulty of establishing contact between European medical officers and the native population was overcome by training native assistants. If the number of native assistants were increased, the number of European doctors responsible for training them would also have to be increased.

M. VAN ASBECK asked whether the Government proposed to train real doctors drawn from the native population, whose standard of education would be higher than that of the assistants.

M. HALEWYCK DE HEUSCH replied that, in addition to the European medical assistants (twelve in number), there were native medical assistants who were, in future, to be given special training at Astrida : but they were not doctors. The medical training of the recently established Astrida higher school was of a very thorough character, and was given by doctors. It was hoped that it would have the best results. To endeavour to train real doctors from among the natives would be premature.

Count DE PENHA GARCIA noted (page 44 of the report) that there was a considerable decline in the budgetary appropriations for the maintenance of patients in the hospitals and dispensaries, the figures having fallen from 495,956 in 1934 to 144,105 in 1935 and 96,790 in 1936. The figure for 1936 was, he thought, extremely low in view of the number of patients treated.

M. HALEWYCK DE HEUSCH replied that the decrease of expenditure was due to the disappearance of the typhus epidemic, which in 1934 had entailed a considerable increase in the expenditure on quarantine stations, dispensaries and establishments for hospital treatment. The position had reverted to normal in 1936 : but, in 1935, there were still patients under treatment, and this explained why the expenditure did not at once fall to the much lower figure of the year under review.

Mlle. DANNEVIG noted that not a single woman had been trained as nurse or midwife in the State services. She hoped that that state of affairs would be remedied in future.

M. HALEWYCK DE HEUSCH noted Mlle. Dannevig's desire, but pointed out that for training the native nurses and midwives it would be necessary to find women who would agree to undertake the work. Such efforts as had been made up to the present in that connection had been without result.

#### LAND TENURE.

M. VAN ASBECK took note of the statement (page 54 of the report) that " in the case of a proposed transfer of land, respect for native rights was the Government's chief concern " ; that was in response to a request made in 1936.<sup>1</sup>

M. HALEWYCK DE HEUSCH took the opportunity to confirm the correctness of the statement he had made a year before on the subject of a report, quoted by M. van Asbeck, of the Conseil colonial belge, in which it was asserted that the missions were being given gifts of land of 100, 200 or even 400 hectares.<sup>1</sup> He had said at the time that the assertion in question could only relate to the Belgian Congo ; and he found on looking into the matter that he was right. In January 1934, the Conseil colonial had had before it sixteen simultaneous proposals for the grant of land to missions, all relating to the Belgian Congo except one, which figured at the head of the list, relating to Ruanda-Urundi. It was because the last named came at the

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 172.

head of the list that it was the first to be discussed : and it was in the course of that initial discussion that criticisms were passed, which subsequently appeared in the report of the Conseil, as to the extent of land concessions in the Congo. In the mandated territory, the amount of land assigned to missions had never been as much as the lowest of the figures quoted ; and for some years past, such concessions had not been allowed to exceed 25 hectares.

FORESTS.

COUNT DE PENHA GARCIA noted (see page 145 of the report) that the eucalyptus plantations were being laid out all over the territory. He would mention one drawback—namely, that this tree could not be used for the manufacture of paper pulp.

DEMOGRAPHIC STATISTICS.

M. VAN ASBECK said that he would like to find in the next report a single table showing the relative importance of the various religions compared to the total population.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Halewyck de Heusch for having given the Commission the benefit of his experience in its examination of the annual report. The clearness with which that report had been drawn up had enabled the Commission to study it in a minimum of time.

M. HALEWYCK DE HEUSCH thanked the Commission for the welcome extended to him and for the interest shown in the explanations he had given.

ELEVENTH MEETING.

*Held on Monday, November 15th, 1937, at 10.30 a.m.*

**Togoland under French Mandate : Examination of the Annual Report for 1936.**

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

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. BESSON made the following statement :

In the year 1936, there was a very marked improvement in the economic situation in Togoland under French Mandate as, indeed, in all the possessions in West and Equatorial Africa. Imports amounted to 26,035 tons, as compared with 17,104 tons in the year 1935. This improvement was due to the increased purchasing power of the natives, as a result of the impetus to Togoland production and the revalorisation of the prices of raw materials. The rationalisation of agriculture led to a considerable increase, in tonnage, in exports of local products—from 40,254 tons in 1935 to 56,005 tons in 1936.

The movement of trade, in general, rose from 57,540 tons, representing 66,687,000 francs, in 1935, to 82,040 tons, representing 91,976,000 francs, in 1936, a surplus of 25,289,000 francs. This in itself shows that the position of the territory is highly satisfactory.

Trade has expanded to an even greater extent in 1937, the total trade figures for the first six months being nearly twice those for the corresponding period in 1936 :

	1936 Francs (thousands)	1937
Imports . . . . .	20,593.5	38,097.5
Exports . . . . .	24,818.5	51,234.0
Re-exports . . . . .	259.0	291.0
	<u>45,671.0</u>	<u>89,622.5</u>

That, as you see, is a very satisfactory and very marked advance.

The programme for intensifying production, established in agreement with the farmers, was carried out in excellent conditions ; thus, exports of palm nuts increased from 13,133 to 21,505 tons ; of palm oil, from 2,094 to 3,281 tons ; of copra, from 4,360 to 5,656 tons ; of coffee, from 111 to 162 tons ; of maize, from 3,183 to 7,807 tons. Lastly, ground-nuts, a new export



for the territory, were cultivated successfully in the northern circle, and exports of ground-nuts in this first year amounted to 1,394 tons. It should be noted that, thanks to the recently constructed northern railway, which brought down freight charges considerably, the whole northern region of the territory was able for the first time to play a considerable part in the economic life of the country. Arrangements have been made to transport ground-nuts in large lorries in future, and this will increase the producers' remuneration.

The whole of this programme for the development of production was carried out in full agreement with the agricultural provident societies, to which all the farmers of the territory belong. These co-operative bodies, which were set up in 1935, soon gained the sympathy of all their members, and they played a most important part, in 1936, in the economic equipment of the country. Thus, throughout the palm-oil zone, twenty-six fixed or mobile mechanised crushing units were used to crush palm nuts. Exports rose by more than one-third in consequence, and young labourers were released for more profitable agricultural work. The provident societies also did good work in connection with the cultivation of ground-nuts and coffee (300 tons of coffee will be produced in 1937), and the opening of workshops for preparing tapioca.

Economic prosperity was immediately reflected in the financial situation. The revenue from direct taxation was collected in full without difficulty before July 1st. Customs receipts showed a surplus of nearly 4½ million francs over budget estimates and receipts under the same head in 1935.

I have just received the final figures for the financial year 1936. They are as follows :

	Francs
Revenue . . . . .	29,884,375
Expenditure . . . . .	<u>26,148,931</u>
Surplus revenue . . . . .	3,735,444 (paid to the Reserve Fund).

Consequently, the financial situation is very sound and bears no resemblance to the years we passed through in 1931, 1932 and 1933.

The policy of lightening the burden on production has been continued. The rate of the land tax was reduced to 5%, and under an Order of November 9th, 1935, native middlemen in the markets and producers' and consumers' co-operatives were exempted from holding a licence, and some of the licence fees affecting holders of medical preparations and a number of workers on their own account, purchasers of local products, and transport agents were reduced.

Certain taxes affecting the natives were reduced, particularly the taxes on permits to carry trade arms, which were reduced from 20 francs to 10 francs.

Thanks to the policy of supporting the production of fats and coffee, it was possible in 1936—I would ask you to note the figures—to grant subsidies to European and native producers amounting to 984,150 francs for oil-seeds and 111,000 francs for coffee. These subsidies were not paid out of the budget of the territory, but out of taxes on the consumption of those products in the mandatory country. This system has been explained before.

As was explained at the twenty-eighth session,<sup>1</sup> the population figure is determined by means of a census in certain areas and by means of estimates by soundings in the rest of the country. During the year 1936, all the censuses taken in the territory since 1934 were terminated. I have an admission to make, however. It was found when the work of estimating by soundings and taking censuses was completed—and it was done very conscientiously—that the total population figure had fallen by 27,000 as compared with the previous year. That shows what very great care was taken, and that an attempt was made to obtain accurate figures. We did not confine ourselves to taking those "soundings" which somewhat alarmed M. Rappard in previous years. The drop was more apparent than real, and the figures represent the actual population. A census was taken of each family, and the Administration struck off Togolanders who, though still appearing on the control lists, had left their country of origin some years ago.

The administrative reorganisation of the territory as laid down in the Decree of November 23rd, 1934, was modified by the Decree of September 19th, 1936. This decree confers the title of Commissioner of the Republic on the Governor-General of West Africa, who is represented at Lomé by a Chief Administrator with the rank of Colonial Governor. I will explain the operation of this new decree during the discussion.

The Decree of September 19th, 1936, explains the position of the technical officials acting jointly in Togoland and Dahomey. Their chief duties in Togoland consist in supervision and inspection: the services are carried out on the spot by representatives appointed on the proposal of the higher Administration. These new arrangements, which came into force on October 15th, 1936, make available the very well equipped technical services of the Governor-General, and enable officials of French West Africa to be seconded to Togoland, and vice versa. They have also the advantage that, if sufficient staff is not available in the territory,

<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 66.



officials can be seconded temporarily from French West Africa, and it is not necessary to send new officials. To strengthen the moral position of the Chief Administrator, a decree dated July 20th, 1937, confers on him the title of Commissioner of the Republic, while it gives the Governor-General of West Africa the title of High Commissioner of the Republic.

Like the last reorganisation, these new changes, which make further savings in addition to those of 1935, do not in any way impair the principle of the mandate.

In conclusion, I would venture to point out to you that, in accordance with the desire expressed last year,<sup>1</sup> the report of the French Government is for the first time supplemented by a kind of anthology of the questions the Commission has put to the mandatory Power for several years past. I hope that this survey will facilitate your task. It has in any event given us a more general conspectus of the position covering a good many years.

I would add that the reforms in the administration of Togoland necessitated by the financial situation are temporary; the mandatory Power can modify them and revert to the former arrangements, should it think fit.

The CHAIRMAN said the Commission could only express satisfaction at the good news M. Besson had communicated to it.

#### FORM OF ANNUAL REPORT.

The CHAIRMAN noted with pleasure that the report for 1936 and, in particular, the financial section was far more clear than in previous years.

M. VAN ASBECK thanked the mandatory Power for having communicated to the Commission what M. Besson had described as an "anthology" of the questions put by the Mandates Commission together with the mandatory Power's replies. It would be particularly helpful to the more recently appointed members of the Mandates Commission. He hoped the "anthology" would be kept up to date by the mandatory Power, and would appear in future in the reports year by year.

M. BESSON said the mandatory Power would be glad to comply with M. van Asbeck's wishes both in the case of Togoland and also in the case of the Cameroons under French mandate.

#### STATISTICAL INFORMATION REGARDING THE TERRITORIES UNDER MANDATE.

The CHAIRMAN recalled that M. Orts had said in 1936<sup>2</sup> that the Commission would be grateful if the mandatory Power would insert in the report each year a table similar to the table which would be found in the document containing statistical tables relating to public finance, trade and demographic movements in the territories under mandate.

M. BESSON took note of that request.

#### ADMINISTRATIVE REORGANISATION OF THE TERRITORY : QUESTION OF MAINTAINING THE CHANGES INTRODUCED DURING A PERIOD OF ECONOMIC STRINGENCY.

M. PALACIOS said the Commission had always been anxious that the territory of Togoland, like all the other mandated territories, should remain a separate entity. The question had been discussed when the Decree of 1934 on the administrative regime of the territory had been brought in. Following upon the Decree of September 19th, 1936, the introduction of a different administrative regime raised the same question, though it was recognised that the position in respect of a separate entity was safeguarded by the new provisions. The first decree had provided for union with Dahomey, the Lieutenant-General of that colony being a Commissioner of the Republic. The new decree conferred the title of Commissioner of the Republic on the Governor-General of French West Africa. It should be pointed out that Articles 1 and 4 of that decree expressly stated that Togoland under French mandate remained a territorial unit possessing administrative and financial autonomy; this was ensured by the maintenance of the special budget and its annexes which drew on all the resources of the territory itself while those resources were intended to cover only the expenditure on the mandated territory (see pages 11 and 12 and 128 and 129 of the report).<sup>3</sup>

The CHAIRMAN pointed out that, according to the report (page 11), a decree was issued on September 19th, 1936, pursuant to a Decree of 1934, for a reduction in the administrative expenditure of Togoland on grounds of economy. However, the report for 1936 made it clear

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 69.

<sup>2</sup> See *ibidem*, page 83.

<sup>3</sup> See Minutes of the Twenty-eighth Session (page 48) and the Thirtieth Session (page 70) of the Commission.

that the financial situation of the territory had improved considerably, and that it had been possible to reconstitute the Reserve Fund. It followed that either the reorganisation brought about by the Decree of September 19th, 1936, was regarded as good in itself, or its suppression should be considered, since the circumstances which made it necessary no longer existed. He did not wish to express any opinion on the point ; but had the mandatory Power any intention of modifying a regime introduced solely to meet a temporary situation ?

M. BESSON explained that the starting-point of the 1934 reforms was the economic and financial depression from which the territory was suffering at that time. The mandatory Power had been compelled to effect economies wherever possible. The financial situation had become prosperous again since then, the reductions in the budgets having made possible the revival of the activities of natives and planters. From the administrative point of view, the reforms had had some advantage ; and he need not assure the Commission that they were not designed by the mandatory Power to impair the autonomy of the territory in any way, or to take away from its character as a separate entity.

The territory of Togoland under French mandate was very small : it had few officials : the questions arising there were complicated, and it was often necessary to call upon the Dakar staff for help. That was why the Governor-General of French West Africa had been given the right to overlook the Togoland administration. Moreover, the natives had regarded as a special mark of solicitude the fact that the Governor-General of French West Africa had accompanied the Minister for the Colonies during his tour in Togoland.

The CHAIRMAN reminded M. Besson that the Mandates Commission had made a reservation when it learnt that the administrative reform was about to enter into force in Togoland.<sup>1</sup>

Count DE PENHA GARCIA pointed out that there was a reference on page 11 of the report to the employment of Heads of Departments common to Togoland and Dahomey. Did Togoland pay a part of the salary of such officials ?

M. BESSON replied that, as mentioned on page 129 of the report, the portion of the salary (salary, allowances, various grants) of the Heads of common Departments was borne by the Togoland budget to the extent of 25%. Naturally, if an official were entrusted with a mission of any duration to the mandated territory, Togoland paid the cost.

In reply to other questions by Count de Penha Garcia, M. Besson said there could not be any overlapping in the Togoland administration on account of the reorganisation. If the Commission would refer to page 129 of the report, it would see that the posts of Heads of Departments (and not of ordinary officials) which were held for both Togoland and Dahomey by the same persons were those of the Posts, Telegraphs and Telephones, Agriculture, Stock-breeding and Forestry, Public Health, Education, Zootechny, Railways and Public Works. It would also be seen that the specialised officials of the Governor-General of French West Africa might be sent on missions to the territory, and that studies might be entrusted to the technical offices of the Governor-General. The services of the Governor-General, which had their seat at Dakar, were in fact better equipped than the Togoland services to undertake certain research work ; and this was perhaps the most valuable feature of the reform.

The CHAIRMAN could not see why these possibilities of co-operation should not subsist, even without the reform.

M. BESSON agreed that they were not necessarily bound up with the reforms of 1936.

The CHAIRMAN noted that the reform referred to during the present discussion had in fact been introduced on account of economic and financial circumstances which had now disappeared. It might accordingly be advisable to ask the mandatory Power whether it did not propose to revise the present administrative status of the territory.

Count DE PENHA GARCIA noted that Article 1 of the Decree of September 19th, 1936, reserved the administrative and financial autonomy of Togoland. That was essential. But the payments made to officials lent by French West Africa should appear clearly, not only in the budget, but also, and in particular, in the accounts of the territory.

M. GIRAUD, referring to the Chairman's remark that a reform based on considerations of economy might perhaps be considered as again brought into question by the financial recovery of which M. Besson had spoken, thought it advisable in that connection to remind the

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<sup>1</sup> See Minutes of the Twenty-eighth Session (page 200) and the Thirtieth Session (page 210) of the Commission.

Commission of the statement made by the accredited representative during the examination of the report on the Cameroons under French mandate.<sup>1</sup> M. Besson had pointed out, incidentally, that the prices of raw materials had lately tended to decline. It should be borne in mind that the Customs receipts, which constituted the main resource of the budget of the territory, were closely connected with the marketing of local production at satisfactory prices on account of the effect exercised by exports of local products on the volume of imports, which formed the essential basis of the revenue in question. A further considerable decline would therefore involve the danger of upsetting the equilibrium of the Togoland budget, which had been reached with such difficulty. Scarcely two years ago, the budget showed a deficit. Was it not therefore, in these conditions, a matter of simple prudence to see whether the present favourable position would really continue before contemplating the advisability of rescinding a reform which was still of very recent date ?

M. VAN ASBECK would like to know exactly what economies had been realised by the reform.

M. BESSON said that it would be seen from the table on page 110 of the report that these economies amounted in 1935 to 5,170,000 francs.

As M. Giraud had pointed out in his very prudent remarks, the question should obviously be asked whether the recovery in the economic and financial situation of the territory was not transitory ; but how was it possible to predict future financial years ? Moreover, whatever measures were taken, if they were compared with those introduced in other mandated territories, it was evident that the autonomy of Togoland was respected in a manner which left no doubt. Nevertheless, from the economic and financial point of view, Togoland was a particularly weak territory, which should not bear too heavy a burden of expenditure. The best thing would seem to be for the Mandates Commission to trust the mandatory Power, which would in no way interfere with the autonomy of the territory, and, as far as other matters were concerned, to wait and see.

M. VAN ASBECK thought the amount of 440,000 francs for debts due (resulting from the moratorium granted for repayment by annual instalments of material acquired in kind), which formed part of the total of 5,170,000 francs (page 110 of the report), had nothing to do with economies arising out of the reforms.

M. BESSON thought, on the contrary, that it arose from the general reform.

M. VAN ASBECK continued to think that only items 2, 3, 4 and 5 should be taken into consideration in calculating economies, and those items gave a total of 2,660,000 francs.

M. BESSON was under the impression that M. van Asbeck's conclusions were incorrect. In any case, in 1935, the financial situation of the territory was truly dramatic, for there was not a penny in the Reserve Fund, and the object of the reforms had been to reduce expenditure as far as possible.

The CHAIRMAN recalled that, in 1934,<sup>2</sup> the mandatory Power had stated that the reforms would permit of an economy of about three millions. He thought it would be enough to ask the mandatory Power whether, now that the economic and financial position of the territory had improved, it did not contemplate the possibility of reverting to the former regime.

#### INTERNATIONAL RELATIONS : INCIDENT ON THE FRONTIER BETWEEN TOGOLAND UNDER FRENCH MANDATE AND TOGOLAND UNDER BRITISH MANDATE.

COUNT DE PENHA GARCIA noted that the international relations of the territory had been excellent throughout 1936. The report stated (page 43) that special mention should be made of air communications, which were constantly increasing in importance. In his opinion there was no doubt that the aviation grounds fitted up in Togoland would be of benefit, particularly to other countries or territories, since the area of Togoland under French mandate was too small for a special airline to be of real use.

He then referred to an incident which had occurred between the people of the village of Badou (Togoland under French mandate) and those of the village of Buem-Borada (Togoland under British mandate) (page 43 of the report). The incident had been rapidly settled through the intelligent intervention of the French Administration and the good relations existing between that Administration and the neighbouring British Administration. The report stated that the appeal made by the chief of Badou from the decision of the Lower Court had been received by the Court of Appeal of West Africa (British). Did the accredited representative know whether the persons under French protection had already been re-established in their property rights ?

M. BESSON replied that they had been provisionally re-established and that the British authorities were convinced that the Appeal Court would recognise the rights of the inhabitants of Badou.

<sup>1</sup> See page 69.

<sup>2</sup> See Minutes of the Twenty-sixth Session of the Commission, page 109.

INTERNATIONAL CONVENTIONS : APPLICATION OF THE PRINCIPLE OF RECIPROCITY.

Count DE PENHA GARCIA referred to the list of Conventions made applicable to the territory under mandate in 1936, which appeared on pages 43 to 45 of the annual report. Those Conventions included a number of commercial agreements which appeared to him to give the territory the benefit of reciprocity in respect of economic equality.

GENERAL ADMINISTRATION : FETISH PRACTICES : RESEARCH BY M. THÉBAULT, PUBLIC PROSECUTOR OF THE REPUBLIC.

M. VAN ASBECK noted the statement on page 41 of the report that the political situation had been excellent during 1936. A reduction of 50% in disciplinary punishments was recorded as compared with the previous year. As regards the position in the Southern Zone, the report stated (page 41) that the three principals found guilty of fetishistic practices at Anecho, whose activities had been recorded in the report for 1935,<sup>1</sup> had been executed in June 1936. What was the present position in regard to fetishism in the country ?

M. BESSON said he was not aware of any new occurrence in that respect. He hoped the Commission had taken note of the great work of M. Thébault, Public Prosecutor of the Republic, on the customs and fetishism of Togoland. Fetishism constituted a very difficult problem in the territory and one which it would not be easy to settle definitely. There would always be certain sects which it would be almost impossible to locate and which would exercise influence.

RELATIONS BETWEEN THE LAWSON AND ADJIGOS CLANS, AND OF THE LATTER CLAN WITH THE ADMINISTRATION.

M. BESSON wished to emphasise the good relations which now existed between the Lawson and Adjigos clans. He also read to the Commission a letter from the chief and spokesman of the Adjigos clans, which proved their loyalty and attachment to the mandatory Power.

CLASSIFICATION, APPOINTMENT AND TRAINING OF CHIEFS.

M. VAN ASBECK noted, on reading Ordinance No. 171 organising the native command in Togoland (page 119 of the report), that the native administration of Togoland consisted of village chiefs, chiefs of quarters, chiefs of districts and chiefs of cantons. The chiefs of districts and cantons were appointed by the Higher Administration, while the village chiefs were appointed by the zone command on a nomination made by the majority of the members of the village. Nothing was said of the method of appointing the chiefs of quarters.

M. BESSON said the next report would give particulars on that point. As regards the chiefs of districts, it would be found, on referring to Article 9 of the ordinance to which M. van Asbeck had referred, that they were elected by a kind of indirect suffrage in two stages.

M. VAN ASBECK could not quite agree with the accredited representative on that point. Article 9 stated that " the chiefs of districts are appointed by the Higher Administrator on the proposal of the zone command after consulting the chiefs of cantons and the village chiefs concerned ". An election was not the same thing as a consultation. It would indeed appear from reading the ordinance that the chiefs of districts and cantons were appointed by the Administration, while in the appointment of chiefs of villages the persons under their administration played a certain part. The chiefs of cantons and districts had therefore rather the character of intermediate officials, while the village chiefs had some of the features of leaders of their people.

Count DE PENHA GARCIA presumed that the organisation of the native command in Togoland was not the creation of the mandatory Power, and that the latter had adapted to its requirements the formations which already existed.

M. BESSON explained that Ordinance No. 171 conferred a status on an existing situation. Some chiefs had been given a certain stability as chiefs of cantons and were useful as intermediaries between the Administration and the natives ; but the administration of Togoland was becoming more and more complicated, and it had been found necessary to appoint secretaries to the chiefs of cantons, if only for operations connected with the census, the collection of taxes and payment of premiums.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 72.

M. VAN ASBECK had the impression that the mandatory Power—they were not, of course, open to any reproach on that score—had taken as a starting-point the position which existed in the territory. It had placed over the chiefs of villages and quarters elected by the people chiefs of cantons and districts who served as intermediaries.

M. BESSON said M. van Asbeck had correctly summarised the system followed by the mandatory Administration.

Mlle. DANNEVIG was struck by the knowledge and qualifications demanded of the secretaries of chiefs of cantons ; their annual pay was very modest, as it varied, apparently, from 450 to 2,400 francs (page 122 of the report). Did the mandatory Power find many candidates for such posts ?

M. BESSON replied that such appointments were normal in French colonial administration. Even in France itself, secretaries of mayors, who, like the secretaries of chiefs of cantons in Togoland, did not devote their whole time to their duties, did not receive very high remuneration.

Mlle. DANNEVIG supposed that the secretaries receiving only 450 francs had other occupations than their official duties, and that the salary received for the latter only represented an extra allowance for them. Or were they perhaps provided for by their wives ?

M. BESSON thought he could reassure Mlle. Dannevig in that respect. The pay of the secretaries of chiefs of cantons only represented a supplement to their income.

M. VAN ASBECK recalled that, during the thirtieth session, Lord Hailey<sup>1</sup> had said he would be grateful for " information as to the strength of the territory's present administrative staff after the reductions brought about, more particularly, through the reorganisation of the districts. The matter appeared to have some bearing upon the ease with which natives could gain access to administrative officials." M. Besson had replied that the next report would include information on that point ; but M. van Asbeck had not found such information.

M. BESSON regretted the absence of the information concerned. It would be inserted in the report for 1937.

M. SAKENOBE asked whether the term " notables " in the report meant the chiefs of villages, of quarters, of regions, and of the cantons mentioned in Article 1 of Ordinance No. 171.

M. BESSON replied that this was generally the case. Some natives, however, who were not village chiefs were considered as notables. In that case, they must be of some importance and, if he might so express himself, of some standing.

#### PUBLIC FINANCE : TAXATION.

The CHAIRMAN desired to congratulate the accredited representative on the presentation of this chapter of the report (pages 13 *et seq.*). It gave a clear account of the position. It showed that the mandatory Power had not raised direct taxation in spite of the return of prosperity, but had taken advantage of the possibilities offered by indirect taxation to reconstitute the Reserve Fund. He pointed out that indirect taxes gave a somewhat uncertain yield, as they depended on the prices fetched by the raw materials sold by the territory and its volume of trade. They were consequently quite outside the action of the mandatory Power, since the prices of raw materials were established on the world markets. In the financial system adopted by the Administration, the Reserve Fund appeared to act as a sort of buffer which, at times of financial difficulties, could weaken the effects of a crisis. Was that the function that the mandatory Power proposed for the Fund ?

M. BESSON said the Chairman had explained most clearly the financial policy applied by France in Togoland and, in general, in all her colonies. Obviously, the question of indirect taxes, their incidence and their varying yield, was highly complicated, but the Mandates Commission would no doubt observe, from reading the next report, that the Administration was also anxious to raise direct taxation and, at any rate as far as Europeans were concerned, to introduce a tax on income. Togoland was at present enjoying a period of prosperity, and the payments should therefore be made to the Reserve Fund, which, as the Chairman had aptly remarked, acted as a kind of buffer.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 71.

The CHAIRMAN said the investment of the Reserve Fund raised a somewhat delicate question, since it could only be invested in gold or in bonds giving a fixed return. The investment in bonds with a fixed return in a currency which was constantly losing in value scarcely appeared to be advantageous ; but it was difficult to see any other solution.

M. BESSON pointed out, in this connection, that there was a real State Bank for French West Africa, the " Banque de l'Afrique-Occidentale française ".

M. GIRAUD said it was very difficult to keep a proper balance between direct and indirect taxation in the French African colonies. Direct taxation, in particular, could not be imposed on accumulated capital, since this did not exist in the African territories, where the native had no inclination for saving. In fact, in these territories, indirect taxation had almost the same incidence as direct taxation, since the tax-payer spent everything that he earned. Under those circumstances, it was normal that the main part of the budget of a territory like Togoland should consist, in the first place, of Customs duties, consumption duties, which should be placed especially on the least useful articles while sparing, as far as possible, articles necessary for the natives, and, to a less extent, of the poll tax, which was a rudimentary tax, the rate of which must, by its very nature, remain low.

The CHAIRMAN observed that the poll taxes could be graduated.

M. GIRAUD replied that the poll tax was graduated by districts according to the wealth of the population, but not by individuals. A graduated poll tax on individuals would be an ordinary direct tax.

The CHAIRMAN thanked the mandatory Power for the tables supplied on pages 17 and 18 of the report. He drew the attention of the accredited representative to the fact that the Mandates Commission would, however, rather receive closed accounts than budget estimates. He then asked to what Heading XIX, " General Supplies ", in the table on page 18, referred, since it did not appear to relate to material, which was entered separately under various departments (General Administration, Financial Services, Expenditure on Industrial Exploitation, etc.).

M. BESSON said he would obtain that information.

The CHAIRMAN observed that the figures given by M. Besson during his general statement had shown that the improvement recorded in the report was still maintained and he hoped it would continue to be.

On page 29 of the report, there was a table of the probable results of the financial year 1936 ending on May 31st, 1937. That table did not represent exactly either budget estimates or closed accounts. He would like to know the nature of the figures entered in it.

M. BESSON replied that the figures were merely estimates and that the only useful figures were those which he had had occasion to give the Commission in his general statement. The figures appearing in the table on page 29 did not, however, differ widely from those which he had given.

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## TWELFTH MEETING.

*Held on Monday, November 15th, 1937, at 4 p.m.*

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### **Togoland under French Mandate : Examination of the Annual Report for 1936 (continuation).**

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

#### IMPORTS AND EXPORTS : SAVINGS BANKS : PROVIDENT SOCIETIES.

M. GIRAUD noted that there had been considerable progress, in the case of agricultural products. Exports of the principal, if not of all, local products had increased considerably, and in particular there had been an upward movement in exports of maize, which had fallen appreciably in 1935 (pages 71 and 72 of the report). Record figures had been reached in 1936 for palm kernels, copra, Shea nuts, ground-nuts and coffee. The latter, moreover, was a fairly recent product, which had not yielded all that might be expected of it as yet.

Undoubtedly the provident societies should play a very important part in this connection. As M. Besson had said at the last meeting in his general statement, the export and import

figures were considerably higher in 1936 than in 1935. Imports had increased by 51% ; exports had not increased at the same rate, being 21% higher than in 1935, but the increase nevertheless amounted to more than nine million francs. Because of that difference, the balance of trade for 1936 again showed a slight deficit, but the information M. Besson had furnished at the last meeting showed that there had been considerable improvement in 1937. During the first half of the year, exports had been much greater than imports (51 millions as compared with 38 millions).

M. Giraud drew attention to the figures for the principal customers and suppliers of Togoland. It would be seen, from the tables on pages 70 and 73 of the report, that, in 1936, the mandatory Power had purchased products to the value of 28 million francs out of total exports amounting to 44 million francs (that was to say, nearly two-thirds). On the other hand, Togoland had only bought four million francs' worth of French goods out of total imports worth 47 million francs.

Interesting information about savings banks would be found on page 50 of the report. The movement was still at a very early stage, only 257,000 francs having been deposited ; but there was nevertheless marked progress as compared with the previous year. He noted with satisfaction that four new offices had been opened, which was an encouraging sign, and there was some ground for hoping that this measure would contribute towards the development of the banks.

M. BESSON had little to add to the statement he had made at the previous meeting. He confirmed that there was a distinct improvement in the economic position at the moment. He desired, however, to draw the Commission's attention to one point : the mandatory Administration was endeavouring to make the natives understand the value of, and need for, saving. In that connection, the development and success of the provident societies during the past year or two was highly interesting, from the psychological and economic standpoint (page 52 of the report).

The CHAIRMAN understood that these provident societies were mainly producers' co-operative societies which placed at the disposal of the natives the instruments they required to increase their yield appreciably. If those societies tended, moreover, to encourage saving, that was because they were to a great extent financed by means of savings.

M. BESSON confirmed that the societies had two aims—namely, to teach the natives the value of saving and to secure for the people means for developing their own cultivation. They constituted one of the most important instruments of the " black peasantry " policy, a policy the mandatory Power was now pursuing. It had already proved successful elsewhere, particularly in Algeria, Tunis, Morocco and Senegal, where remarkable results had been achieved. The system was quite in accordance with the general desire of the mandatory Power to associate the native in the economic life of the country, while preserving the characteristic features of the local economic structure. In North Africa, it had been possible to prevent famine through these societies, which kept reserves of wheat. They constituted an extremely powerful means of action. The only question was to ascertain, by rational means, and taking into account the general interest, the part played by these societies in the economic and commercial life of the population.

The CHAIRMAN asked what part the Administration and the natives played in setting up and running these societies.

M. BESSON replied that in North Africa, where they had been set up first, the native provident societies started as—and had remained—an essentially Moslem institution. They were in accordance with a rule in the Koran which provided that part of the harvest should be set aside for seed in the coming year. Starting with that religious principle, France had taken advantage of this valuable means of encouraging, bit by bit, the formation of economic institutions. In North Africa, the provident societies were started more or less spontaneously by the formation into groups of those concerned. In Togoland, the Administration had had to take more direct action in setting up societies of the same kind. If had had to finance them and to put a French administrator at their head. This official exercised the necessary supervision. It was, in fact, felt that it would be too soon to leave the societies exclusively in the hands of the natives. They did not yet constitute such clearly defined mutual societies in black Africa as in North Africa.

M. VAN ASBECK noted from page 52 of the report that, in execution of the Decree of November 3rd, 1934, providing for not more than one society for each circle, the number of provident societies had been reduced from six to three. He had just heard, however, that in virtue of a recent decree dated September 16th, 1937, the number of provident societies had been increased again : there would in future be one for each subdivision instead of one for each circle. Was this due to a change of policy ?

M. BESSON replied that, in the first case, there had been a concentration and not a limitation of the activities of the societies. In bringing down their number to correspond with the number of circles, the authorities had doubtless wished to strengthen them financially. If a new decree had been promulgated, that was probably because it was recognised that the number of provident societies should be increased in view of their growing importance.

The CHAIRMAN thought the Commission should clearly express its sympathy with the provident society movement, which was to the material and moral advantage of the natives. It should encourage the mandatory Power to follow up the scheme.

M. BESSON replied that so authoritative an opinion as that of the Commission would greatly encourage the mandatory Power in its efforts to ensure the material and moral well-being of the native populations.

The CHAIRMAN drew attention to a point brought out by M. Giraud, which would be of increasing importance as time went on: while France was the chief market for Togoland exports, it was gradually losing its position as the only supply country of the territory. That situation was tending to become general throughout the territories under B mandates. The explanation was obvious. Products exported from the mandated territory found in the mandatory country a market free of quotas and other Customs restrictions, whereas the mandated territory was open without discrimination to imports from all countries. The natural consequence was that exports from the territory went mainly to the mandatory country, whereas imports came from many States.

M. GIRAUD observed that it was none the less true that, in time of depression, the extension to territories under mandate of the preferential regime extended to colonial products on the market of the mandatory Power constituted a very important guarantee. It conferred a great advantage, in the absence of which the territories in question might sometimes have great difficulty in finding markets for their products.

M. VAN ASBECK thought this furnished a further proof that the problem of raw materials was not solely an economic problem, but was a highly important political problem. Special emphasis should be laid on the point just raised by the Chairman.

#### COMMERCIAL TRANSACTIONS BETWEEN NATIVES AND NON-NATIVES.

M. VAN ASBECK asked how native agricultural products for export were marketed. Were they purchased by European warehouses or export firms, either directly or through middlemen? Were they repurchased at equitable prices? It would seem that, as native production expanded and increased, the problem of commercial contact between natives and non-natives would assume greater importance.

M. BESSON replied that in some cases it was difficult to ascertain exactly how these transactions were carried through. To take one example, the native cocoa producer sold his cocoa on the market to native purchasers, who resold it themselves to business houses. Someday, the provident societies would become the most satisfactory middlemen. Furthermore, there were a number of Asiatic middlemen in the territory, Syrians in particular. The native producer was aware of the value of his goods and, generally speaking, received a fair price for them. The chief difficulty in the way of the direct sale of these products to the big European firms was that the quantity brought to the market by each producer was too small. Fuller information would be given in the next report.

#### CUSTOMS AGREEMENTS BETWEEN TOGOLAND AND DAHOMEY.

The CHAIRMAN asked whether the new Customs agreements between Togoland and Dahomey were favourable to the territory (page 67 of the report).

M. BESSON said it was difficult to reply to that question, as the arrangements had only just been concluded. From the legal standpoint, they called for no comment; from the practical standpoint, the report for 1937 would furnish information.



CATTLE.

M. SAKENOBE said he would be glad of information next year as to the general situation and future prospects of cattle-breeding. Was it expected that there would be exports of hides and skins and cattle on the hoof? The report (page 72), referred, it was true, to the export of sheep, but gave no numbers. He would like to have the figure in the next report, together with the number of live-stock.

M. BESSON took note of the request.

JUDICIAL ORGANISATION : STUDY BY M. THÉBAULT OF THE JURIDICAL CUSTOMS OF THE TRIBES OF TOGOLAND.

M. VAN ASBECK said he had before him a " Study of the Juridical Customs of the Tribes of Togoland ", by M. Thébault. He wished to pay a tribute to that remarkable work. He hoped that, when it was published, the Mandates Commission would receive some copies.

It was stated on page 33 of the report that during the 1936 assizes " only one case of sabotage on the railway " had been tried. As that case had been brought before the Court of Assizes, he presumed the offender was a European. Would it be possible to give the Commission more detailed information concerning the activities of the offender in question?

M. BESSON replied that it did not follow that the offender was a European. He would endeavour to obtain fuller information.

M. VAN ASBECK drew attention to the statement on page 43 of the report to the effect that " the persons presumed to be guilty of the murder of three Togolandiers under French mandatory administration were arrested by the district commissioner of Kpandu and would be brought before the British courts ". He asked for further information about the legal consequences of this case.

M. BESSON took note of the request.

POLICE : MAINTENANCE OF ORDER IN THE TERRITORY.

M. SAKENOBE noted, from page 39 of the report, that there had been no change in the organisation of the police force in 1936 but that, for financial reasons, the establishment had been reduced from 480 to 453. A detachment of the militia had been entrusted in 1935 with police duties in the Bassari subdivision. Had that detachment given satisfaction? Had its discipline been good?

M. BESSON said that, generally speaking, he considered that the establishment was distinctly lower in number than it should be. As far as the professional merits of the men were concerned, however, particularly the detachment sent to the Bassari subdivision, no incidents had occurred. Moreover, they were trained men offering all the necessary guarantees.

ARMS AND AMMUNITION.

M. SAKENOBE had no questions to ask about the very full tables on page 40 of the report. From the penal standpoint, it appeared, from the tables on pages 36 and 37, that, during the year 1936, the courts of first instance had had to pass only two sentences for unlawful possession of prohibited weapons and nine for smuggling powder, which proved that the rules were, for the most part, respected.

On page 133 would be found the text of an order fixing the tax on licences to carry arms in Togoland. Had that tax been increased or reduced as compared with the past? What was the reason for the order?

M. BESSON replied that the object of the measure was to encourage game-hunting among Europeans. He thought that, later on, a game-hunting zone would be created, as in the Cameroons.

M. SAKENOBE noted from page 14 of the report that the taxes on licences to carry traded arms—40 francs—had been found too high and had been reduced to 15 francs by an Order of November 9th, 1936. The tax on other weapons was 80 francs. What was the reason for the difference?

M. BESSON replied that the rate differed with the value of the arms: finished arms paid the highest tax, whereas traded arms paid much less.

SITUATION OF WOMEN : CHILD WELFARE.

Mlle. DANNEVIG thanked the mandatory Power for the interesting statement on page 114 of the report in reply to the questions asked in 1936.<sup>1</sup> Women seemed to be in a much better position in Togoland under French mandate than in the other territories. But was that a description of the situation in theory, or were the rules actually applied in practice ?

M. BESSON replied that there was no doubt that the rules were applied where there was a large European centre. On the other hand, in those parts of the territory where European penetration had not gone so far, it would necessarily be some time before the principles enunciated found their way into practice.

Mlle. DANNEVIG drew attention to the following passage in the third point of the mandatory Power's reply concerning the position of women : " A woman may, if she so desires, make repayable loans to her husband ". That was more than French women were entitled to do under the Civil Code.

M. BESSON was sure that, in many cases, the native law was more liberal than the Napoleonic Code. He explained that the same measure was in force among the Moslems in the north of the territory.

Mlle. DANNEVIG drew attention to the reply to the second point of the question about the position of women. It stated that no case of a girl refusing to contract a marriage and seeking refuge in a mission had been reported to the authorities. How should that reply be interpreted ? Did it mean that there was no reason for appealing to the missions, or—on the contrary—that family influence was so strong that it would be impossible for a girl to take refuge in a mission, even if she wished to do so ?

M. BESSON replied that the position differed according to the sphere in which she lived. What was far more important than a written rule was the influence exercised by the presence of European women in the territory. It was growing and was becoming distinctly stronger. For some time past, young married administrators had been coming to the territory, and these households of young Europeans had a very good influence on the black population.

Mlle. DANNEVIG presumed that the position was satisfactory in this respect in Togoland under French mandate ; the latter country appeared to her to have reached a more advanced stage of development than most of the other mandated territories—she might even say than other African countries.

She noted on page 199 of the report an order promulgating in Togoland the Decree of October 30th, 1935, relating to child welfare. Article 3 of the decree provided that in certain cases minors of eighteen years of age could be handed over to their parents, to a private individual, or to a charitable institution, or be placed in the care of the public assistance authorities. What was the reason for that measure ? Did it apply to minors of both sexes ?

M. BESSON explained that the decree was mainly concerned with the problem in Europe. The measure did apply to both sexes ; but the extension of the decree to the mandated territory would entail certain changes before it could be applied in practice—in particular, changes in the matter of age. In other words, the principle would be maintained, but it would be adapted to the mandated territory. The next report would probably contain the final text of the decree as applicable to Togoland.

INFLUENCE OF EUROPEANS ON THE DEVELOPMENT OF THE NATIVES.

Count DE PENHA GARCIA asked whether the accredited representative could confirm his own impression on the following point. It seemed that two developments were taking place in Togoland on parallel lines but at a different rate. On the one hand, there was a considerable improvement in tribal organisation, and the native was making progress in his own environment ; on the other hand, there was a more rapid and pronounced change near centres where the influence of the whites was felt, which he was not sure was always for the better.

M. VAN ASBECK corroborated Count de Penha Garcia's view, in the sense that the greatest difficulties seemed to him to lie with the educated and advanced native. He would be glad of fuller information in that connection, so that he could form a clearer idea of the real position and of the effect on the natives of contact with whites.

M. BESSON, replying to Count de Penha Garcia, said the natives were making progress by endosmosis, or, to use Marshal Lyautey's expression, by the system of the " drop of oil " spread from European centres.

He added, in response to M. van Asbeck's request, that the next report would contain a study on the more advanced elements of the native population.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 80.

#### LABOUR.

Mr. WEAVER asked whether the mandatory Power intended to apply, during the present year, the new text providing for the reorganisation and codification of the labour regulations, referred to on page 87 of the report.

M. BESSON replied that the particulars given in the report merely represented a summary of the new legislation. There was every reason to believe that the regulations would come into force in a month or two at the latest. The full text of the legislation, which was based entirely on that of French West Africa, would be given in the next report.

Mr. WEAVER thanked the mandatory Power for the reply on page 114 of the report to the question he had asked last year concerning the wages policy of the Administration.<sup>1</sup> The second table on page 88 showed that the monthly wages of labourers, which in 1934 and 1935 amounted to from 30 to 150 francs, had risen in 1936 to between 120 and 300 francs. That increase was very noteworthy, particularly in comparison with the situation in other mandated territories and colonies.

#### MISSIONS.

M. PALACIOS noted, from the table on page 85 of the report, that the number of churches, temples or chapels, and also the flocks of the Catholic mission and the Protestant mission, had increased during 1936.

The report for 1935 contained particulars of the grants made to the various missions; but no information on the matter was included in the chapter on missions of the report for 1936. Could the accredited representative state what grants, if any, had been made to the missions in 1936?

M. BESSON replied that he would furnish a complete list next year. In any case, he could inform the Commission that the grants, which had been reduced during the depression, had recently been increased.

#### EDUCATION.

Mlle. DANNEVIG noted, on page 90 of the report, that the sums spent on education amounted in 1936 to 1,200,000 francs, whereas in 1935 they had amounted to 1,400,000 francs. It was also stated, on page 92 of the report for 1935, that the expenditure for that year had amounted to 964,784 francs. Could the accredited representative state what sums had actually been expended on education in 1935, and the reason for the budgetary reduction made in 1936? Lastly, what was the meaning of the term "dépenses mandatées" in the two tables on page 90 of the report?

M. BESSON replied that this was actual expenditure which had been met by the Treasury. In other words, there was a difference between appropriations and commitments, and, as a general rule, the former exceeded the latter.

The CHAIRMAN had before him the annual report for 1935, on page 92 of which there was a table showing the appropriations for education during 1935. The amount of the "dépenses mandatées" for that year did not correspond to the figures in the table for 1935 given on page 90 of the report for 1936. In both cases the items were the same, but the figures were different. What was the reason for the difference?

M. BESSON thought that the amount of the "dépenses mandatées" given for 1935 in the report for that year was probably not final. If that were the true explanation, it also applied to the "dépenses mandatées" for 1936 given in the second table on page 90 of the report for 1936.

Mlle. DANNEVIG said that, on page 89 of the report, particulars were given regarding the application of the new educational system, a question that had already come up last year.<sup>2</sup> Had the new system so far given full satisfaction?

M. BESSON replied that the information received from Togoland confirmed the necessity for the reform, which had produced good results.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 80.

<sup>2</sup> See *ibidem*, page 81.

Mlle. DANNEVIG observed that the report contained as an annex a number of new orders relating to education (pages 183 to 199 of the report), a list of which was given on page 9 of the report. What was the object of those orders? Had they been promulgated because the system hitherto applied was unsatisfactory?

M. BESSON replied that the orders in question had been promulgated so as to make better use of the schools, to distribute the pupils more satisfactorily, and to provide for the opening of trade schools, which would meet a real need. In reply to a further question by Mlle. Dannevig, M. Besson explained that these measures applied both to urban centres and to rural areas. On page 191 of the report, an order was reproduced fixing the number and site of the official schools in the territory, and specifying the number of regional schools, urban schools, village schools, etc.

Mlle. DANNEVIG drew attention to a note in the table on page 91 of the report relating to the Domestic Economy School at Anecho, which read as follows: "In 1936, the pupils of the Domestic Economy School were divided up among the boys' classes". What was the meaning of that note?

M. BESSON replied that the Domestic Economy School in question had doubtless had to be closed. The information required would be furnished in the next report.

M. GIRAUD noted in the list of grants on page 30 of the report the heading "Trade School . . . 7,000 francs". Was that an official school or a mission school?

M. BESSON replied that it was a mission school.

Mlle. DANNEVIG asked whether the 600 francs granted to the Catholic mission school of Anecho was the only grant made to the mission schools?

M. BESSON replied in the negative. The missions received a grant according to the results obtained by their candidates at the examinations, in addition to the grant proportionate to the number of their teachers.

M. SAKENOBE noted that the European staff of the Agricultural Service became smaller each year (page 51 of the report). In 1936,<sup>1</sup> the accredited representative had said that native assistants would be trained to replace this staff, and that a decree had been promulgated setting up a Togoland section at the Porto Novo School of Agriculture. Nothing was said, however, in the report for 1936 about that project. Could the accredited representative say what stage the matter had reached, and how many young Togolanderns were attending the Porto Novo school with a view to becoming assistants?

M. BESSON was unable to give exact information as to the number of young Togolanderns who had been sent to Dahomey; the system had only been in operation for a year. Full information would be given in the next report. The European staff of the Agricultural Service had been reduced solely for financial reasons.

#### ALCOHOL AND SPIRITS.

M. SAKENOBE said that last year<sup>2</sup> Count de Penha Garcia asked whether the studies undertaken by the Administration of the mandatory Power to ascertain the possibility of encouraging the controlled import of mildly alcoholic beverages had led to any practical conclusion. The accredited representative had then replied that the promulgation of a more severe decree was under consideration but it was not yet ready. Could the accredited representative furnish any additional information regarding the proposed decree?

M. BESSON replied that the decree would be promulgated very shortly and would doubtless be included in the next report. So far as the Administration was aware, there had been no increase in alcoholism in the territory. In 1936, a comparatively small proportion of the native population had engaged in the clandestine manufacture of palm wine. The new decree would undoubtedly put a stop to alcoholism among the natives. Nevertheless, it was always difficult to keep watch over clandestine distillation. The mandatory Power attached special importance to the problem.

In that connection, mention should be made of the considerable improvement brought about by the development of sport among young people: the movement was becoming increasingly popular and might be of great assistance in combating alcoholism. The list of athletic societies in Togoland, reproduced on page 94, afforded eloquent proof of their popularity.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 82.

<sup>2</sup> See *ibidem*, page 74.

M. SAKENOBE thought there were two ways of influencing the native—namely, by severe legislation, on the one hand, to prevent him from drinking, and, on the other hand, by the provision of inducements to consume less harmful beverages. Had the Administration taken any steps in the latter direction ?

M. BESSON replied that the Administration was endeavouring to encourage the use of so-called hygienic beverages. Now that they had more money to spend, the natives were able to obtain hygienic beverages instead of consuming palm wine. Like many other things, it was a question of time.

M. SAKENOBE asked whether alcoholism had invaded the prohibited zone defined by the Convention of St. Germain-en-Laye.

M. BESSON understood that during the last two years a larger quantity of rich wine (port, Hollands, etc.) had been purchased in that zone than in previous years ; but that was because the consumer's financial resources were greater. He could not say how much was consumed by the natives. In any case, the tables on page 106 of the report showed that there had been no appreciable increase in consumption, except in the case of beer.

M. SAKENOBE said that the report included in the table on pages 36 and 37 a column entitled : " Possession of Stills and Manufacture of Trade Spirits ". He was gratified to note that the fifty convictions included under that heading all related to the southern part of the territory. He therefore concluded that the regulations concerning alcoholic liquor were being scrupulously observed in the prohibited zone.

M. BESSON thought that the real reason was that it was easier to make palm wine in South Togoland.

#### DRUGS.

M. SAKENOBE asked what was the reason for the increased consumption of laudanum and coca leaves in 1936 (page 103 of the report).

M. BESSON replied that it was doubtless due to the fact that pharmaceutical requirements had been greater during the past year ; in particular, with regard to coca leaves, the pharmacies had manufactured coca wine, a tonic which had been distributed to a certain number of natives as well as to Europeans, who had been weakened by a lengthy sojourn in the territory.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA noted that, in the report (pages 95 *et seq.*), a number of pages were devoted to medical assistance and health regulations, which showed the interest taken by the mandatory Power in those questions. It was stated that health conditions had remained satisfactory in 1936. Actually, that meant that the death rate had not been very high, because the percentage of cases of sickness compared to the population was still fairly high, as shown by the tables on page 98 and the following pages of the report.

The strength of the European personnel was the same, while the native personnel had been increased by a few units and had risen from 181 to 203 (page 95 of the report). That was a very wise measure; because the native personnel, although less fully trained, could communicate more easily with the population and was cheaper. Were the medical assistants trained at a school ?

M. BESSON replied that the native medical assistants received medical training at the Dakar School of Medicine, which specialised in that kind of training.

M. GIRAUD confirmed that that school trained young medical assistants very satisfactorily. The latter were rendering the greatest service throughout the whole of French West Africa, and the European medical officers regarded them as valuable collaborators.

Count DE PENHA GARCIA noted an increase in the number of cases of leprosy in 1936 as compared with 1935 (page 98 of the report). The reason was that they were now being tracked down more thoroughly. How were the lepers treated in the agricultural colonies and at the health centres ?

M. BESSON replied that the principle of isolation was applied to lepers in the agricultural villages. The same difficulties in keeping the patients isolated were experienced as in the Cameroons. The health centres met a therapeutic need : the lepers went there for treatment.

Count DE PENHA GARCIA drew attention to the ravages caused in the territory through the increase in syphilis (page 98 of the report). Was any preventive treatment given, or was propaganda employed for the purpose of explaining the dangers of syphilis to the natives and teaching them how to prevent it.

M. BESSON replied that one of the duties of the medical officer was to warn the population of the dangers of that disease. Medical officers and administrators talked to the natives about it when they paid their visits of inspection. He had no technical information regarding preventive treatment; but he would see that the explanations required were furnished in the next report.

Count DE PENHA GARCIA noted that the report contained very interesting tables regarding sleeping sickness (pages 98 *et seq.* of the report), which showed that the mandatory Power was doing its utmost to check that scourge. Nevertheless, morbidity continued to increase to an alarming extent. It was of course materially impossible to eradicate the disease completely; but had the Administration arranged for investigations to be carried out with a view to reducing the number of flies, clearing the bush in certain regions, where the disease occurred, etc. ?

M. BESSON was in a position to say that the Administration had done all that was humanly possible. Certain results had been obtained; but, admittedly, they were not very impressive as yet.

Count DE PENHA GARCIA noted, on page 21 of the report, that, out of the appropriation of 8 million francs for health and demographic measures, 6,500,000 francs had been spent on "general measures with a view to the establishment or development in the metropolitan country of organisations for general health protection and for the assistance of establishments whose objects are closely connected with the work done in the territory". What did that observation mean ?

M. BESSON replied that, for the most part, the expenditure consisted of grants to laboratories and, in particular, to the Pasteur Institute.

Count DE PENHA GARCIA thought it would be advisable to separate that expenditure from other expenditure—that was to say, sums spent in carrying out local measures with a view to the development of the social medicine and health services.

According to the table on page 24 of the report, the expenditure on the material of the health services was very high. What was the reason ?

M. BESSON replied that the expenditure included the purchase of very expensive apparatus.

Count DE PENHA GARCIA noted the reply given on pages 109 and 110 to a question raised last year regarding the medical supervision of natives practising sport.<sup>1</sup> The steps taken to prevent overstrain were, he thought, very wise.

#### LAND TENURE.

M. VAN ASBECK recalled that, at its thirtieth session,<sup>2</sup> the Commission had made the following observation to the Council in regard to both the Cameroons and Togoland under French mandate on the subject of land tenure :

"The Commission hopes to find in the next reports a complete account, for each of the two territories, of the present land law and information as to the development among the natives of the conception of individual property."

He thanked the mandatory Power for the information given on pages 57 *et seq.* of the report concerning the process of the individualisation of native land law, of which it gave a very clear picture. Incidentally, he drew the accredited representative's attention to the fact that the annual report for the Cameroons did not contain so clear a statement as was furnished in the report on Togoland. He expressed the hope that the next report on the administration of the Cameroons under French mandate would contain as complete information as that contained in the 1936 report on Togoland. A very clear distinction which dominated the whole matter was drawn on page 58 of that report. On the one hand, there was the registration system, which bestowed on property all the guarantees that could be desired and conferred on it the same value as under the law of the mandatory country; on the other hand, there was the certification ("constatation") system, which entailed no change in the nature or character of native law. The question which arose was what property the natives sought to register—rural property or property in the towns.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 75.

<sup>2</sup> See *ibidem*, page 210.

As for certification, since 1934 no information had been given in the reports with regard to the number of requests for certification of native landed property. Information of that kind would, however, be of interest, and would enable the Commission to ascertain to what extent applications for certificates were made, and to what kind of land the procedure applied.

M. van Asbeck was aware that, with simple certification, native property remained in the tribe. Lord Hailey had emphasised the importance of that fact at the thirtieth session. It was stated on page 43 of the Minutes that, in Lord Hailey's opinion, "the procedure of registration which tended to grant possession of the land to individuals also tended to eliminate the common property law of the tribe and the family". These views on the dangers of a change in the nature of landed property coincided with the views set forth by the mandatory Power on page 108 of the report on the administration of the Cameroons for the year 1932, where it was said that "property thus constituted . . . shall remain subject to the rules of customary law".

M. BESSON thanked M. van Asbeck for his appreciatory remarks about this part of the report: the authors had tried to make it as clear as possible.

The information desired with regard to the Cameroons would appear in the next report on that territory. He confirmed that the land policy of the mandatory Power consisted in encouraging individual ownership of the land by the natives, with a view to training the black peasantry in accordance with the mandatory Power's aims.

M. VAN ASBECK recalled, once again, that, according to several of the mandatory Power's reports, the individual ownership of land could very well be arranged by the very simple method of certification, under which the landed property was still subject to customary law.

A second question arose out of the following point. There was a passage on page 56 of the report concerning the registration of mortgages. It also appeared from Table No. 4, on page 57, that registration had been effected by natives who were all business employees. As stated in the report, "mortgages are granted as a guarantee of commercial probity". In M. van Asbeck's opinion, that was strange. It was stated in the 1935 report that registration frequently served as a preliminary to obtaining a mortgage. It was stated in the 1934 report (page 71) that no mortgages had been foreclosed, but the 1935 and 1936 reports contained no information on the subject. Could such information be given regularly in future reports, even when, as in 1934, there had been no foreclosures?

M. BESSON took note of the request, and added that, if there had been no foreclosures in 1934, that was because, owing to the depression, instructions had been given not to take proceedings against traders.

M. VAN ASBECK regarded that measure as one of the easiest means of dispossession.

M. BESSON added that he quite understood the Commission's fear that the introduction of property comparable with French property would encourage the natives to borrow by mortgaging their landed property, and that, if they were not in a position to repay their European or Syrian creditors, the latter would take advantage of this to seize the mortgaged property. While M. Besson could not allay all the Commission's apprehensions immediately, he would investigate the matter and would subsequently communicate the results to the Commission.

M. VAN ASBECK thanked the mandatory Power, in the third place, for the explanations in Chapter XI (Land Tenure and the Sequestration of Private Property) of the "Analytical summary of the questions raised by the members of the Mandates Commission . . . and replies by the delegate of the mandatory Power". Those explanations made it easier to understand the aims of the mandatory Power and the system adopted with regard to land tenure. On page 8 of the document would be found the following reply to the question relating to the alienation of land over which the natives or native communities had always had a property right or right of usage:

"According to Article 2 of the Decree of August 11th, 1920, this land can only be alienated or let for the benefit of a stranger to the locality in which it is situated with the approval, by order, of the Commissioner of the Republic in Administrative Council."

This amounted to an intervention, on the part of the public authority, which was distinctly in favour of this kind of landed property. On the other hand, there was nothing in the document about registered property. He would be glad if the mandatory Power would be good enough to furnish explanations on the fundamental question of how the public authorities exercised the control for which Article 5 of the mandate provided.

M. BESSON thought the discussions on land tenure had thrown some light on that point. The next report would contain full information as to the protection to be extended to the native in the matter of land by the mandatory Power.

M. VAN ASBECK referred to page 8 of the same document, which contained a fairly clear distinction between a vague right of use and a right of property. The land over which native communities exercised that right of use was held at the disposal of the communities, but it nevertheless formed part of the private domain of the territory. In that connection, attention should be drawn to Lord Hailey's remark in 1936 with regard to the islands under Japanese mandate<sup>1</sup>. Referring to the fact that considerable trouble had been caused in Africa by the tendency to press the legal distinction between property and use, he urged the mandatory Power to see that "the natives were not deprived of their land on the ground that they were not owners but were only entitled to the use of the land". M. van Asbeck himself had had the same experience in the Netherlands Indies, where what was called, in the document under consideration, a vague right to use the land was, on the contrary, a very clear conception in the minds of native communities: they were perfectly well aware of the extent of their land and of their rights. It would be advisable to take account of Lord Hailey's remark.

M. BESSON took note of M. van Asbeck's observation. He promised that the next report would contain even clearer and more definite information on the land question, which had already become somewhat clearer.

M. VAN ASBECK explained that a right to use land did not by any means signify that the land had no owner. Any intrusion into private land amounted to a refusal to recognise a right.

The CHAIRMAN thought, on the contrary, that when it was said that native communities had a right to use land, this did not settle the question of ownership. A right to use land was not a right of ownership. According to Roman law, where a right to use existed, there was, moreover, property without usufruct. If there was an owner, there was something more than a right of use; there was a property right. If, in the present instance, that was not the case, it would be better not to use the expression "right of use", which had a definite meaning in Roman law and might lead to ambiguity if used in a different sense.

M. VAN ASBECK thought that, in these circumstances, it was important to use expressions employed in quite a different legal system from that of customary law, and therefore having no sacrosanct meaning.

Mlle. DANNEVIG asked, with regard to the question of land tenure from the social standpoint, whether the development of individual property was welcomed by the natives and was a greater stimulus than the former law of use without individual ownership.

M. BESSON replied in the affirmative. The proof of this was that communal property was increasingly converted into personal property. That was a general and quite symptomatic fact.

#### DEMOGRAPHIC STATISTICS.

The CHAIRMAN congratulated the mandatory Power on the census which had just been taken. It had shown to what extent the former "soundings" were inadequate. Serious statistics were now available, and it would be interesting to compare the results with future censuses.

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Besson for his valuable help during the examination of the report.

#### THIRTEENTH MEETING.

*Held on Tuesday, November 16th, 1937, at 10.30 a.m.*

#### **Islands under Japanese Mandate : Examination of the Annual Report for 1936.**

M. Usami, Acting Director of the Japanese Office for International Conferences at Geneva, accredited representative of the mandatory Power, came to the table of the Commission.

#### WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed M. Usami, accredited representative of the mandatory Power.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 187.



GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. USAMI made the following statement :

It is a very great honour for me to be able to assist, as representative of Japan, in the work of the Mandates Commission. The Commission has an important mission to fulfil, and its great authority merits our deep respect. We are grateful for the cordial frankness with which you have always facilitated the task of successive representatives of the mandatory Power. I can assure you that I, for my part, shall spare no effort to fulfil my duty, which is to continue, and to render increasingly effective, collaboration between the Commission and the mandatory Government.

I should like to take the opportunity to express my sympathy with the Chairman of the Commission, M. Orts, who is prevented, by an unfortunate accident, from attending this session.

As regards the administration of the islands under mandate, you have before you the report of the mandatory Government for the year 1936, and I will endeavour to furnish you with any additional explanations and information you may desire.

Before leaving Japan this year, I visited the islands under Japanese mandate in order to see for myself the actual condition of the territory. I shall therefore venture to give you some of my impressions of my tour before you examine the annual report.

As you are aware, the territory under Japanese mandate consists of over a thousand small islands scattered over a vast expanse of sea. Communications and transport are not easy, and social and economic conditions differ in different parts of the territory. For these and yet other reasons, it is easy to see what difficulties the Government is bound to encounter in administering the territory methodically and effectively. Nevertheless, in spite of those difficulties, the whole territory has always been peaceful and, thanks to the Government's efforts, considerable progress has been achieved in various directions. I was very pleased to see the natives and the Japanese living peaceably side by side, and co-operating more and more closely without any trace of animosity.

Some progress has already been made as regards the social, economic and intellectual condition of the natives. One of the external signs is that the natives are adopting the habit of wearing clothes. According to the older residents, the greater part of the native population wore no clothes, even in the town of Palau, before the Japanese administration ; nowadays, many of them wear clothing, especially in the towns. As for housing, there are now, especially near the towns, new houses of simple construction but sufficiently sanitary and pleasing.

There is also a steady increase in the number of young people who have been educated in the public schools. Parents are coming more and more to understand the value of education and are glad to send their children to school. Thus, progress is gradually being made on material and intellectual lines.

It should, however, be noted that, generally speaking, the natives are very backward and, in almost all the islands, in a really primitive state. The inhabitants are most backward in Yap ; they wear no clothes or shoes, and live in a very poor way. The children of this island, who are dressed like the Japanese pupils at school, are forced to take off their clothes on leaving school because of the obstinacy of the old people, who regard the adoption of any new practice as unworthy of their traditions. This state of inertia is also to be found in the economic sphere. The natives, who live a very simple life, are not accustomed to regular work ; nature readily supplies the little they need. The mandatory Government and the people who have recently settled in the country have not touched their lands, and they continue to lead there the same mediocre life. They are satisfied with their primitive conditions and do not see any need for regular work. That is the chief reason why it is difficult to induce the natives to share in modern economic activities. The condition of the natives cannot, therefore, be improved straight away by the introduction of a system. It is a matter of education and will take considerable time.

In spite of the difficulty to which I have referred, the territory has already made very great strides from the economic standpoint. There has been a very marked increase in production of various kinds in recent years, followed by a similar increase in exports. Exports amounted to about 2 million yen in 1922 and a little over 6 million yen in 1926 ; they rose to more than 26 million yen in 1935.

This great increase in production and exports is a clear proof of the rapid development of economic activities. Progress has been made in nearly every direction, though at different rates.

I might mention the manufacture of sugar and the marine industries as striking examples of those which have recently developed with extraordinary rapidity ; they have contributed most to economic progress. Since the arrival of the Japanese Administration, sugar-cane plantations and the manufacture of sugar, which hardly existed before, have been regularly encouraged. We have had to overcome enormous difficulties in achieving satisfactory results ; but, at the present time, the territory produces over one million piculs of sugar, and this product forms more than two-thirds of the total exports of the territory. This new industry has naturally attracted a fairly large number of Japanese farmers, traders, workers, etc., who have contributed considerably towards the recent increase in the Japanese population of the islands. That has, however, done no harm to the natives, for the plantations are to be

found mainly on land which was not used before. Furthermore, there are very few natives in the three islands in which this new crop is grown. For instance, in the island of Tinian, the most important of the three from the point of view of sugar, there are only twenty-six natives, who settled there quite recently. The development of this new industry would, in fact, appear to have led to the development of desert land, and thus everybody benefits from its success. The situation is the same in the marine industries. The collection of "nilotic-top" shells has been strictly reserved for the natives under official regulations; it is other kinds of marine industries not known to the natives, such as bonito fishing and the preparation of dried bonito, which have recently developed.

It must be admitted that, in spite of the encouragement of the administrative authorities, the natives still take very little interest in these new economic activities, because of the very backward conditions with which they are still satisfied. It cannot be denied, however, that, directly or indirectly, the economic development of the territory has been of advantage to the natives and has led to an improvement in their material conditions, as well as in their intellectual and moral development.

The Government of the mandatory Power is convinced that there is still much to be done in the matter of education and economic progress. It is endeavouring to carry out this two-fold task satisfactorily. The intellectual and moral development of the younger generations is going on side by side with training for a less primitive economic life. As they become better trained vocationally, we can legitimately hope that they will be able to find more employment, thanks to the development of new industries and of the means of communication—a fundamental factor to the prosperity of the islands.

In conclusion, I would remind you that the Government of Japan has pointed out in its annual reports on several occasions that, since 1925, it has been making a comprehensive enquiry into the manners and customs of the natives of the islands. The investigators are engaged on a long and difficult piece of work. Nevertheless, the investigations on certain subjects are already completed. Translations of the results will be published bit by bit as annexes to the annual reports, beginning with next year.

The CHAIRMAN said he had listened with keen interest to the accredited representative's statement. He particularly appreciated M. Usami's remarks about M. Orts' recovery and the statement concerning frank collaboration between the Commission and the accredited representative.

#### FORM OF ANNUAL REPORT.

The CHAIRMAN said the introduction to the annual report for 1935 contained a table showing where the questions put to the accredited representative were dealt with. At the thirtieth session of the Commission,<sup>1</sup> a desire was expressed that these references be completed. There was no table in the 1936 report. There was, however, a chapter headed "Replies to the observations formulated by the Permanent Mandates Commission at its Thirtieth Session" on page III of the report, which contained the mandatory Power's replies to the Mandates Commission's observations, together with replies to certain individual questions put by the members. There was no reference to the relevant pages in the Commission's Minutes. Could a table similar to that contained in the annual report for 1935 be embodied in future reports? In addition, it would be better not to put the replies to individual questions asked by the members in the chapter containing the replies to the Commission's observations. If the mandatory Government would be good enough to take account of those suggestions, it would greatly facilitate the examination of the report.

M. USAMI said it was sometimes difficult to comply with the Commission's desires because of the time taken by correspondence between the islands under mandate and Japan, on the one hand, and Japan and Geneva, on the other hand. Another reason for delay was that the report had to be translated from Japanese into English, a necessarily slow and difficult piece of work. However, he would communicate the Chairman's wishes to his Government; no doubt the mandatory Power would meet them as far as possible.

#### STATISTICAL INFORMATION REGARDING TERRITORIES UNDER MANDATE.

The CHAIRMAN pointed out that, in 1936, M. Orts had said<sup>2</sup> that the Commission would be grateful if the mandatory Power would be good enough to insert in the annual reports each year a table similar to that concerning the islands under mandate in the document

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 173.

<sup>2</sup> See *ibidem*, page 174.

containing statistical tables relating to public finance, trade and population in the mandated territories, in order to assist the Secretariat to keep this document up to date. He would again request the mandatory Power to be good enough to add the table in question to its annual reports.

M. USAMI said a table would be found on page 95 of the report. He would take steps to see that the next report contained statistical information complying strictly with the Commission's requirements.

#### SURVEY OF THE ISLANDS.

M. PALACIOS noted that the report repeated the statements which had always been made regarding the territory and its inhabitants, but that, in the present report, a slight change had been introduced regarding the latter.

As regards the situation and extent of the territory, it was still stated (page 1 of the report) that there were more than 1,400 islands, islets and reefs, and the numbers of inhabited and uninhabited districts were given. But the information and figures supplied were still those of 1922, while it was stated each year that a new survey was being made. Could not the Commission be informed of the first results of that work?

M. USAMI replied in the negative. In territories such as the islands under Japanese mandate the compilation of returns was necessarily a very slow process and, in the meantime, the former figures were always furnished in the report.

#### OFFICIAL TITLE OF THE INHABITANTS OF THE ISLANDS.

M. PALACIOS noted from the report (page 3) that the natives in the territory were called Tômin, a new description.

M. USAMI explained that this was the Japanese name given to the natives of the islands to distinguish them from Japanese subjects; it meant "inhabitant of the islands".

#### INTERNATIONAL CONVENTIONS.

Count DE PENHA GARCIA said that on pages 94 *et seq.* of the report for 1934 would be found a list of international Conventions applicable to the territory. That list did not appear in the 1936 report, and it was also missing from the 1935 report. Had there been any change with regard to international Conventions applicable to the territory during 1936?

M. USAMI had no definite information on the point; but he presumed there was no change in the situation since the last table was supplied to the Commission. However, he would see that information on this question was given in the next report.

#### RULES RELATING TO THE CONTROL OF SHIPPING IN TERRITORIAL WATERS.

M. VAN ASBECK pointed out that when referring in the previous year<sup>1</sup> to the collection of "Laws and Regulations" annexed to the annual report for 1934, Lord Hailey had said he would be glad of some explanation as to the control of shipping in territorial waters by the Naval Department. He had been anxious to know whether that measure applied to all countries. He had added that it was somewhat unusual that only shipping permitted to do so by the Naval Department should be able to enter territorial waters. The accredited representative on that occasion had replied that the rules applied only to territorial waters, and that for the rest he would obtain information. It was said on page 117 of the report that the powers of the Naval Department in that matter had been transferred to the Director of the South Seas Bureau, but that the rules were still in force. Lord Hailey had also asked, in 1936, for information in the next report as to whether the rules were the outcome of an international Convention.

M. USAMI explained that the rules had been enacted in 1917 and were still of some value in the opinion of the competent authorities. That was why they had remained in force. They were not, however, the outcome of an international Convention.

The CHAIRMAN said that the rules seemed to amount to little more than an official endorsement of an existing situation. Generally speaking, in virtue of the laws of international courtesy, a merchant vessel did not need a special authorisation to enter a port; and in a territory administered on behalf of the League of Nations, it was even more difficult to explain why an authorisation should be required than would be the case elsewhere.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 175.

M. USAMI pointed out that the rules in question did not apply only to foreign vessels but also to Japanese ships. Moreover, authorisation was a mere formality of no great practical importance and did no damage whatever to non-Japanese interests.

M. VAN ASBECK noted that the permit system applied to both Japanese and foreign ships, and that the rules were purely formal. He would be glad to know whether permits had been issued to many foreign ships.

M. USAMI said he had no precise information on the point ; but he knew that very few foreign ships called at the islands.

M. VAN ASBECK said he would be glad if the mandatory Power would give information in the next report as to the number, type and nationality of vessels which had obtained or been refused permits.

M. USAMI said he would ask his Government to furnish that information in the next report.

#### ACCESSIBILITY OF THE ISLANDS TO FOREIGNERS.

Mlle. DANNEVIG said she would be glad to know whether many foreigners visited the islands under Japanese mandate. She had read the following passage in the *Christian Science Monitor* (Boston) of April 9th, 1936 : " The New Yorker who complains of the difficulty of finding a policeman should delight in Palau. There the procedure is simple. Step out of your door, go ten paces in any direction and you will find a policeman behind you. He will be courteous in the extreme, cordially interested in knowing where the foreigner may wish to go and eager to extend ' every facility ' . If certain destinations are mentioned, he may gravely shake his head and express the fear that, at those points, full conveniences for the comfort of the visitor might be lacking."

M. USAMI said that foreigners could visit the islands under Japanese mandate. There was a table on page 38 of the report showing the nationality and number of tourists who visited the islands in 1936. He did not think any difficulties were put in the way of foreign tourists who wanted to see the island of Palau.

M. SAKENOBE noted that the number of tourists—especially British and Chinese—had increased considerably in 1936 as compared with previous years. Could the accredited representative explain why ?

M. USAMI said he did not know the reason for the increase.

#### NATIVE ADMINISTRATION : RECRUITMENT AND TRAINING OF NATIVE OFFICIALS : AUTHORITY AND COMPETENCE OF THE CHIEFS.

M. VAN ASBECK pointed out that in its report on its thirtieth session,<sup>1</sup> the Commission had expressed the desire to be informed of the conception formed by the mandatory Power (1) of the part to be played in the administration by natives, (2) of the powers of the chiefs, and (3) of the relations of the latter with their people.

A reply would be found on page 111 of the report. It appeared from the reply that no native officials assisted the administration in agricultural affairs. Yet agriculture was one of the principal sources of wealth of the natives in territories like the islands under Japanese mandate. Did the mandatory Power intend to give its native assistants certain powers in respect of agriculture ?

M. USAMI said that the natives could only be employed in the administration as police officers, because of the very low intellectual standard of the people. However, the duties of police officers in the islands were very wide, and might even extend to agricultural questions, as these officials were often called upon to give the people advice on all subjects.

M. VAN ASBECK said the report showed that in respect of education the Administration had not had recourse to police officers, but had appointed assistant teachers (page 111 of the report). He wondered whether these police officers were really qualified to give advice to the natives on agricultural matters.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 211.

M. USAMI explained that the police were not specially entrusted, in the islands, with the duty of giving agricultural instruction ; but on occasion native officers were able to give useful advice to the peasants.

In reply to a question by Mlle. Dannevig, he explained that the Chamorros were more advanced than the Kanakas, and that subordinate officials were undoubtedly recruited from among them when it was desired to appoint natives to posts of that kind.

M. VAN ASBECK hoped that later reports would enable the Commission to follow up the development of this situation, and that the Government would find some means of using native assistants specially trained for the purpose to stimulate agriculture in the territory. He would also like to refer to the statement on page 85 of the report which, moreover, reproduced word for word the corresponding passages in the reports for 1934 and 1935 to the effect that the natives were indifferent to agriculture and did not like to engage in agricultural labour. For those reasons, the agricultural industry had made little progress and was still in a primitive stage. Did not the mandatory Power think that it would obtain better results if it employed native teachers to train the peasants ?

M. USAMI said he would communicate that suggestion to his Government.

M. VAN ASBECK pointed out that there had been a very full discussion at the thirtieth session<sup>1</sup> on the powers of the chiefs. In his opinion, the information on this point on page IIII and pages 27 to 29 of the report was not sufficiently concrete.

M. USAMI explained that a statement concerning the administrative powers of the chiefs would be found on pages 8 *et seq.* of the report, and a description of their legal powers on pages 28 and 29.

M. VAN ASBECK thought that information rather general. In 1936, Lord Hailey had asked whether there were very many village chiefs to whom judicial power was delegated. Lord Hailey had also said that the list on page 10 of the 1935 report did not show how many chiefs had powers delegated to them. Lord Hailey had thought it would interest the Commission to have a statement of the executive powers given to the chiefs in question, more particularly in regard to police powers.<sup>2</sup>

M. USAMI said that, now his Government was more fully informed of the nature of the information required by the Commission, it would be glad to furnish particulars. He added that powers were only delegated in remote islands where there was no police force. That was to say, delegation was an exception.

M. VAN ASBECK pointed out that in a passage on page 29 of the report, which reproduced word for word the corresponding passages in the reports for 1934 and 1935, the mandatory Government admitted that the position was not satisfactory, since it considered that certain changes should be made in the delegation of the punitive powers conferred on chiefs. He would be glad to know what was the actual position and what stage the investigations referred to on page 29 had reached. Would there be any change in the near future ?

M. USAMI said that the question was still under consideration. He did not know whether there would be any change in the present system in the near future.

M. VAN ASBECK recalled the statement made last year that there was no appeal procedure for reversing the sentences passed by chiefs with delegated powers, should that be necessary<sup>2</sup>. In some circumstances, it might be possible to dispense with appeal procedure or jurisdiction ; but in that case there should at least be an administrative supervision over the sentences passed. Did the Japanese administrators, when making their tours in the islands, require the native chiefs to submit records of the sentences passed by them ?

M. USAMI explained that the present system was exceptional, and would not therefore last for ever. It had been necessary for practical reasons. It was, of course, rather imperfect : but, if appeal procedure were provided, he did not quite see how the natives would make use of it. It was also difficult to introduce administrative supervision over the sentences passed. The islands where delegated powers were given to the chiefs were remote and had no police force. Nevertheless, supervision was exercised as far as possible.

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<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, pages 176 and 177.

<sup>2</sup> See *ibidem*, page 177.

M. VAN ASBECK mentioned, as an example of the kind of offence for which it would be desirable to supervise the sentences, item 12 on page 29 of the report "disobeying orders issued by a village chief". In such a case the chief gave an order, a native disobeyed it, then the chief judged the offence and there was no possibility of appeal. The chief would therefore be both judge and party. If no precautions were taken, village chiefs might become petty despots.

He then asked whether the chiefs of the Branch Bureaux mentioned on page 7 of the report made regular tours throughout their area, and whether the islands were visited in this way at least once a year.

M. USAMI did not think it would be possible to visit most of the islands every year. Many of them were of very little importance from the administrative standpoint and were a long way from the centres; but the chiefs of Branch Bureaux tried to visit the islands under their authority as often as possible.

Any lack of supervision over legal affairs was due, not to the wishes of the Japanese Administration, but to the nature of the territory.

M. VAN ASBECK wondered whether a territory could be administered effectively in the absence of regular tours.

M. USAMI, for his part, thought the administrative supervision exercised in the islands was adequate from a practical standpoint. The chiefs of Branch Bureaux did not make tours in conformity with rigid rules, but on the decision of the local governor, who acted in accordance with requirements and with the means available. However, he quite understood M. van Asbeck's preoccupations, and would pass them on to his Government.

#### SOCIAL DEVELOPMENT OF THE NATIVES.

Mlle. DANNEVIG, referring to the accredited representative's general statement, was not sure whether it was really of very great advantage to the natives to accustom themselves gradually to wearing clothes. The authorities of New Guinea had reached the opposite conclusion, as far as the natives of that island were concerned. Perhaps the natives' disinclination to follow the mandatory Power's advice was due to a feeling that clothing was harmful to health; and perhaps also it was particularly unwise to encourage certain peoples who were threatened with tuberculosis to wear clothes.

M. USAMI replied that the authorities of the islands were of opinion that, far from being harmful to the health of the natives, clothing was indispensable, owing to the frequent changes in temperature in the islands. The people who suffered most from tuberculosis were precisely the inhabitants of the islands of Yap, who did not wear clothes. If the natives were unwilling to wear clothes, it was not because they feared for their health, but simply because it was contrary to their old habits.

M. SAKENOBE asked whether the mandatory authorities, and particularly the teachers, saw that the natives kept their clothes clean. In New Guinea attempts to induce the natives to wash their clothes had been unsuccessful, and that was why they were forbidden to wear clothing.

M. USAMI was unable to give a precise reply on that point, but he had noticed in Yap, for instance, that the clothes of the school-children were clean. It would also be seen from the report (page 107) that the authorities encouraged the provision of washing-places.

M. SAKENOBE had noticed also that the clothes of the children were clean when he had visited the islands.

M. PALACIOS, after listening to the remarks made by the accredited representative regarding certain parts of the islands and, in particular, to his statements regarding the primitive economic system of the natives, would like to know whether the mandatory Power took effective steps to inculcate in the natives the desire for greater well-being and to make them understand the necessity of work.

M. USAMI said that, as he had said in his general statement, it was very difficult to induce the natives to work but, notwithstanding, a certain number of workers had been recruited for the Angaur phosphate mines. The mandatory Power thought that success would be achieved by education, especially by educating young people. There was already a vocational school for natives in the territory, where they could learn trades such as carpentry. Furthermore, whenever they had an opportunity, the authorities encouraged the natives to work. Lastly, contact with the Japanese could not but arouse in the natives a desire to work.

COUNT DE PENHA GARCIA said there were two races in the islands—the Kanakas and the Chamorros—whose vitality and economic strength were not very great. The mandatory Power was doing its best to see that they did not degenerate and maintained a normal rate of increase. On the other hand, there was a very large and greatly increasing influx of Japanese immigrants. In ten years the native population had increased by about a thousand, whereas 43,000 Japanese had settled in the islands. Did not that constitute a danger for the future, and would it not be reasonable to restrict immigration which would end by entirely overwhelming the native element?

M. USAMI did not think there was any cause for anxiety as to the future of the natives. It was true that the Kanakas and Chamorros had little vitality; but they were well protected. The Chamorros were relatively advanced, and some of them had acquired property enabling them to live at their ease. Furthermore, the education provided for natives by the Japanese made them more adaptable to modern life. In spite of a low birth rate, the native population of the islands continued to increase.

It was true that there had been considerable Japanese immigration in recent years but, in his opinion, and in that of the authorities of the islands, it would not continue. It was mainly the sugar industry which had attracted Japanese to the islands, and that industry seemed to have nearly reached its maximum potential expansion. Other Japanese would no doubt come for different purposes; but there was no reason to suppose their number would be very great.

COUNT DE PENHA GARCIA said that one fact mentioned in recent reports—that the Japanese immigrants to the islands were accompanied by their wives—led him to suppose that they were settling permanently in the mandated territory. Of course, the danger of immigration might not be the same in all the islands; but it should be kept in mind.

#### PUBLIC FINANCE.

The CHAIRMAN said that the accounts (pages 11 *et seq.* of the report) gave a fairly clear idea of the line taken by the Administration, which exploited the natural resources of the country and, in doing so, gave precedence to the Japanese rather than the native element. Most of the revenue of the territory was derived from port clearance dues and income from sales of phosphate. Expenditure was mainly devoted to communications and transport, which were treated more generously than education and health. Having said that, he pointed out that revenue in 1935 amounted to 9,200,000 yen (page 12 of the report), as compared with expenditure of 5,800,000 (page 15 of the report), giving a balance of 3,400,000 yen—that was to say, more than 50% of the expenditure. The difference between receipts (9,200,000 yen) and estimated receipts (6,000,000 yen) had somewhat surprised him, and he was even more surprised to find that the figure carried forward in the 1936 budget was only 680,000 yen, and not the amount of the surplus. He would be glad to know the reasons for the difference between estimated and actual receipts, and also why only 680,000 yen had been carried forward instead of 3,400,000. What had become of the balance?

M. USAMI said that the surplus for the previous financial year—2,700,000 yen—was included in the margin between receipts and expenditure for 1935 (3,400,000 yen). Receipts in respect of port clearance dues had increased considerably in 1935 (page 11 of the report), and the budget, which had had to be drawn up before the results of the two previous financial years were known, was always compiled most carefully. Budget surpluses remained in the account of the Government of the islands—that was to say, the South Seas Bureau. They were not invested; they were probably deposited with the Bank of Japan. He could not say whether they bore interest, but he believed a considerable part of the surplus would be used in the coming years for the economic development of the territory.

#### FOURTEENTH MEETING.

*Held on Tuesday, November 16th, 1937, at 3.30 p.m.*

#### **Islands under Japanese Mandate : Examination of the Annual Report for 1936 (continuation).**

M. Usami came to the table of the Commission.

PUBLIC FINANCE (*continuation*) : TRANSFER OF FUNDS OF THE TERRITORY TO THE BUDGET OF THE JAPANESE GOVERNMENT : PARTICIPATION OF THE NATIVES IN THE PROSPERITY OF THE TERRITORY.

The CHAIRMAN asked by what procedure the Administration was enabled to incur expenditure in excess of the budgetary estimates. He noted, for example, that for one item in the 1935 budget (page 12 of the report), office expenses, which had been estimated at 389,000 yen, had reached 501,000 yen; the excess of 112,000 yen was considerable.



Moreover, he could find no entry corresponding to the liability to which the Sinking Funds, mentioned on page 13 of the report, should normally correspond.

M. USAMI replied that under Japanese law transfers were allowed within the budget, up to specified limits. He was unable to indicate exactly to what items such transfers related. As for the Sinking Funds, he presumed that they did not represent a liability of the Government of the islands. He proposed to give further explanations on this point on a subsequent occasion.

The CHAIRMAN enquired as to the use made of the credit of 1,500 yen set apart for tours of natives to Japan (page 13 of the report). The amount appeared to him to be very small.

M. USAMI replied that the Japanese authorities sent a certain number of natives to Japan, on several occasions during the year. The travelling expenses were met by the natives themselves, and the sum of 1,500 yen included in the budget was to be regarded rather as an allowance. It should be noted that the cost of the journey from the islands to Japan was inconsiderable.

The CHAIRMAN asked for explanations of the item "Investigation of Taxation System, etc.", amounting to 25,000 yen, and the item "Transfer to the General Accounts", amounting to 450,000 yen, in the estimates (see page 13 of the report).

M. USAMI replied that the South Seas Bureau was contemplating an investigation with a view to the reform of the system of tax collection. The sum of 25,000 yen included in the budget was intended to cover the costs of that investigation.

The CHAIRMAN felt that the considerable resources of the mandated territory, especially those derived from port clearance dues and the production of phosphates, rendered the administration an extremely lucrative one for the mandatory Power. He therefore asked why the natives should have to pay taxes the collection of which rendered such an elaborate investigation necessary.

M. USAMI explained that it was not a question of taxes levied upon the natives, but of taxes paid by Japanese residents in the mandated territory, who had hitherto to some extent escaped taxation. As he understood it, the investigation was aimed more particularly at legal persons, companies, etc.

The transfer to the general accounts represented a payment from the account of the South Seas Bureau to the general account of the Japanese Government. That Government had recently decided that certain sums were to be credited to it by colonial Governments, a decision embodied in a special law adopted by Parliament. It did not affect the South Seas Bureau only. The law provided for a possible refund of amounts so paid to the administration of the territory.

The CHAIRMAN pointed out that this was the first occasion upon which the Commission was faced with the fact of a direct contribution from a mandated territory to the budget of the mandatory Power. The situation was all the more remarkable in that the mandatory Power derived very large profits from the administration of the territory. He hoped that it was merely a question of a temporary advance. This was the first example, in fifteen years, of the transfer of the surplus of the local budget of a mandated territory to the budget of the mandatory Power.

M. USAMI explained that this was a temporary measure, and that it was mentioned for the first time in the report of the mandatory Power because the practice had only been instituted a year previously. It was hoped that it would not prove necessary to have recourse to it for a prolonged period. The Japanese Government had no intention of deriving pecuniary profits from the administration of the islands. The step in question was to be considered as a temporary budgetary measure.

M. Usami felt it right to draw attention to the fact that, although the revenue of the South Seas Bureau was in fact relatively high, the principal source of income was represented by port clearance dues, which corresponded to the excise duties levied in Japan. In theory, those dues could be levied in Japan itself on all goods coming from the islands, since they were normally borne by the inhabitants of Japan. It was therefore not unreasonable to ask the islands Administration to make a contribution to the general budget of the Japanese Government, as compensation for the dues levied at the expense of Japanese consumers.

The CHAIRMAN considered that since clearance dues were paid by consignors of exported goods from the islands—in particular, sugar—they could not affect the price of the goods in Japan, in so far as there was competition with similar goods coming from elsewhere, as prices were fixed by the play of competition. The dues therefore actually represented a tax upon



exports of goods from the islands to Japan. Japan derived great benefit from the administration of the islands: the territory already paid over one million yen as a subsidy to air-transport and sea navigation. The fact that Japan made transfers from her colonial budgets to the imperial budget did not provide sufficient compensation for the moral disadvantage of acting in this manner towards the mandated territory, whose inhabitants should benefit more fully from their resources and enjoy a more disinterested form of administration by the mandatory Power.

M. USAMI pointed out that, although the clearance dues were paid by exporters, they were, in the last analysis, borne by the consumers of goods coming from the islands. Their real character was therefore that of taxes on consumption—in particular, of sugar. No duties were levied on phosphates. The dues were therefore equivalent to the duties levied in Japan by way of taxes on consumption, which, in the case of sugar, applied equally to sugar of Japanese manufacture and to imported sugar. The Japanese Government might have levied those duties at the moment of import into Japan. In fact, they were levied by the South Seas Bureau at the point of departure. Had it been impracticable to do so, the alternative method would have been adopted.

The CHAIRMAN concluded that port clearance dues were only levied upon goods which, in Japan, were subject to a tax on consumption. He asked whether, in the case of goods of that description exported from the islands to countries other than Japan, the dues would also be levied. He realised, of course, that the question hardly arose, since nearly all the production of the islands went to Japan.

M. USAMI explained that, if the goods in question were re-exported from Japan, the dues would be refunded to the exporter, while if goods were exported direct from the islands to another country, no dues would be paid. In fact, no such cases had arisen.

The CHAIRMAN stated that the Commission would no doubt be glad to see the guardian manifest greater generosity towards its ward.

M. VAN ASBECK noted that this was the first time the transfer in question figured in the budget. He asked whether it would not be possible to credit the amount to a special account, the interest on which would accrue to the islands.

The CHAIRMAN took note of M. Usami's statement that the transfer was a temporary measure. He also noted the reasons given in justification. If the measure were justified, however, there was no reason, in his view, for it to be temporary. The transfer was, in fact, a payment made by the islands by way of compensation for the fact that excise duties were not levied in Japan on the goods in question. He expressed the hope that, when it examined the next report, the Commission would be able to congratulate the mandatory Power on having abandoned the practice.

M. USAMI pointed out that the explanation, based on port dues, would justify the measure. He could not, for his part, declare definitely that that was the real reason for the transfer. He felt that his Government must have had good reasons for acting as it did. However, he undertook to draw its attention to the request for more exact information.

Mlle. DANNEVIG, referring to the settled accounts column relating to expenses incurred for the direct benefit of the natives, pointed out that no provision was made for the natives under the item "Relief in case of death, injury, illness, etc." (page 15 of the report), although considerable sums were earmarked for the natives' benefit both under "Police and Prisons" (page 13) and under "Meteorological Observatory" (page 14). She asked what criterion was adopted in deciding which expenses were incurred for the direct benefit of the natives.

M. USAMI replied that it was obviously difficult to make a clear distinction between expenses incurred for the direct benefit of the natives and other administrative expenses. An estimate had been made of the amounts necessary to assure the welfare of the native population, both directly and indirectly. The police, for instance, were essential for the maintenance of public safety. A balance had been struck between expenditure incurred on behalf of the Japanese and on behalf of the natives.

Mlle. DANNEVIG considered that certain established rules should be followed in allocating expenditure. She found that, under the item "Subsidy to village expenses" (page 13 of the report), no provision was made in the column representing expenses incurred for the direct benefit of the natives, whereas for prisons the amount appearing in the same column was considerable. Yet the number of Japanese and of native wrongdoers was approximately the same (pages 30 and 31 of the report). The reports had, moreover, frequently stated that the native population was particularly docile and law-abiding.

M. USAMI replied that he had no precise information on the point, and that he was unacquainted with the principles underlying the Government's allocation of expenditure. He assumed that each specific case was examined on its merits, but undertook to ask his Government for further explanations.

M. VAN ASBECK thought that the grant paid by the mandated territory to the Japanese Imperial Treasury called for special consideration ; there seemed to be some inconsistency between this export of capital from the islands and the Mandates Commission's desire that the natives should have a greater share in the prosperity of the territory.

The Commission had asked the mandatory Power to place before it a programme for this purpose.<sup>1</sup> There was no mention of this programme in the report, however ; but, on the contrary, it was said that it was difficult to cite concrete examples of measures taken for the benefit of the native population (page 112 of the report).

It should also be noted that expenditure from which the natives should benefit more particularly was falling in nearly all cases, particularly in connection with education, where there was a drop of 17,000 yen, and public health, in which case expenditure had fallen by 8,000 yen. On the other hand, there was a new item—a sum of over 10,000 yen was shown in the column headed " Expenses incurred for the direct benefit of the natives " for " Repair of electrical power plant and other establishments " (page 15 of the report). Did the natives derive so much benefit from electricity ? M. van Asbeck would be glad of fuller information in the next report, particularly about the programme of concrete measures undertaken by the mandatory Power for the purpose of improving the social position of the native population and the expenditure incurred thereon.

M. USAMI explained that it was difficult to give a survey of the concrete measures adopted for the welfare of the natives, as they affected almost every aspect of the Administration. He had no doubt that they were calculated to enable the latter to benefit to the greatest possible extent from the increasing prosperity in the islands. The explanations for those measures undoubtedly appeared in the various chapters of the report in which they were mentioned.

The fact that credits had fallen at certain periods did not necessarily mean that the Government intended to do less to promote the welfare of the natives. He could assure the Commission that the Japanese Government was at all times anxious to improve the condition of the natives and to see that they shared to the greatest possible extent in the prosperity of the islands.

#### TAXATION.

M. VAN ASBECK drew attention to the natives' share of the yield of the poll-tax (page 11 of the report). Although the native population was dwindling, according to the figures given in the report, the yield of the poll-tax paid by the natives had increased by some 10,000 yen, an amount which he thought considerable.

M. USAMI presumed that, as the situation had improved in the islands, there had been a natural increase in the yield from the poll-tax. The increase indicated in the estimates for 1936 (page 11 of the report) covered the poll-tax paid by the Japanese as well as by the natives. The explanation of the increase in the yield from the poll-tax levied upon the natives lay in the fact that the yield derived from copra had been larger in 1935, as explained in note (2) of paragraph 2, on page 12.

Mlle. DANNEVIG pointed out that the number of natives paying a higher tax than others was very small—namely, nine in 1935 and only six in 1936 (page 17 of the report). This drop in the number of natives able to pay a higher rate of tax was striking, in view of the general improvement in the economic circumstances of the whole population. There should be stronger evidence of prosperity—such evidence, for instance, as appeared on page 41 in connection with the increase in the postal deposits of the natives.

M. USAMI observed that the footnote to the table on page 17 of the report went some way to explain the matter. The figures represented the amounts officially estimated, and not the amounts actually collected. It had, possibly, been thought better to reduce the taxes paid by some of the natives. He undertook to ask his Government to explain, in the next report, why the number of taxpayers of the higher category had diminished.

#### IMPORTS AND EXPORTS : PARTICIPATION OF THE NATIVES IN THE PROSPERITY OF THE TERRITORY (*continuation*).

M. GIRAUD noted that the interesting statistics contained in the report for 1936 showed that there had been further progress in the economic activities of the islands under mandate. Imports had risen from 13 millions in 1934 to 15 millions in 1935, and exports had shown an even greater increase, from 18 to 26 millions (page 21 of the report).

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 211.

In previous years, the Commission had asked to what extent the native population benefited from the surplus of exports over imports. It appeared from the report, however, that the discrepancy between exports and imports had again increased considerably. The surplus of exports over imports, which was 42% in 1934, had risen in 1935 to 73%, and the figures for the first six months of 1936 brought it up to 123%. It seemed quite natural, therefore, that the Commission should feel even more fully justified in wishing to learn to what extent the natives benefited from the territory's prosperity.

To obtain an accurate idea of the actual position, it was necessary, he thought, to examine, not only the total figures for the movement of trade, but also the details relating to the three archipelagoes, and in the case of each of them the proportionate sizes of the native and Japanese populations. The table on page 21 of the report showed that it was mainly in the Mariana Archipelago that there was a considerable surplus of exports (20 million yen as compared with imports to the value of 9,200,000 yen). The reason for this surplus was the very large contribution to outgoing trade of the sugar undertakings in these islands, more than nine-tenths of the population of which was Japanese. In the Caroline Islands, where 30% of the total population was Japanese, imports nearly balanced exports with 5,400,000 yen as compared with 5,800,000 yen, in spite of the large phosphate exports from Angaur Island. Lastly, imports exceeded exports in the Marshall Islands, where only 5% of the population was Japanese.

It would seem, therefore, that, apart from the Mariana Islands, where, as a result of immigration, over nine-tenths of the population was Japanese, the value of exports was normally counterbalanced by sufficient purchases of imported goods. This should be borne in mind, for if the Commission were justified in showing concern as to the share of the natives, throughout the islands, in the prosperity of the territory, it should also be noted that the question bore a somewhat different aspect from one archipelago to another. In this connection, M. Giraud pointed out that the Commission had expressed satisfaction, at the thirtieth session,<sup>1</sup> "that the mandatory Power was considering the preparation of a programme for the purpose of ensuring that the natives should participate to a greater extent in the growing prosperity of the territory", and had added that it would "follow with interest the progressive execution of that programme". It was stated in the report that the mandatory Power had taken certain steps to give effect to that recommendation and that other measures were under consideration. The mandatory Power was satisfied with the results obtained. It added, however, that it was difficult to cite concrete examples and said on the same page—page 112—that "the matter of increasing the wages for the natives, who constitute but a fraction of the native population, has therefore comparatively little to do with the question of promoting the general welfare of the natives". M. Giraud would be glad to know what was meant by this expression "who constitute but a fraction of the native population".

M. USAMI thought there was a mistake here. The passage should read: "The matter of increasing the wages for the native workers, who constitute . . .". There were not very many native workers in the islands, and they formed only a small part of the total native population. Every effort was, of course, made to pay these native workers the maximum wage: but there were so few of them that an increase in their wages would only constitute a small contribution towards the general welfare of the natives of the islands.

About 400 native workers were employed in the phosphate mines. Very few natives were employed in the sugar-cane plantations, where nearly all the workers were Japanese.

He had already explained in his statement why there were so few native workers in the islands. General measures, rather than special measures such as an increase in the wages of the workers, were required to raise the general standard of life of the natives and give them a greater share in the economic prosperity of the country.

M. GIRAUD noted that exports of copra were increasing. He presumed that the copra industry mainly interested the natives.

M. USAMI replied that it was the natives who were most interested in the copra industry: they derived considerable resources from it.

M. GIRAUD noted, with regard to exports of phosphates, that the report referred, on page 91, to exports of 71,008 tons in 1934 from the port of Angaur alone, whereas, according to the statistics on page 23, the exports for the whole of the islands in the same year were 60,866 tons. These figures would seem to call for some explanation, and he would be glad to find it in the next report.

#### JUDICIAL ORGANISATION.

M. VAN ASBECK said he had already asked, during the examination of the previous report<sup>2</sup> for more recent statistics on the number of criminal cases dealt with by the courts (pages 30 to 31 of the report). At the end of 1937, no statistics were available for the years 1933, 1934

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 211.

<sup>2</sup> See *ibidem*, page 186.

and 1935. He enquired whether it would not be possible to furnish statistics for the year under examination.

M. USAMI said it was somewhat difficult, because of the date on which the report was drawn up, to give completely up-to-date statistics. However, he would transmit the request to his Government and ask for the particulars to be supplied as far as possible.

#### POLICE.

M. SAKENOBE thought that, if the part played by the native police was as important as the accredited representative had said during his statement at the previous meeting, the part played by the Japanese police was even more important (pages 33 *et seq.* of the report). They were in constant contact, not only with the natives, but with the Japanese, and where there were no officials representing the local bureaux, administration was carried on by the Japanese police officer, who might sometimes be the only representative of the authorities. From the point of view of life in the territory, the police officer played an important part, therefore, and it was easy to understand that these officers must be selected carefully. When the Ministry for Foreign Affairs selected police officers for the consulates in Manchuria or in China, it endeavoured, by means of a special examination, to obtain specially qualified candidates, who had subsequently to take a practical test at Police Headquarters in Tokio. As M. Usami had recently visited the islands under Japanese mandate, could he say whether there was a special system for recruiting police in the islands, and what opportunities there were for promotion? There was very little opportunity for police officers to become inspectors, of course, as there was only one inspector for the whole of the islands. Could they be appointed on the staffs of the branch administrative bureaux?

M. USAMI replied that police officers were undoubtedly recruited by a fixed method, entailing an examination. In view of the important part they had to play, they were selected carefully. There was some opportunity of promotion, provided an officer had the necessary qualifications; but, naturally, very few of them were promoted, as administrative officers had to have qualifications other than those normally offered by police officers. It was therefore unusual for a police officer to enter the Administration in the strict sense. The officers of the Administration, moreover, belonged to a higher category than police officers, being of Sonin or Hanin rank.

#### ARMS AND AMMUNITION.

M. SAKENOBE noted that the regulations for the sale of arms and ammunition were applied strictly to the natives (page 36 of the report).

#### SOCIAL DEVELOPMENT OF THE NATIVES : JAPANESE IMMIGRATION.

M. VAN ASBECK had been struck by information published in the *Pacific Islands Monthly* for November 24th, 1936, to the effect that the number of suicides in the islands under Japanese mandate (Marshall Islands) was increasing—an extraordinary fact, since suicide was formerly unknown. He would be glad to know whether that statement was correct, and what accounted for the suicides.

M. USAMI had no information on the subject. He did not think the cases of suicide had any political or administrative importance. He would ask his Government for information.

Mlle. DANNEVIG noted that, on page 41 of the report, the natives were described as generally mild and cheerful in disposition, and had the good custom of mutual assistance. Furthermore, the natives obviously had respect for the law. She was not sure whether contact with civilisation might not cause them to lose those qualities. She would be glad to know, in particular, whether the condition of the natives had changed owing to Japanese immigration, and whether the latter had increased the difficulties of the Government in native affairs, particularly in the islands in which the two peoples were almost equal in number.

M. USAMI did not think any difficulties that might exist were due to Japanese immigration. Contact with a higher civilisation inevitably exercised some influence on the disposition of the natives. Generally speaking, contact with Japanese civilisation seemed to have been for the better rather than for the worse. The Government was endeavouring, moreover, to see that the natives were not subjected to bad influences and, at the same time, to increase good influences.

Mlle. DANNEVIG noted M. Usami's reply, but pointed out, nevertheless, that there were 100 inhabitants per square kilometre in the Mariana Islands. She asked, therefore, whether it was not thought that the time had come to slow down Japanese immigration.

M. USAMI did not think there was any reason to fear that there would be a considerable increase in Japanese immigration, as the land available for sugar plantations, the main industry, which was in the hands of the Japanese, was limited.

Mlle. DANNEVIG noted, on the other hand, that the natives were described as lazy and indolent (page 41 of the report). The Government was trying to encourage them to work by giving them a monopoly of certain occupations. The accredited representative had said that very few of them worked on the sugar plantations. What work could they do then to improve their condition?

M. USAMI replied that he believed the Government was mainly concerned to encourage the natives to take up agriculture. They could also find various other types of work. A special school had been opened to teach the children of natives a number of simple trades.

Mlle. DANNEVIG noted (page 41 of the report) that modern conveniences such as the telephone and motor-cars were coming to be used by the natives, as their standard of living improved, and asked what might be the approximate number of natives who had a telephone, a motor-car, or even a bicycle.

M. USAMI replied that the telephone system was not very extensive in the islands. It had been introduced only in two towns. Obviously, it must be unusual for natives to have a telephone.

#### LABOUR.

Mr. WEAVER had not found in the annual report replies to the questions which he had asked in the previous year, and he requested that the information might be given in the next report; the questions would be found on page 188 of the Minutes of the Thirtieth Session of the Commission.

He then referred to the following sentence at the beginning of Chapter VIII of the report on the subject of labour (page 45 of the report): "Sometimes civil engineering works or other enterprises require a great number of labourers. These, however, are of temporary nature, and most of the labour is supplied locally." He would like to be informed in future reports of the number of natives employed on such work and their conditions of employment.

On the same page of the report, he read that: "As for native labourers in general, regulations for their protection have also been enacted separately." He had not been able to trace the text of these regulations, and he would be glad if they could be supplied.

M. USAMI replied that he would remind his Government of the questions raised by Mr. Weaver in 1936.

He had no statistics which enabled him to give the exact number of labourers employed on public works. He would ask his Government to give that information in the next report; but he doubted whether there were any accurate statistics on the point. The regulations referred to by Mr. Weaver concerned labour contracts between natives and non-natives. He would ask his Government to forward the text of the regulations to the Commission.

M. PALACIOS referred to the following sentence on page 46 of the report: "But in the case of non-fulfilment of an agreement between an employer and an employee, there being no means of compulsion, the only recourse left for the complainant is to demand compensation".

M. USAMI pointed out that this was a case of breach of contract giving rise to compensation in the form of damages. Furthermore, the provision was merely a theoretical one.

#### MISSIONS.

M. PALACIOS, referring to Chapter IX of the report, concerning religion noted that, after allowing for errata and corrections (see pages 52-54 of the report), the number of missionaries had fallen by four in 1936. The number of believers had also fallen by about 1,424, whereas in 1935 it increased by about 3,400 as compared with 1934. The total number of native believers, according to the report, was 40,044, a decrease of 1,828. He would like to know the reason for the decrease. As regards the number of missionaries, there were seven Catholics less, these being of Spanish nationality, while there were three more Japanese Buddhists.

He also noted that the subsidies to the missions had decreased by 700 yen. As usual, the South Seas Mission of Japan had received the largest subsidy—22,000 yen (page 54 of the report). The Jesuit Catholic Mission had received 6,500 yen, or 500 yen less than in the preceding year. This time the reason was somewhat amusing: "The subsidy to the Jesuit Mission is being gradually decreased with a view to helping the enterprise to become self-supporting" (page 54 of the report). He would also like to know what was the mission of the Kōsyōzi branch of the new Sinsyū sect which had been given 800 yen to establish a kindergarten (page 54).

M. USAMI said the decrease in the subsidy granted to the Jesuit mission resulted from the fact that the Japanese authorities were of opinion that, under present conditions, it was possible to withdraw or decrease that subsidy. Subsidies were granted according to the requirements of the mission, which explained why the grants sometimes varied. In a general way, it was felt that the missions should be self-supporting.

The Sinsyū sect, which had been given a new subsidy, was a Buddhist sect.

Mlle. DANNEVIG asked if it was possible for the missions to be financially self-supporting; and, if so, whether their resources were derived from work done in the islands or from subsidies from outside.

M. USAMI did not think that the revenues of the missions were derived from agriculture or from activities carried on in the islands. The necessary funds for their upkeep came from outside, either from Japan or from other countries. The Government wanted the missions to become self-supporting.

Count DE PENHA GARCIA presumed that the figures given in the table on page 53 of the report concerning the respective numbers of believers of the various religions had been supplied by the missions themselves. Otherwise, half the Japanese inhabiting the islands would appear not to have any religion.

M. SAKENOBE asked whether M. Usami had had an opportunity of meeting some of the many foreign missionaries resident in the islands. He would like to know whether the missionaries were satisfied, and whether the missions had any complaints to make.

M. USAMI replied that the figures given in the table on page 53 had been supplied by the various missions. He added that among Japanese it was not infrequent to find persons who said they had no religion.

As regards M. Sakenobe's question, M. Usami's impression was that, in a general way, the foreign missionaries seemed to be satisfied. They fully understood the present situation and did a great deal to facilitate relations between the population and the Administration. They had a great influence on the natives and the collaboration between the missions and the authorities was therefore very valuable. Furthermore, the authorities desired to maintain contact with the missions, since they were satisfied with their collaboration.

#### EDUCATION.

Mlle. DANNEVIG said that, in 1936, the Commission had already noticed a decrease in the credits for native education.<sup>1</sup> According to the report for 1936, the decrease had continued (page 13 of the report). The column for expenditure in the direct interest of the natives showed that a sum of 207,357 yen had been spent on education in 1935 as against 224,376 in 1934. It would be seen from page 55 of the report that the number of Government primary schools for Japanese pupils had increased in 1936, and that there was also an increase in the number of teachers and pupils. On the other hand, in the schools for natives (page 59 of the report), the number of Japanese teachers had decreased, whereas the number of native teachers had remained the same—namely, twenty-four—and the number of pupils had slightly increased.

Mlle. Dannevig desired to know why the expenditure on native education had been reduced. The reduction seemed to her inadmissible, since the number of children attending the schools had increased. She desired to know whether the Japanese Government intended to allocate larger credits for native education in future. In view of the prosperous condition of the islands, and, furthermore, since education was of quite special importance in the territory, she thought that the expenditure on education should show progress rather than reduction.

M. USAMI said that the credits for education had decreased in comparison with the previous year by reason of the completion or curtailing of temporary work, such as the construction of buildings. This was a decrease in temporary expenditure which in no way affected the credits

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 189.

for the actual teaching staff. He added that, in the matter of education, the efficacy of the teaching could hardly be judged by the expenditure. Furthermore, the decrease was not large enough to exercise any influence on the quality of the teaching given. There was no doubt that the Government was prepared to develop public education so far as lay in its power, and to increase expenditure if necessary. Nevertheless, a mathematical increase of expenditure on education year by year could not be expected.

Mlle. DANNEVIG pointed out that the reason given the previous year by the accredited representative<sup>1</sup> for the decrease in credits for education had been exactly the same. She thought that, setting aside the question of buildings, the Government might devote a larger sum to education in the islands.

She noted (page 56 of the report) that, since the inauguration of the present administration, more than 8,000 native children had followed a regular course at the primary schools intended for them, whereas 3,000 had attended the supplementary courses. This figure would appear to contradict the assertion, which was constantly to be found in the annual reports, that the population of the islands was particularly backward.

M. USAMI replied that the number of 8,000 children who had passed through the schools was not very high in proportion to the total figure of the population, which included about 50,000 natives. It should be added that the social conditions in which those children lived, once they returned to their families, must necessarily operate as an offset to such advantages as they might have derived from the teaching given them at school. The results of education largely depended on the aptitude of the children themselves. The aptitude of native children was inferior to those of Japanese children, and the results they obtained at school were therefore also inferior. This went far towards explaining why, on the whole, the native population remained backward.

#### ALCOHOL AND SPIRITS.

M. SAKENOBE said that at its twenty-eighth session<sup>2</sup> the Commission had expressed the desire to receive more detailed information as to the consumption of alcohol in the territory and the measures adopted with a view to decreasing such consumption among natives. At its thirtieth session, the Commission made the following observation :<sup>3</sup>

“ The Commission, concerned by the difficulty of preventing the consumption of alcohol and spiritous liquors by the natives, owing to the system of production, export and import of alcohol and spiritous liquors in force in the territory, expresses the hope that the mandatory Power will see its way to strengthen the measures taken to ensure observance of the prohibition.”

In reply to this observation, the mandatory Power, in the annual report (page 112), said :

“ Under the existing system in force, no difficulty has been encountered regarding the control of spirits and intoxicating liquors, and as a matter of fact the said control is being strictly enforced.”

On the other hand, on page 35 of the report, it was said that the most numerous offences in the mandated territory were cases of larceny and of infringement of the rules for the control of liquors. These two categories of offences represented 49% of the total number of offences committed. It was further to be noted that the number of natives punished for offences against the rules for the control of liquor in 1935 had been 367—that was to say, 247 less than in 1934. These figures seemed to show that the control had been more strictly applied, since the number of offences had decreased. Such results might be regarded as satisfactory if control was regarded as a measure intended to prevent, not only the consumption of alcohol, but also the clandestine manufacture of spirits. There was, however, reason to wonder whether punishment was the best means of combating the consumption of alcohol. Other methods might be tried as well. Where the climate was so warm, it was natural that the natives should consume a quantity of drinks. Had the Administration endeavoured to find a beverage which had not a high alcohol content and would enable the natives to quench their thirst without becoming intoxicated ?

M. USAMI said that beverages with an alcoholic content in the islands were consumed exclusively by Japanese. The prohibition of the use of beverages with an alcoholic content by the natives was strictly enforced. The Administration had not yet contemplated the possibility of attenuating that strict prohibition by authorising the consumption of beverages having only a small alcoholic content. It held that the prohibition should be absolute, in view of the conditions laid down in the mandate. Should the Commission be of opinion that this

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 189.

<sup>2</sup> See Minutes of the Twenty-eighth Session of the Commission, page 201.

<sup>3</sup> See Minutes of the Thirtieth Session of the Commission, page 211.



possibility should be studied, M. Usami would certainly communicate that desire to the Japanese Government. In practice, however, it was questionable whether it would be a reform which would benefit the natives.

M. SAKENOBE, referring to the chapter concerning spirits, intoxicating liquors and narcotic drugs (Chapter XI, page 68), said that under certain circumstances natives were granted permits to consume alcoholic liquor during religious ceremonies. Such permits were granted by the head of the local bureau. He desired to know whether general permits were granted or whether a permit was granted by name to this or that person or to this or that family for their religious ceremonies.

M. USAMI replied that there was such a provision in the rules providing for the issue of permits to consume alcoholic liquor on certain occasions, but hitherto it had not been enforced, as the natives were practically forbidden to consume alcoholic beverages even during ceremonies.

M. SAKENOBE said he would be glad if the quantities of alcohol given in the statistics, particularly on page 18 of the report, were expressed in litres and not in koku.

#### DRUGS.

M. SAKENOBE said he had no question to put on this subject, since the control over narcotic drugs was strictly carried out (page 71 of the report), and no breach of the legislation in force had been recorded in the report.

#### PUBLIC HEALTH.

COUNT DE PENHA GARCIA said that the scattered distribution of the archipelagoes under Japanese mandate presented a considerable obstacle to the proper medical organisation of the territory. Account should also be taken of the hostility of the natives to prophylactic and hygienic measures. The report would nevertheless seem to show that the mandatory Power had tried to improve the situation from the medical point of view, in particular, by organising a service consisting of Japanese doctors assisted by an adequately trained medical staff (pages 73 *et seq.* of the report). There was also a staff of native nurses, and he would be glad to know what training they received and what duties they performed. He asked whether any of the assistants employed on the native staff had the necessary qualifications to replace Japanese doctors to some extent.

M. USAMI replied that the natives in question had left the public school and had then received some elementary medical training in the Government hospitals. They were allowed to give simple treatment to the natives in villages where there was no hospital. When they were employed in the hospitals, they received payment, but when they were in their villages, they probably did not receive any regular remuneration. In certain islands, such as Yap Island, where an alarming decrease in the population had been observed and infantile mortality was a serious problem, the Administration had endeavoured to give medical training to certain native girls and to use them as nurses, midwives, etc. Their duty, in particular, was to look after native children, and to advise mothers as to the best manner of caring for their infants. That measure seemed to have given satisfactory results.

There was no native staff in the hospitals. As regards the number of natives employed as assistants, M. Usami would ask his Government for information on the subject.

COUNT DE PENHA GARCIA noted (page 74 of the report) that patients had to pay a certain charge for treatment in hospitals, and that the charge varied for the three categories of patients. It was curious, in view of the prosperity of the mandated territory, that hospital treatment for the natives should not be free. He would also like to have information as to the manner in which the natives were divided into the three classes in question.

M. USAMI said he would ask his Government for information on the subject.

COUNT DE PENHA GARCIA noted that a number of serious diseases were prevalent in the islands, in particular tuberculosis, syphilis and leprosy (page 75 of the report). He noted the investigations made in Yap Island to ascertain the causes of the decrease of population (pages 113 to 115 of the report). As regards leprosy, efforts had been made by the mandatory Power: but, since the natives were convinced that this disease was not infectious, there was some difficulty in detecting it (page 76 of the report). The itinerant medical commission seemed to have obtained fairly satisfactory results.



An examination of the question showed that there was still much to be done in the medical sphere to improve the general position of the territory. Possibly the training of an adequate native staff would lead to a better application of the measures taken to improve the health conditions of the territory. The report gave the impression that great progress had still to be made in respect of health; and the amounts devoted to the campaign against certain diseases—for instance, leprosy—seemed very small.

Count de Penha Garcia also noted that the mandatory Power had made efforts to develop physical training among the native population. Associations had been created comprising young men who received certain instruction and were trained in physical exercises. The report added that these young men supplied free labour for public undertakings. He wondered if that labour was really free (page 106 of the report).

M. USAMI agreed that, as regards public health, there was still much to be done in the territory. The time factor had evidently to be taken into consideration. In general, it was considered that from fifteen to twenty years would still be necessary to bring about a satisfactory health position. The results already obtained nevertheless marked considerable gradual progress.

The work carried out by the young men in question consisted of work of common interest, such as road-building near villages, the improvement of quays, etc. Where the work was done for Government account, there was no doubt that the labourers must be paid.

Count DE PENHA GARCIA further noted that the natives were encouraged to practise certain games and sports (page 106 of the report). He wished to urge the necessity of subjecting them to a suitable medical examination, in view of the low power of resistance of the race. The meeting-places seemed to him to be very few in number.

Certain studies carried out in the hospitals had been published by the Administration (page 75 of the report): he regretted that, as those publications were in Japanese, they were not accessible to the Commission.

#### LAND TENURE.

M. VAN ASBECK recalled that, in 1936,<sup>1</sup> Lord Hailey noted that "an investigation had been begun in 1923 for the purpose of enquiring into the demarcation of private property owned by people other than natives and land considered as Government property", and had expressed the opinion that "it was not enough to regard as private property only that which could be shown to be individually owned, and therefore, in applying the ordinances, laws and regulations, it should be remembered that among primitive peoples land tenure was collective rather than individual. He would be glad to have a survey in the next report of the mandatory Power's policy with regard to vacant and communal land." It was perhaps too soon to expect a full survey in the report for 1936 in response to Lord Hailey's remark, but M. van Asbeck thought that a reply could be given in the next report.

The information given on page 113 of the report did not reply satisfactorily to Lord Hailey's request for information, which the Mandates Commission had endorsed in its report to the Council.<sup>2</sup> In particular, no information was given as to the area of the land held under the system of collective tenure; he hoped this information could also be given in the next report.

M. van Asbeck further noted (page 84 of the report) that, in 1936, sanction was given to 136 cases of dealing in land owned by natives, representing a total area of about 435 hectares, an increase of 247 hectares over the dealings in the previous year. He asked what was the object of those dealings, for whose benefit they were carried out and on what economic activities the purchase of native land was based.

M. USAMI replied that there was no special legislation on the question, which was regulated by the Japanese Civil Code, the application of which had been extended to the Pacific Islands. The provisions of the Civil Code provided protection for the owners of native land. There was no doubt that, where natives possessed collective property rights to land, those rights would be protected by law. Personally, he did not think many such rights existed. He proposed to ask his Government for information on the subject.

The native land referred to on page 84 of the report had probably been purchased with a view to establishing sugar-cane plantations.

M. VAN ASBECK understood the Japanese Civil Code reproduced in the main the German Civil Code. The application of that code, which was based on Western conceptions of private property, would seem therefore to present serious dangers for the native communities, which thus became subject to foreign regulations. The legal protection of collective property men-

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 187.

<sup>2</sup> See *ibidem*, page 211.

tioned by M. Usami did not seem to be altogether consistent with earlier explanations to the effect that there was no legal land tenure system in the territory. There were, in that connection, a number of points which might well be made clear in the next report.

M. USAMI pointed out that there certainly was a legal basis for the existing land tenure system ; but no law specially relating to land tenure had been promulgated for application in the islands. The system of registering land was not yet practised.

M. VAN ASBECK thought the intensive purchase of native land represented a serious danger, and he hoped that, in the next report, the mandatory Power would supplement the information on that question.

M. USAMI thought there was nothing to fear, since the natives themselves desired to sell their land. During his stay in the islands, he had been able to note that tendency on the part of the natives. The Government had imposed regulations requiring authority for the purchase of native land. Those regulations afforded the natives adequate protection against the danger of tortious alienation.

M. VAN ASBECK hoped that Government control would check that very dangerous tendency on the part of the natives.

Moreover, the explanations given on page 113 of the report and the passage on page 84 dealing with the demarcation of native property were openly contradictory. The following passage appeared on page 84 : " No investigation was formerly made into the demarcations of land in the territory, and the boundaries between Government-owned lands and those privately owned remained generally obscure, until, in order to make them clear, an investigation of land was started in 1923 mainly for the purpose of enquiring into the demarcation, classification and area of lands owned by Government and those owned by people other than natives ". On the other hand, on page 113, the following passage occurred : " The native had acquired already a fairly advanced conception regarding land, and the right of land ownership had been, in substance, well established. Upon taking over the islands in its charge, the Government found the demarcations were fairly well defined between Government-owned lands and private lands under the preceding regime." Some explanation of this obscure point was desirable in the next report.

He was very glad to note the statement on page 113 of the report that a magistrate had been added to the Commission which ultimately settled claims of natives regarding land belonging to them. This provision complied with the request made in 1936.<sup>1</sup>

#### DEVELOPMENT OF AGRICULTURE, FORESTRY, MINING AND CATTLE-BREEDING : WORK OF THE TROPIC INDUSTRY INSTITUTE.

M. GIRAUD noted the creation of the Tropic Industry Institute (page 81 of the report), which was carrying on research into the development and improvement of agriculture, forestry and mining, as well as cattle-breeding. He asked whether the natives benefited from the work of the institute and whether steps were taken to enable them to improve their methods of cultivation, which were still doubtless somewhat primitive.

M. USAMI replied that the research undertaken by the institute was for the benefit of both the natives and the other inhabitants of the islands. In practice, improvement in the methods of native cultivation was a matter of education, not of research, and was consequently not within the sphere of the institute, which was more specially concerned with scientific research. Considerable patience would be required in inducing the natives to change their methods of cultivation.

#### DEMOGRAPHIC STATISTICS.

M. GIRAUD drew attention to the very low figure for the native population of the Mariana Islands, which was not even seven per square kilometre, whereas there were twenty-seven natives per square kilometre in the Caroline Islands and fifty-two in the Marshall Islands. He asked whether the native population of the Mariana Islands had not fallen since the introduction of the mandate.

M. USAMI replied that, on the contrary, it had increased slightly. It was said that three centuries earlier there was a large population of about 50,000 in the Mariana Islands, but that in subsequent years it dropped considerably owing to certain events. This population, which was only 3,000 before the introduction of the mandate, had increased steadily since then.

<sup>1</sup> See Minutes of the Thirtieth Session of the Commission, page 188.

The CHAIRMAN noted that two main facts emerged from the examination of the report. The first was the increase in the Japanese population amounting to 8,000 or 9,000 persons per year (page 95 of the report), and this increase would probably continue on account of the birth rate : in recent years, Japanese women had been accompanying their husbands when they immigrated. On the other hand, the native population remained practically stationary, and was even declining in certain islands. The mandatory Power had endeavoured to discover the cause of that depopulation, which had been attributed either to tuberculosis or venereal disease. Considerable progress had been made in respect of tuberculosis. But, in general, the effort showed no conclusive result. The birth rate remained low and the death rate high. It was to be hoped that the Japanese policy would tend to improve the situation from that point of view, and would seek the reward of its administrative work in the progress realised.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Usami for the valuable assistance which he had given to the Commission in its examination of the annual report for 1936. The difficulties encountered in that examination were due mainly to the fact that the report, which dealt with this distant territory, was drawn up in a language different from that in which it was submitted. He hoped that, in spite of those difficulties, the report would increasingly tend to give a more precise picture of the position prevailing in the islands.

FIFTEENTH MEETING.

*Held on Wednesday, November 17th, 1937, at 2.30 p.m.*

**Syria and Lebanon : Petitions (Thirty-four in Number) concerning the Sanjak of Alexandretta (continuation).**

(a) PETITIONS CONSIDERED INADMISSIBLE.

The CHAIRMAN recalled that, by letters dated October 29th and November 6th, 1937, the French Government had communicated to the Mandates Commission a number of petitions, twenty-six of which related to the status of the Sanjak of Alexandretta. In transmitting those petitions, the French Government had added that it had not felt called upon to make observations regarding them, since they related, not to the application of the new provisions, which it would continue to give account of to the League of Nations until the termination of the mandate, but to the provisions themselves, which had been decided upon by the Council of the League.

Some of those petitions were of a date earlier than the Council resolution of January 27th, 1937,<sup>1</sup> laying down the fundamental principles of the future status of the Sanjak, and were from persons who took sides in the dispute to which that question gave rise. The relevance of those petitions ceased on the Council's taking the above-mentioned resolution.

The others, which were subsequent to January 27th and to the Council resolution of May 29th, 1937,<sup>2</sup> either condemned or approved the new system set up by the Council in a part of the mandated territory, in virtue of a decision carrying the same authority as the mandate itself. He thought the Commission could only regard such petitions as inadmissible, just as petitions protesting against the mandate would be.

*The Commission agreed with the Chairman's point of view.*

(b) PETITIONS PLACED ON THE AGENDA OF THE NEXT SESSION.

M. DE HALLER said that petitions Nos. 7 to 14 of document C.P.M.1972 related to incidents which took place a year ago, at the time of the Syrian elections in the Sanjak.

Since those petitions did not relate to the status of the Sanjak, but to administrative matters, the *Commission decided to place them on the agenda of its next session.*

**Palestine : List of Communications from Private Sources received on the Occasion of the Thirty-second (Extraordinary) Session of the Commission.**

M. DE HALLER said the Chairman had drawn up a supplementary list of communications from private sources received on the occasion of the thirty-second (extraordinary) session of the Commission, devoted to Palestine. It was a continuation of the two lists submitted to the Commission in the course of that session.<sup>3</sup>

<sup>1</sup> See *Official Journal*, February 1937, page 119.

<sup>2</sup> See *Official Journal*, May-June 1937, page 331.

<sup>3</sup> See Minutes of the Thirty-second (Extraordinary) Session of the Commission, pages 137, 206, 222 to 225.

This document (Annex 19) would be distributed to the Commission and, in accordance with precedent, would be communicated to the accredited representative of the mandatory Power.

He recalled that these were not petitions in the strict meaning of the word, but statements in which the persons in question defined their attitude to the Palestine problem. The communications in question had been collected in a dossier, which the members of the Commission could consult.

**Ruanda-Urundi : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning Ruanda-Urundi (Annex 20).*

**Cameroons under French Mandate : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning the Cameroons under French mandate (Annex 20).*

**Western Samoa : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning Western Samoa (Annex 20).*

**Syria and Lebanon : Observations of the Commission.**

After an exchange of views, *the Commission approved, at a first reading, the text of its general observations concerning Syria and Lebanon.*

**South West Africa : Memorandum, dated March 17th, 1937, from Dr. H. B. K. Hirsekorn, Windhoek (continuation) : Report of the Sub-Committee : Procedure to be followed.**

The Commission, on the proposal of the Sub-Committee appointed to examine this question, *decided to accept the offer of the mandatory Power, and hear Mr. Andrews, permanent delegate at Geneva of the Government of the Union of South Africa, at the next meeting.* The Commission considered that it was not necessary, at the moment, to decide on the question whether or not Dr. Hirsekorn's communication was to be regarded as a petition. It was understood that the Commission would examine this document in the presence of the accredited representative, keeping in mind the last annual report of the mandatory Power and reserving its right to refer, if need be, to the relevant chapters of that report.

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SIXTEENTH MEETING.

*Held on Thursday, November 18th, 1937, at 10.30 a.m.*

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**South West Africa : Memorandum, dated March 17th, 1937, from Dr. H. B. K. Hirsekorn, Windhoek (continuation).**

Mr. H. T. Andrews, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Mr. Andrews and thanked him for being prepared to give the Commission his assistance.

During the examination of the annual report on South West Africa for 1936,<sup>1</sup> the Chairman had referred to certain Press articles relating to a petition said to have been sent to the League of Nations by certain sections of the European population. The Commission had now received the document then referred to, but it was informed that the Union Government did not consider it to be in the nature of a petition. It was unnecessary to waste any time in defining what a petition was; the fact was that the document in question expressed the views of certain parts of the population of South West Africa. During the examination of the annual report, it was decided to adjourn the discussion of the attitude of that element of the population until the document had been received.

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<sup>1</sup> See Minutes of the Thirty-first Session of the Commission, page 112.

Mr. ANDREWS thanked the Chairman for his welcome. He had no preliminary observations to offer on the document in question, though he was at the disposal of the Commission for any supplementary information it might desire. The views of the Union Government had already been expressed in his covering letter dated October 5th, 1936, transmitting the document.

The CHAIRMAN said that a Sub-Committee had examined the document, and as a result of that examination, the members of the Commission would put some questions to the accredited representative.

QUESTION OF DR. HIRSEKORN'S QUALIFICATIONS AS AUTHORISED REPRESENTATIVE OF THE GERMAN POPULATION IN THE TERRITORY.

M. VAN ASBECK asked, in order to put the petition in its right setting, who exactly was Dr. Hirsekorn.

Mr. ANDREWS said he was, at the moment, a naturalised Union citizen ; he had been for many years a prominent attorney in South West Africa, and prior to that had been in Government service under the German regime. He was also a member of the South West Africa Assembly and of the Executive Committee and the Advisory Council. Other information in regard to Dr. Hirsekorn would be found in the Minutes of Evidence of the South West Africa Commission.

M. VAN ASBECK therefore presumed that he was a prominent Union national of German extraction and of moderate political views.

Mr. ANDREWS said he had been regarded for a number of years as a representative of the " moderate " point of view. Whether that position had changed, he was unable to say.

M. VAN ASBECK observed that the petition was submitted by Dr. Hirsekorn on behalf of the German population of South West Africa. Was he entitled to speak for the whole German population, and had he a mandate to submit a petition on their behalf ?

Mr. ANDREWS said that the South West Africa Commission invited Dr. Hirsekorn and everyone who was interested to give evidence before it, and, as revealed in the Minutes of Evidence, had hoped very much that a large number of prominent citizens of German origin would have availed themselves of the opportunity. Despite that fact, Dr. Hirsekorn alone of the prominent personalities had come forward to present what might be called the " German case ".

M. VAN ASBECK asked if it could therefore be assumed that the petition was drawn up by some form of association of Germans and entrusted to Dr. Hirsekorn for submission to the Mandates Commission.

Mr. ANDREWS was afraid he had no knowledge as to the origin of the memorandum, other than what was contained in the documentation presented to the Mandates Commission.

CHARACTER AND GENERAL SPIRIT OF DR. HIRSEKORN'S COMMUNICATION : TASK OF THE COMMISSION.

M. VAN ASBECK, turning to the contents of the petition, said its general spirit had been explained by Dr. Hirsekorn on page 5 of his letter of July 25th, 1937, to the Prime Minister of the Union, where he made the following statement :

" I wish to point out the one-sided prejudiced nature of the report to the detriment of the German population. With this object in view, it seems to me important to show that the report of the Commission in a biased way makes use of a large number of extracts from letters (pages 55 to 63 of the report) in order to place the German population in the wrong, whilst, on the other hand, the matter contained in certified extracts from letters, which are to the advantage of the German population, are put aside as worthless and irrelevant."

He thought the Commission might deal with the petition independently of that expression of opinion. The petition was of value to the Mandates Commission because on certain points it gave the views of the German population, which comprised a large part of the white population of the territory under mandate. He proposed, therefore, that the Commission should examine it as regards the major problems on which it touched, leaving aside those parts which had no immediate interest. Since the petition was drawn up, the Commission had received the annual report for 1936 containing a declaration by the Union Government on the attitude

it intended to take regarding the "problem of the fifth province" (pages 4 to 6 of the report). The so-called fifth province policy had been set aside by the Union Government, so that it would appear that paragraphs 2 to 4, 27, 28, and 34 of the memorandum had no immediate interest.

Mr. ANDREWS said the Union Government held the view that the memorandum was more in the nature of a controversy between a witness and the South West Africa Commission. That Commission had examined evidence, both documentary and oral (including that of Dr. Hirsekorn), and had issued its conclusions. The Union Government in turn had considered the Commission's report, and had issued its Declaration of Policy thereon in December 1936. It had also expressed its views on the character of the memorandum in a letter to Dr. Hirsekorn in November 1936.

M. VAN ASBECK observed that the attitude of the Union Government to the petition was well known; but he did not think that precluded the Mandates Commission from examining it in so far as it touched upon questions affecting the German population.

The CHAIRMAN agreed. There were two dangers to be avoided: on the one hand, the matter should not be treated as if it were of unusual importance; and, on the other hand, the Commission must not lay itself open to the reproach of having failed in its duty of examining documents presented to it concerning the administration. It must seek a middle course between those two dangers. The Commission was examining a petition expressing the views of an authorised representative of the German population of the territory or at least of a part of that population.

Mr. ANDREWS was glad to have that expression of opinion, for it would be appreciated that it would have been equally open to other sections who were dissatisfied with the South West Africa Commission's findings or the Government's policy to submit memoranda as well. The relative importance of the present memorandum could perhaps be assessed on that basis.

The CHAIRMAN said that, by examining the documents before it, the Mandates Commission was not in any way siding with the authors of those documents. If all the documents came from one side, the Commission might note the fact; but that would not affect its attitude.

M. PALACIOS said he did not propose to say much on the point under discussion, since the documentary material before the Commission was very full and quite sufficient to enable it to form its opinion of the facts. That being so, he had two questions only to put to the accredited representative.

In the first place, what importance did the mandatory Power attach to the Hirsekorn document not being treated as a petition? When the point had first arisen some months previously, he was under the impression that the mandatory Power referred to the document as a "petition". Did that mean that it had now changed its mind as to the document and its annexes? If so, what was the significance of the change?

To continue, what emerged most clearly from Dr. Hirsekorn's statements was the fact that, over a certain period, the policy followed in the territory was one which favoured the German population, or was at any rate marked by a well-disposed conciliatory spirit, and that, later, a different line was taken, which the petitioner regarded as prejudicial, and which, in his view, was an essential factor in connection with the subsequent course of events. Was that so? In any case, M. Palacios would like to know whether the present situation—that was to say, the situation of the last few months—was to be regarded as more serious, less serious or stationary, so far as the relations between the mandatory Power and the German population of the territory were concerned.

Mr. ANDREWS said the classification of the document before the Commission was a question of appreciation, and perhaps not of great importance. As a matter of detail, he did not think the documents were originally referred to by the accredited representative, when he was examined in June last, as a "petition". He thought the Chairman had then merely used that description on the basis of the Press reports. The Union Government felt that the document was not a petition *stricto sensu*. The position was as follows: The Government had appointed a Commission to investigate certain constitutional matters in South West Africa; that Commission examined a large number of witnesses, weighed the evidence, and issued its report. The Government took certain decisions after considering the report, and subsequently advised the Mandates Commission of the situation.

The present matter involved a witness who gave voluminous evidence before the Commission, evidence which had been tested by the South West Africa Commission in the light of other evidence placed before it. The witness, however, was not satisfied that due consideration had been given to his evidence, and he had therefore incorporated his complaint in a memorandum to the Union Government, which had expressed its view thereon in a letter to Dr. Hirsekorn of November 30th, 1936. In the circumstances, the memorandum hardly appeared to be of the true nature of a petition, but, nevertheless, the mandatory Power had furnished all relevant documentary material to the Mandates Commission to assist it to arrive at its own appreciation of the matter.

The CHAIRMAN did not attach undue importance to that point, but pointed out that, according to the Minutes of the thirty-first session (page 112), the accredited representative, Mr. Courtney Clarke, had used the term "petition". He thought it useless for the Commission to waste too much time over a controversy as to the nature of the document, because it was considering it as if it were a petition. He quite understood that this was a peculiar case. It was a petition expressing the discontent of a witness before the Commission of Enquiry; therefore, although the cause of the discontent was very different from those to which petitions usually referred, in form it was the same kind of document and had therefore to be considered in accordance with the Commission's rules of procedure.

The object of the examination was to enable the Commission to inform the Council what impressions it had derived from the petition and from the explanations received. He therefore asked the members to put their questions with a view to ascertaining whether the Commission could make any useful recommendation, through the Council, to the mandatory Power.

M. PALACIOS said the Commission was very grateful to the mandatory Power for having supplied so much useful documentation. He would like to press his question regarding the petitioner's position. Certain reports would seem to imply that he was an extremist of the Right. Others represented him to be the President of a new German party of a democratic kind. Was that so?

Mr. ANDREWS would not like to take upon himself the responsibility of classifying Dr. Hirsekorn's political tendencies. The Minutes of Evidence of the South West Africa Commission would furnish some information on that point. So far as he stood in relation to the South West Africa Commission, he was presenting the case of the German-speaking community.

M. PALACIOS noted that, in any case, the Commission could take it that Dr. Hirsekorn faithfully represented German opinion in the country, even though he might not be expressly authorised to do so.

Mr. ANDREWS had no doubt that he represented German opinion, but as M. Palacios himself might know, both from reading the memorandum submitted and from a perusal of the somewhat voluminous evidence, German opinion had not been united in the country; there had been a moderate opinion and an extreme opinion. Whether Dr. Hirsekorn now represented both those elements, he could not say.

M. PALACIOS said the documents, and more particularly the petition, appeared to indicate that the determining factor in the development of the German movement had been the Unionist movement for a fifth province. That was a very important consideration to be borne in mind in any judgment of the situation. Now that the declaration of the Government had been issued to the effect that there would be no change in that direction in the administration of the territory, had there been an improvement in the situation?

Mr. ANDREWS could only say that, since the promulgation of the Government's Declaration of Policy of December 11th, 1936, and of Proclamation 51 of March 27th, 1937, too little time had elapsed to state definitely what the permanent reaction was in South West Africa. In other words, the political situation was in a wholly fluid state.

M. PALACIOS gathered that the position was much as it was when the accredited representative was last before the Commission.

Mr. ANDREWS had no reason to think that there had been any change; the position had been fluid then; it was fluid now.

M. VAN ASBECK said the Sub-Committee had mentioned four important problems interesting the German population. The study of those questions had been divided among the members of the Commission.

#### NATURALISATION AND THE QUESTION OF DUAL NATIONALITY.

M. PALACIOS, referring to the problem of dual nationality, asked whether there were persons not of German origin who were in the same position; if so, had there been any difficulties?

Mr. ANDREWS had not heard of any. The Naturalisation Act of 1924 applied, of course, only to the subjects of "late enemy Powers". The problem had mainly arisen in regard to persons of German origin in the territory. He was not aware of a single instance of other "late enemy" subjects raising the question of dual nationality.



M. VAN ASBECK asked whether the Nationality Act of the Union contained any provisions requiring applicants for naturalisation to produce documents to the effect that they had lost or would lose their former nationality, or had renounced or would renounce it.

Mr. ANDREWS said the South African Statute of 1926 did not contain such a provision. Approved applicants were, however, required to take an oath of allegiance.

M. VAN ASBECK laid stress on the fact that the controversial point in the question of dual nationality was whether the Germans who had been naturalised *en bloc* in 1924 had retained their own nationality outside the mandated territory. It was important to have a clear idea on that point, because in the discussions of recent years it had always been alleged that the Germans had introduced a new element in the political situation—namely, that they claimed to have dual nationality. The petitioner gave certain views on that point in paragraph 7 of his letter dated March 17th, 1937, to the Prime Minister of the Union of South Africa, where he alluded to a declaration of the then Administrator, Mr. Hofmeyr, who had explained to the German section of the population that they would retain their original nationality if they were naturalised *en bloc*. The Union section of the population reproached the Germans for having introduced the problem of dual nationality, which they said was unlawful and went against the spirit in which the naturalisation *en bloc* had been carried out.

M. van Asbeck would like to have a clear statement from the accredited representative as to whether, in his view and in the view of his Government, it was correct to say that the Germans who had been naturalised *en bloc* had retained their own nationality *outside the Union and the mandated territory*, and that when they were in the world at large they were under the protection of Germany but that, within the Union and the mandated territory, they had only one nationality, that of the Union.

Mr. ANDREWS said that the petitioner's views on this point as set out in his memorandum were largely a repetition of evidence which had been tendered to and considered by the South West Africa Commission. The evidence of other parties in South West Africa on the question of dual nationality had, of course, also been tendered to the Commission. The findings of the South West Africa Commission on this subject, which would be found in paragraphs 231 to 239 of its report, were perhaps the best answer to M. van Asbeck's enquiry, the substantive section being paragraph 232, which read as follows :

“ Dual, or even multiple, nationality, like statelessness, is a well-known phenomenon. No reproach can, as a rule, be levelled at the individuals concerned, seeing that their position is attributable to conflicting municipal laws. But *vis-à-vis* the State to whom they have freely assumed the obligations implied in allegiance, it is merely a fortuitous circumstance that another State also claims them as subjects. The recognised exception to the rule is of no importance here—*viz.*, that the State of adoption cannot expect its writ to follow them within the jurisdiction of their country of origin. To the State of adoption they owe the same allegiance as natural-born subjects. It would be intolerable if such a State, while according them all the rights and privileges of subjects, was bound to suffer them to conduct themselves as foreigners, and to exploit the public rights so conferred in the interests of a foreign State.”

That was the conclusion of the South West Africa Commission after having heard the evidence on dual nationality.

As to the Union Government's view on this matter, it had been explicitly stated in its Declaration of December 1936 in regard to the Administration of South West Africa as incorporated in the annual report for 1936. The final paragraph on page 5 thereof read as follows :

“ The Government also does not recognise the validity of any claim to double nationality within the Territory. This claim has no foundation, either in law or in fact. Persons who have been naturalised as Union nationals are, in the Mandated Territory, exclusively Union nationals, as the Prime Minister and General Smuts declared in 1924. Every claim, demand or excuse, *vis-à-vis* the Mandatory, based on German nationality is unjustified and founded on untenable grounds. The Union Government demands the full and undivided loyalty of its nationals and will be bound to take all available measures against acts which are incompatible with such loyalty.”

The CHAIRMAN said that, in the documentation before the Commission, it was stated that those individuals who might have either no nationality or a double nationality were very often quite innocent and were the victims of a conflict of laws. The latter had been naturalised by the new State but had not been released by the former State. It was, of course, always within the power of the State whose naturalisation was sought to grant it only to those individuals who not only abjured their former allegiance but who could show that they were released from it. In that way, the conflict of laws could be avoided.



He assumed that the policy followed in 1923 and 1924 by the Union Government was a policy of reconciliation between the Union and Germany. The intention had been to establish good feeling between the two countries, and the matter of release from German citizenship was left in the background, it being felt that the individuals concerned would avail themselves of the privilege offered and, in time, become assimilated to the Union. The situation had changed in 1933, when a very different conception of the rights and duties of German-born citizens prevailed, and the Chairman submitted that that was the real origin of the conflict. If the state of mind existing when the agreements were made in 1923 and the naturalisation law passed in 1924 had prevailed, there would be no difficulty to-day. A new situation had, however, arisen, and the Chairman assumed that, if the naturalisation law had to be revised to-day, dual nationality would be effectively rendered impossible. Germans seeking naturalisation would be asked, not only whether they were prepared to renounce their former allegiance, but whether they could prove that they were released from it; otherwise, they would not be granted naturalisation.

The change in the state of mind of the Germans seemed to be borne out by the fact that there were now Germans in the country who, although fulfilling the residential requirements, refused to seek naturalisation, whereas they formerly regarded naturalisation as a favour of which they readily availed themselves.

The Chairman thought he had just made a fair statement of the position. If so, it would call for some action on the part of the Union Government to deprive those who claimed double nationality of any excuse and to place them before the alternative of being released from their former citizenship or renouncing their Union citizenship. This uncertain state of affairs, which presented no major inconvenience or difficulty so long as the relations between Germany and the Union Government remained as they were in 1922, had now become intolerable. Was that a fair statement of the position?

Mr. ANDREWS said it was certainly in a spirit of conciliation that the question of nationality had been dealt with in the London Agreement of 1923. He could not, of his own knowledge, say whether the question of "dualism" was kept in the background at that time out of regard for conciliation, or whether it was discussed. It was a fact, however, that, in a spirit of conciliation, the mandatory Power had wished to give German nationals in South West Africa an opportunity of sharing in the administration in view of the introduction of the new Constitution a year later. The idea then was that they should accept British citizenship, in order to qualify for the franchise and to be able to assume the rights and obligations of citizens of the Mandate. So far as the history of the matter was concerned, he was not sure whether the question of "dualism" arose at that stage or not.

The CHAIRMAN recalled that one of the negotiators of the London Agreement (who had later on become a member of the Mandates Commission) had stated that the German Government found it relatively easy to make that concession because, according to German law, the Germans would still remain Germans.<sup>1</sup>

Mr. ANDREWS, adverting to the Chairman's reference as to methods of dealing with the difficulty of dual nationality, said that, of course, any amendment of the South African naturalisation laws was a matter of policy, and although he was not aware of any intention to legislate, events in South West Africa could always be taken into consideration.

It was also true—as the Chairman had remarked—that there was a large number of German nationals in South West Africa who, under the present naturalisation laws, were qualified for naturalisation but did not avail themselves of it. The reason was, he thought, that, according to the German viewpoint, although automatic naturalisation did not result in loss of German nationality, yet naturalisation by application would have that consequence. Therefore, they did not desire to avail themselves of naturalisation by application under the existing South African law.

The Union Government's attitude was expressed in the following passage from the Declaration of Policy of December 1936 (paragraph 2, page 6 of the annual report for 1936):

"At present there are many aliens, consisting almost exclusively of Germans, in the territory who possess the necessary residential qualifications for naturalisation and who could thus, if they so desired, be naturalised, but who are not prepared to make use of this right. As long as this attitude persists, the Union Government does not see the desirability or the necessity of an amendment to the Naturalisation Act."

M. VAN ASBECK thanked the accredited representative for the answer he had given to his former question. It was clear from what he had said that, in the last paragraph of page 5 of the annual report for 1936, the emphasis fell on the words "within the territory".

<sup>1</sup> See the *Kolonial Warte* of January 19th, 1924.

Various elements tended to prove that, outside the Union and the territory under mandate, the Germans naturalised *en bloc* had conserved their own nationality. That view was expressed in the course of the London interviews of the sub-committee which visited the various capitals in the early months of 1922<sup>1</sup> and during the negotiations regarding the London Agreement of 1923.

M. van Asbeck would like to put a practical question. To what extent and in what form had nationals of the Union of German origin made claims to dual nationality? Had their claims been addressed to the Union Government or the Government of the territory under mandate, and had there been any difficulty within the territory regarding the practical effect of their dual nationality?

Mr. ANDREWS replied that the position was that within the Union and the mandated territory naturalised persons enjoyed the same rights and were required to fulfil the same obligations as Union nationals; in their country of origin, it was not expected that the writ of the naturalising country would run; elsewhere they would, as a matter of courtesy, receive the good offices of Union or other British representatives abroad.

As regards the second part of the question, he thought that the existence of the claim to dual nationality had in great part contributed to the distrust which had soured relations between the various elements of the European population in South West Africa.

One aspect of the practical problem was mentioned in paragraph 238 of the South West Africa Commission's report in relation to the question of military service. The South West Africa Commission extensively questioned Dr. Hirsekorn on the matter. The German view, as quoted in the report, was that "Germans abroad are for the time being exempted from military service, but will in all probability be called up next year. Those who live in South West Africa must undergo their medical tests for military purposes here. At their request, they can be exempted for a longer period." This was an instruction to persons who were naturalised Union nationals. The practical difficulties that could thus arise from a divided allegiance could easily be imagined.

The CHAIRMAN said it was clearly impossible for the Mandates Commission to examine point by point all the allegations made by Dr. Hirsekorn and all the replies of the mandatory Power, together with its entire policy on this matter. Having examined the documents in the presence of the accredited representative, he thought the position might be stated to be as follows:

The petitioner merely asked for an opportunity of enlightening the Mandates Commission, and to the extent that his comments had increased the information at the disposal of the Commission that was so much to the good. The Commission was not, however, asked to redress any particular grievance; therefore, he did not think any special recommendations were required.

M. VAN ASBECK thought the Commission should confine itself to certain major problems, such as the question of dual nationality. With regard to Germans possessing the necessary qualifications for naturalisation, who refrained from applying for it, it was quite clear, from the accredited representative's reply, that they did not ask for naturalisation because, by so doing, they would lose their former nationality, whereas if the procedure of naturalisation *en bloc* was applied to them they would retain it. That was a new element in the position, which made it easier to understand the attitude of the German inhabitants, and threw a new light on paragraph 2, page 6, of the annual report for 1936, which the accredited representative had just read.

#### NATURALISATION AND THE ACQUISITION AND PRACTICE OF POLITICAL RIGHTS.

On behalf of the Sub-Committee, M. VAN ASBECK asked the Commission to pass to the second question of a general character—namely, the question of naturalisation and political rights.

M. GIRAUD asked the accredited representative whether the views expressed by Dr. Hirsekorn on the subject of naturalisation really represented those of the German population in the territory at large, or merely those of a section of that population. Mr. Andrews had said that German opinion within the territory was not united; in that case, he would like to know whether, on this particular point, Dr. Hirsekorn really spoke for them all or not.

Mr. ANDREWS hoped he had not been misunderstood. He would not like to say that German opinion was divided at the moment. It was revealed in the Minutes of Evidence that there had been a division of opinion as between "moderates" and "extremists" in South West Africa, covering the period of events which were the subject of investigation by the South West Africa Commission. Whether that division had now been healed or not, or whether the German community spoke as one body, was outside his knowledge.

As to whether Dr. Hirsekorn represented the generality of German opinion, Mr. Andrews could only repeat that he was the sole important German witness who had appeared before the Commission. It was a matter of great regret to the Commission that other important Germans did not avail themselves of the opportunity to state their attitude, a regret which

<sup>1</sup> See document C. 54(a). M. 45. 1922. VII.

was very definitely emphasised by Mr. Justice van Zyl. It could not be too strongly stressed that, although the German community had been given an unhampered opportunity to appear before the South West Africa Commission, Dr. Hirsekorn was the only prominent German to come forward and state the German case.

M. GIRAUD said that the standpoint of the Germans in South West Africa on the subject of naturalisation and the acquisition of political rights was well known. In their view, since mandated territories were not an integral part of the territory of the mandatory Powers, but were merely administered by the latter at the request, and in the name, of the League of Nations, foreigners were entitled, not only to reside in South West Africa, but also to have the same rights there as nationals of the mandatory Power. It was in the light of that general principle that the Germans demanded the right to vote for all whites in South West Africa without certain of them being compelled for the purpose to adopt a foreign nationality—in their case, British nationality. That was the explanation of the demand they put forward for the institution of a special kind of nationality peculiar to the mandated territory.

The South West Africa Commission in its report pronounced decisively against those claims. But it would appear from the negotiations which followed between the parties in the territory, on the one hand, and the Union Government, on the other, that the latter's attitude was based, not so much on any clearly defined standpoint of principle, as on a desire to take circumstances into account in the solution of what it no doubt envisaged as essentially a political problem. At the time of the Capetown Agreement, accordingly, in 1932, the Union Government announced its approval of the automatic naturalisation of Europeans domiciled in South West Africa as at December 31st, 1931. Nothing, in fact, came of that Agreement, as the Government did not think it desirable to put into effect the proposed measure owing to the breach between the two elements in the territory.

In conclusion, M. Giraud asked whether the accredited representative did not agree that the German demand for a change in the regime applicable to naturalisation was due merely to the desire of those concerned to obtain the right of voting for political ends.

Mr. ANDREWS agreed that, in regard to mandatory citizenship, the South West Africa Commission had definitely arrived at a conclusion entirely opposite to that of the German claims on the subject. The Union Government, so far as he was aware, had not expressed any view contrary to that of the Commission.

In regard to the Capetown Agreement and the proposal for further automatic naturalisation of German nationals in the territory, the Union Government had been perfectly prepared to approve the proposal, inasmuch as it constituted part of the agreement between the German and Union sections in South West Africa, and in the hope that it would tend to greater friendship and co-operation between them. In view, however, of the subsequent cleavage, the Capetown Agreement lapsed, and the Union Government naturally could not proceed with the matter.

M. GIRAUD pointed out that Dr. Hirsekorn had further complained that the German element had not been treated with strict political impartiality, more particularly in the elections, in recent years, to the Legislative Assembly. At the 1926 election, the German party obtained seven seats and the Union party five seats. Between 1926 and the following elections, the electorate was increased by 1,251, representing about one-sixth of the previous electorate. Dr. Hirsekorn alleged that that increase was due to the colonisation policy pursued by the Government of the Union of South Africa, which distributed Crown lands only to settlers coming from the Union itself. As a result of that policy, according to Dr. Hirsekorn, the 1929 election showed a quite different result, the German party only obtaining four seats out of twelve.

Before the 1934 elections (so Dr. Hirsekorn maintained), the local authorities took certain new measures, including the naturalisation, on a large scale, of Angola Boers, who, the author of the memorandum alleged, had not the necessary qualifications. During the same period, he added, German applicants were refused naturalisation on the ground that they did not satisfy the linguistic requirements. As a result of those tactics, only one German was returned to the third Legislative Assembly.

Dr. Hirsekorn also criticised the Administrator of the territory for the use made of his constitutional right to nominate six members of the Legislative Assembly over and above the twelve elected members. After the 1926 elections, when the German party obtained seven seats against five obtained by the Union party, the administrator nominated two German members and four Union members, thus overriding the German majority. After the next elections, when the Union party had obtained a majority at the polls, the Administrator nominated three German members and three Union members. Finally, in 1934, when the German party was overwhelmed at the polls, the Administrator nominated two German members and four Union members, so that the German party had only three representatives in all out of eighteen, which, according to Dr. Hirsekorn, did not at all reflect the true strength of the German interests in the territory.

In short, his complaint was that the Administrator used his constitutional right of nomination against the German party, so as to prevent it from playing its proper part in the Legislative Assembly.

Could the accredited representative give any information regarding the various facts alleged by Dr. Hirsekorn in his memorandum? Under what conditions, or subject to what rules, did the Administrator exercise his right of nomination? Did he, for example, take the view that he should be above party? If that were so, there would seem to be two possible ways in which he could observe that attitude—namely, either by appointing politically neutral members or else by appointing three members on each side.

Mr. ANDREWS reminded the Commission that these allegations were in large measure a repetition of evidence already furnished to the South West Africa Commission. The allegations as they appeared now in the memorandum were clearly *ex parte*, and could only be viewed in that light.

It would seem to be Dr. Hirsekorn's view in regard to Assembly elections that the Administrator was obliged to counterbalance the effect of a public election by using his constitutional powers of nomination towards that end. The exercise of that responsibility was a matter entirely within the discretion of the Administrator.

Past experience would show that the Administrators accorded due regard to public opinion in the territory, as revealed by the elections, and that the guiding principle had been the interests and good government of the territory.

In regard to land settlement, Dr. Hirsekorn seemed to imply that the policy of the Administration had been directed towards the admission of additional Union nationals in order to counterbalance and outweigh German voting strength. That was entirely a matter of opinion. As to the Angola Boers, they had been South African burghers prior to their migration to Angola, and it was only natural that special facilities should have been provided for assuming Union citizenship on their return.

To put these allegations in the right perspective, it might be said that Dr. Hirsekorn was pleading that the troubles in South West Africa from 1933 onwards were in part the accumulated result of these various prior internal grievances. The South West Africa Commission had, however, arrived at the very definite conclusion, after weighing the evidence, that the motive power behind Nazi activities in the territory came from outside the territory.

M. VAN ASBECK thought it important to try to understand the psychology of the different groups of the population. The Germans imagined that, even if there were no juridical disability, there was, in fact, discrimination to their disadvantage. He had been struck by the fact that there had never previously been any petition from the German people, and now, after so many years, a petition was received which gave the impression that the Germans had suffered from a long-standing disability or discrimination. He therefore thought the petition had a certain political bearing which should be borne in mind.

The allegation of a definite disability was based on the fact that a Union national established in the territory under mandate enjoyed full political rights after one year of residence, while a German establishing himself in the territory had to wait five years before he could apply for naturalisation entitling him to full political rights. The whole matter came back to the question of naturalisation, which had already been discussed. All the Commission could do was to hope that perhaps the Union Government might find a solution which would give satisfaction to the Germans' psychological objections to the existing state of affairs as regards naturalisation.

One general consideration seemed to call for the Commission's attention. There was always a certain danger in the presence, in any territory, of a large foreign group which did not possess the nationality of the country. Experience in various parts of the world had shown that the incorporation of such groups of foreigners as nationals of the territory was the only practical solution which made it impossible for foreign influences to make themselves felt. M. van Asbeck asked the accredited representative whether it was in the mind of his Government to revert once more to the procedure of naturalisation *en bloc* in order to counterbalance, or rather to avoid, the perpetuation of a large foreign group in the territory.

Mr. ANDREWS said it was questionable whether the German grievances in regard to naturalisation were well founded. It appeared from page 25 of Dr. Hirsekorn's document, however, that what the Germans wanted was "mandate citizenship" and not naturalisation. Such citizenship, they suggested, should be based on a period of residence, after which voting rights should automatically follow without any necessity for naturalisation. "Mandate citizenship" was, however, a concept upon which the Mandates Commission had already taken a decision.

But on the assumption that there were difficulties or grievances in respect of naturalisation, M. van Asbeck had asked whether the Union Government intended doing anything to allay those grievances or to eliminate them. The answer was that the Union Government had already considered the wish of the German section that the law on the naturalisation of aliens should be amended by reducing to two years the period of residence in the territory required by law. But at this moment, there were many Germans in the territory who, although they had the five-year qualification period, had not availed themselves of their right to become naturalised Union citizens and, in the circumstances, the Government concluded that, so long as that

attitude persisted, it did not see the desirability or necessity of amending the present Act. As M. van Asbeck had realised, the reason why these Germans concerned did not want to avail themselves of the existing law was clearly that, by making application for naturalisation, they would thereby lose their German nationality.

As to the general principles of South African law on nationality upon which M. van Asbeck had put a question, Mr. Andrews said that, broadly, any person was deemed to be a natural born British subject if he was born *within* His Majesty's dominions and allegiance. Any person born within the Union (which included South West Africa for the purpose of the Nationality Act) was regarded as a Union national. Any person born out of His Majesty's dominions, whose father was, at the date of that person's birth, a British subject, and who fulfilled certain conditions mentioned in the law, was also regarded as a natural born British subject.

The South African law, however, also made provision for declaration of alienage, and the provision broadly was that any person who by reason of his having been born in His Majesty's dominions and allegiance, or on board a British ship, was a natural born British subject, but who at his birth, or whilst under the age of twenty-one years, became, under the law of any foreign State a subject also of that State and was still a subject, might, if at the age of twenty-one years or over, make a declaration of alienage, and on making the declaration would cease to be a British subject.

Any person who, though born out of His Majesty's dominions was a natural born British subject might, if of the age of twenty-one years or over, make a declaration of alienage, and on making the declaration would cease to be a British subject.

M. VAN ASBECK thanked the accredited representative for the information he had given. As regards naturalisation, the only solution, therefore, seemed to lie in enforced naturalisation.

Mlle. DANNEVIG noted that, according to the report of the South West Africa Commission, the Germans not only wanted to keep their nationality for themselves but they claimed that it must be bequeathed to their children and grandchildren. She wondered if such a question had ever been raised before. Had any people, born and living in a given territory, asked that they should be allowed to keep another nationality for generations? Would it be possible for the State to allow such a state of affairs?

Mr. ANDREWS said that, so far as the cultural side of the matter was concerned, the Union Government had already declared that it had no objection whatsoever to endeavours on the part of the German-speaking section of Union nationals to maintain their language and cultural life, and to establish for this purpose their own societies and organisations. In regard to nationality, however, the Government took an entirely different view from that of the Germans, and the instance quoted by Mlle. Dannevig was one aspect of that matter.

#### QUESTION OF THE RECOGNITION OF GERMAN AS THE THIRD OFFICIAL LANGUAGE : QUESTION OF NATIONAL-SOCIALIST ACTIVITIES.

M. VAN ASBECK, passing next to the question of the third official language, recalled that the Union Government had said that, in practice, there was no inequality in this respect in the territory. He thought the question of equality of languages was again a psychological objection on the part of the Germans. Dr. Hirsekorn was reported in the Press to have stated that he would advise naturalised Germans to continue their political activities, concentrating particular attention on the recognition of German as an official language. Recognition of German as an official language would give psychological satisfaction to the Germans. Perhaps the next report might contain information as to whether it would be possible to give the Germans that satisfaction.

There remained the fourth question—namely, the question of the National-Socialists activities. There was a very important confession on this point on page 20 (paragraph 25) of Dr. Hirsekorn's document, where the petitioner said :

"It is only natural that the Germans, as they could not obtain any other redress, and as they were divided in opinion on how to meet the situation, submitted their political, and especially their internal, difficulties to official quarters in Germany."

That was a clear confession that a considerable number of Germans, although they were Union citizens and were in the territory of the Union, thereby having only one single allegiance—namely, to the Government of the Union—had nevertheless approached a foreign Government for a solution of their difficulties. That confession, M. van Asbeck thought, closed the whole discussion. It was a clear breach of their first duty as citizens and he therefore thought it unnecessary to go further into the matter.

Such an attitude was of a nature to give rise to most serious alarm on the part of the other section of the white population. It was important to try to understand the mind, not only of the Germans, but also of the other section of the population.

Lastly, to revert to a very positive allegation of the petitioner, which did not, however, fall within the same class as the four major problems, much had been made of certain extracts

from letters published in the report of the South West Africa Commission, to which the Germans had taken exception, on the ground that extracts gave a distorted view of the real meaning. The mandatory Power had supplied the full text of the letters in question. Their perusal gave the same impression as that obtained by reading the extracts quoted in the report. The accusation in question could therefore be dismissed. It was regrettable that, on the other side, Dr. Hirsekorn had not been able to give the full text of the letters from which he himself had quoted extracts.

Mr. ANDREWS thought the Union Government fully appreciated the psychological aspect of the question of language. The Declaration of Policy of December 1936 stated that the Union Government had given its earnest consideration to the recommendation of the South West Africa Commission to recognise German as an official language. In 1932, the Union Government indicated that it was prepared to introduce such supplementary legislation into the Union Parliament as might be necessary to give full effect to an Ordinance of the Legislative Assembly of the mandated territory recognising German as an official language in South West Africa. This attitude had not changed. However, the Union Government was not prepared to bring any pressure to bear on the population in South West Africa in the matter, and could only express the hope that, as a result of greater mutual goodwill and improved understanding, both sections would make the necessary contributions and that the time would arrive when this matter would find its solution. The Union Government was perfectly prepared to take the necessary steps, but it was a question of the development of better understanding in the territory.

#### CLOSE OF THE HEARING.

The CHAIRMAN recalled that the chief task of the Mandates Commission was to transmit to the Council of the League its observations on any matter affecting the working of the mandatory system, more particularly from the point of view of the progress of the native populations. The document which it had just examined was clearly prompted by other considerations. The political purpose of the document was so clear that the Mandates Commission's own position was much simplified. Neither the authors nor anyone else could deny that the document was primarily of a political character. It was the Commission's duty to leave out of consideration these political motives and to consider the document solely from the point of view of the good working of the mandatory system. Questions of general administration which might arise could be examined by the Commission within the framework of an annual report on the next occasion.

The Chairman thanked Mr. Andrews particularly for his co-operation. It was not in the normal order of things that the Commission should call upon him during the present session, and the discussion had been of such a character that it was exceptionally difficult for him to lend his assistance. It was therefore all the more appreciated.

#### SEVENTEENTH MEETING.

*Held on Thursday, November 18th, 1937, at 3.30 p.m.*

#### **Syria and Lebanon : Observations of the Commission (continuation).**

*After an exchange of views, the Commission adopted, at a second reading, the text of its observations concerning Syria and Lebanon (Annex 20).*

#### **Togoland under French Mandate : Observations of the Commission.**

*After an exchange of views, the Commission adopted the text of its observations concerning Togoland under French Mandate (Annex 20).*

#### **Petitions rejected in virtue of Article 3 of the Rules of Procedure in respect of Petitions : Report by the Chairman.**

*The Commission noted the Chairman's report (Annex 3).*

#### **Syria and Lebanon : Petitions.**

PETITION, DATED APRIL 9TH, 1936, FROM M. ABDALLAH MAHMOUD AKKARI, SAFITA.

*On the proposal of Count DE PENHA GARCIA, Rapporteur, the Commission decided to remove this petition from its agenda as null and void, the mandatory Power having stated that the document was a forgery.*

PETITIONS (FOUR IN NUMBER) RELATING TO SYRIAN UNITY, AND CONCERNING THE STATUS OF LATAKIA.

M. SAKENOBE explained that he would like to discuss at least one of these petitions with the accredited representative of the mandatory Power. He therefore proposed that the examination of these four petitions, none of which were urgent, should be postponed.

*M. Sakenobe's proposal was adopted.*

PETITIONS (FORTY-SIX IN NUMBER) RELATING TO SYRIAN UNITY (*continuation*): PETITION, DATED FEBRUARY 19TH, 1937, FROM M. IZZET MOKADDEM, TRIPOLI: PETITION, DATED JULY 8TH, 1937, FROM M. R. CHAMBOUR AND OTHER SIGNATORIES.

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report (Annex 9).*

TWO PETITIONS, IN IDENTICAL TERMS, DATED MAY 13TH AND 11TH, 1937, RESPECTIVELY, FROM GROUPS OF INHABITANTS OF LATAKIA, HOMS AND DAMASCUS, AND FROM MGR. EPIPHANIOS AND OTHER SIGNATORIES, TRIPOLI.

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report (Annex 13).*

PETITIONS (TWELVE IN NUMBER) FROM INHABITANTS OF UPPER JEZIREH: PETITIONS, DATED AUGUST 6TH AND 24TH, 1937 (WITH ANNEXES), FROM M. MICHEL DOMÉ, KAMECHLIÉ, AND OCTOBER 1ST, 1937, FROM MAHMOUD IBRAHIM PASHA, FATHER GABRIEL AND OTHERS, RAS-EL-AIN.

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report (Annex 8).*

PETITION, DATED APRIL 13TH, 1936, FROM M. AHMED EL-FIL, JOURNALIST, AND OTHER INHABITANTS OF MASSIAF.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 4).*

PETITION, DATED JUNE 10TH, 1936, FROM M. EMILE HABBOUCHE, RAYAK.

After an exchange of views, *the Commission adopted the conclusions of Mlle. Dannevig's report (Annex 7).*

PETITIONS, DATED APRIL 1ST AND OCTOBER 1ST, 1936, AND JULY 26TH, 1937, FROM M. SAMI SLIM, BEIRUT.

After an exchange of views, *the Commission adopted the conclusions of Mlle. Dannevig's report (Annex 11).*

PETITIONS, DATED MAY 24TH AND JULY 19TH, 1937, TRANSMITTED BY MGR. PAUL MÉOUCHI, MARONITE ARCHBISHOP OF TYRE (*continuation*).

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 12).*

PETITION, DATED JUNE 26TH, 1936, FROM MME. F. SFER, ROME.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 6).*

PETITION, DATED FEBRUARY 12TH, 1937, FROM M. CHARLES DAUD AMMOUN, EDITOR OF THE NEWSPAPER "LE JOUR", BEIRUT.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 14).*



PETITION, DATED AUGUST 29TH, 1936, FROM M. ZAKI EL-KHATIB, DAMASCUS.

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report* (Annex 15).

PETITION, DATED JANUARY 31ST, 1937, FROM M. HIKMAT TOUMA AND OTHER SIGNATORIES, JERABLUS.

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report* (Annex 16).

PETITION, DATED FEBRUARY 4TH, 1936, FROM DR. CHICHAKLI, HAMA.

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report* (Annex 5).

PETITION, DATED FEBRUARY 26TH, 1937, FROM M. MUSTAPHA CHAHO, CHIEF OF THE DANCING DERVISHES, ANTIOCH.

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report* (Annex 10).

**Cameroons and Togoland under French Mandate (continuation) : Observations common to both Territories.**

After an exchange of views, *the Commission adopted the text of its observations common to Cameroons and Togoland under French mandate* (Annex 20).

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#### EIGHTEENTH MEETING.

*Held on Friday, November 19th, 1937, at 3 p.m.*

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**Islands under Japanese Mandate : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning the Islands under Japanese mandate* (Annex 20).

**Syria and Lebanon : Petition, dated August 12th, 1936, from M. Namé Tabet, Beirut (continuation).**

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report* (Annex 17).

**South West Africa : Memorandum, dated March 17th, 1937, from Dr. H. B. K. Hirsekorn, Windhoek (continuation).**

After an exchange of views, *the Commission adopted the conclusions of the Sub-Committee's report* (Annex 18).

**Date of the Next Session of the Commission.**

The Commission decided, in principle, that its thirty-fourth session should begin on Wednesday, June 8th, 1938.

**Publication of the Report and of the Minutes of the Thirty-third Session of the Commission.**

M. DE HALLER reminded the Commission that, under the regulations laid down by the Assembly for the advisory Commissions of the League, the reports and Minutes of these Commissions were distributed simultaneously to the Members of the League, and were published when forwarded to the Council in their printed form, unless the Commission concerned decided otherwise.

The Commission had therefore to decide whether it desired, with regard to the report and Minutes of the present session, to make any exception to this rule.

*The Commission decided that it was not necessary to make any exception to the rule.*



**Representation of the Commission at the Session of the Council in January 1938.**

*The Commission decided that, in the event of M. Orts, the Chairman, being unable to attend the January (1938) session of the Council, at which the report on the work of the thirty-third session of the Commission would be examined, it should be represented by M. Rappard or, failing M. Rappard, by another member to be appointed for the purpose by the Chairman.*

**List of Annexes to the Minutes of the Session.**

*The list of annexes was adopted.*

**Examination of the Draft Report to the Council.**

*After an exchange of views, the Commission adopted the draft report to the Council on the work of its thirty-third session (Annex 20).*

**Programme of Work for the Next Session of the Commission.**

*The Commission decided to instruct the Acting Director of the Mandates Section to consult the Chairman of the Commission by letter.*

**Tribute to M. Catastini.**

The CHAIRMAN said that, so far as could be seen, the Commission would henceforth be deprived of the presence of M. Catastini. It was with keen regret that he took leave of M. Catastini, former Director of the Mandates Section and later expert attached to the Commission, with whom he had worked in the Secretariat for a number of years. It had even been his lot to initiate M. Catastini in the work of the Commission. The Chairman was sure he was speaking for all the members of the Commission when he declared how much they owed to M. Catastini, how much they regretted his departure, and how happy they would be, if circumstances permitted, to see him at some future time.

**Close of the Session.**

The CHAIRMAN once more expressed the Commission's best wishes for the complete recovery of M. Orts and of Lord Hailey, and, after the customary thanks, declared the session closed.

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C.P.M.1969.

ANNEX I.

LIST OF DOCUMENTS<sup>1</sup> FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- |   |   |
|---|---|
| A. <i>Syria and Lebanon.</i>              | D. <i>Togoland under French Mandate.</i>  |
| B. <i>Cameroons under French Mandate.</i> | E. <i>Islands under Japanese Mandate.</i> |
| C. <i>Ruanda-Urundi.</i>                  | F. <i>Western Samoa.</i>                  |

A. SYRIA AND LEBANON.

*Annual Report.*

Report to the League of Nations on the Situation in Syria and Lebanon, Year 1936.

*Various Official Publications.*

1. Official Bulletin on the Administrative Acts of the High Commissariat.<sup>2</sup>
2. Official Journal of the Syrian Republic.<sup>2</sup>
3. Official Journal of the Lebanese Republic.<sup>2</sup>
4. Official Journal of the Government of Latakia.<sup>2</sup>
5. Budget of the Lebanese Republic, Financial Year 1936.
6. Budget of the Government of the Jebel-Druse, Financial Year 1936.
7. Budget of the Government of Latakia, Financial Year 1936.
8. Budget of the Autonomous Sanjak of Alexandretta, Financial Year 1936.
9. Quarterly Economic Bulletin of the Levant States under French Mandate (Syrian Republic, Lebanese Republic, Government of Latakia, Sanjak of Alexandretta, Government of the Jebel-Druse), Year 1936.<sup>2</sup>
10. Note on the exhibition of work carried out in Syria by the Land and Cadastral Services.<sup>2</sup>
11. Note on the land and cadastral systems of the States of Syria and Lebanon.<sup>2</sup>
12. Note on the re-occupation of properties and land improvement works with a view to laying out and developing agricultural land.<sup>2</sup>
13. Note on the dividing-up of the Musha'ad lands jointly owned by the community and land improvement works with a view to laying out and developing the same.<sup>2</sup>
14. Syrian Republic. Report on the cadastral and land improvement works carried out in 1936.<sup>2</sup>
15. Lebanese Republic. Report on the cadastral and land improvement works carried out in 1936.<sup>2</sup>

B. CAMEROONS UNDER FRENCH MANDATE.

*Annual Report and Legislation.*

Annual Report by the French Government to the Council of the League of Nations on the Administration under Mandate of the Cameroons Territory for the Year 1936 (legislation annexed hereto).

<sup>1</sup> (a) The documents mentioned in this list have been sent to the Secretariat for the use of the Permanent Mandates Commission. Unless otherwise indicated, the Members of the Commission should have received a copy of all these documents.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

(b) The petitions forwarded by the mandatory Powers, together with their observations on those 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.

<sup>2</sup> Kept in the archives of the Secretariat.

*Various Official Publications.*

1. Budget of Income and Expenditure. Financial Year 1937.
2. Special Budget of Large-scale Works and Sanitary Expenditure from Loan Funds. Financial Year 1937.
3. Official Gazette of the Cameroons Territory.<sup>1</sup>

C. RUANDA-URUNDI.

*Annual Report and Legislation.*

1. Report by the Belgian Government to the Council of the League of Nations on the Administration of Ruanda-Urundi during 1936 (legislation annexed hereto).
2. Codes and Laws of the Belgian Congo, 1934 Edition.
3. Legislation and Regulations of Ruanda-Urundi.

*Various Official Publications.*

Official Bulletin of Ruanda-Urundi.<sup>1</sup>

D. TOGOLAND UNDER FRENCH MANDATE.

*Annual Report and Legislation.*

1. Annual Report 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 1936 (legislation annexed hereto).
2. Study of the legal customs of the Togoland tribes (Draft by M. Thébault, Doctor of Law, Prosecutor of the Republic at Lomé).<sup>1</sup>

*Various Official Publications.*

1. Analytical summary of the questions raised by the members of the Permanent Mandates Commission during the meetings of that body and replies by the delegate of the mandatory Power.
2. Official Gazette of the Territory of Togoland under French Mandate.<sup>1</sup>

E. ISLANDS UNDER JAPANESE MANDATE.

*Annual Report and Legislation.*

Annual Report to the League of Nations on the Administration of the South Sea Islands under Japanese Mandate for the Year 1936 (legislation annexed hereto).

F. WESTERN SAMOA.

*Annual Report and Legislation.*

1. Seventeenth Report of the Government of New Zealand on the Administration of the Mandated Territory of Western Samoa for the Year ended March 31st, 1937.
2. New Zealand. The Samoa High Court Amendment Rules, 1936.
3. Samoa. No. 1/1936. — The Personal Tax Abolition Ordinance, 1936.  
No. 2/1936. — The Samoan Offenders Ordinance Repeal Ordinance, 1936.  
No. 3/1936. — The Revenue Amendment Ordinance, 1936.  
No. 4/1936. — The Ordinances Amendment Ordinance, 1936.  
No. 5/1936. — The Shopping Hours Amendment Ordinance, 1936.  
No. 6/1936. — The Samoa Health Amendment Ordinance, 1936.  
No. 1/1937. — The Land Survey Ordinance, 1937.  
No. 2/1937. — The Native Land and Titles Protection Amendment Ordinance, 1937.  
No. 3/1937. — The High Court Fees Amendment Ordinance, 1937.  
No. 4/1937. — The Dog Registration Amendment Ordinance, 1937.  
No. 5/1937. — The Revenue Amendment Ordinance, 1937.

<sup>1</sup> Kept in the archives of the Secretariat.

*Various Official Publications.*

1. Trade, Commerce and Shipping Report of the Territory of Western Samoa for the Calendar Year 1936.
2. Legislative Council Debates<sup>1</sup>:  
Session of 1936 (December 16th, 1936).  
Session of 1937 (July 12th, 1937).
3. The Western Samoa Gazette.<sup>1</sup>

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ANNEX 2.

C.P.M.1848(2).

AGENDA OF THE THIRTY-THIRD SESSION OF THE PERMANENT  
MANDATES COMMISSION.

- I. Opening of the Session.
- II. Examination of the Annual Reports of the Mandatory Powers :  
Syria and Lebanon, 1936.  
Cameroons under French Mandate, 1936.  
Ruanda-Urundi, 1936.  
Togoland under French Mandate, 1936.  
Islands under Japanese Mandate, 1936.  
Western Samoa, 1936/37.
- III. Petitions :
  - A. Petitions rejected by the Chairman as not deserving the Commission's attention :  
Report by the Chairman (document C.P.M.1996(1)).
  - B. Petitions to be examined :  
Syria and Lebanon.
    - (a) Petition, dated April 13th, 1936, from M. Ahmed El-Fil, journalist, and other inhabitants of Massiaf, transmitted on September 21st, 1936, by the French Government with its observations (document C.P.M.1840).  
(Rapporteur : Count de Penha Garcia.)
    - (b) Petition, dated February 4th, 1936, from Dr. Chichakli, Hama, transmitted on October 22nd, 1936, by the French Government with its observations and one annex (document C.P.M.1847).  
(Rapporteur : M. Palacios.)
    - (c) Petition, dated June 26th, 1936, from Mme. F. Sfer, Rome (document C.P.M.1834).  
Observations of the French Government, dated October 25th, 1937 (document C.P.M.1951).  
(Rapporteur : Count de Penha Garcia.)
    - (d) Petition, dated June 10th, 1936, from M. Emile Habbouche, Rayak, transmitted on October 29th, 1937, by the French Government with its observations (document C.P.M.1952).  
(Rapporteur : Mlle. Dannevig.)
    - (e) Petitions (twelve in number) from inhabitants of Upper Jezireh, transmitted on October 29th, 1937, by the French Government with its observations (document C.P.M.1953).  
(Rapporteur : M. Sakenobe.)
    - (f) Petitions, dated August 6th and 24th, 1937 (with annexes), from M. Michel Domé, Kamechlié, and October 1st, 1937, from Mahmoud Ibrahim Pasha, Father Gabriel and others, Ras-el-Aïn, transmitted on October 29th, 1937, by the French Government with its observations (document C.P.M.1954).  
(Rapporteur : M. Sakenobe.)
    - (g) Petitions (forty-six in number) relating to Syrian Unity, transmitted on October 29th, 1937, by the French Government with its observations (document C.P.M.1955).  
(Rapporteur : M. Sakenobe.)

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<sup>1</sup> Kept in the archives of the Secretariat.

- (h) Petition, dated February 26th, 1937, from M. Mustapha Chaho, Chief of the Dancing Dervishes, Antioch, transmitted on October 30th, 1937, by the French Government with its observations (document C.P.M. 1956.)  
(Rapporteur : M. Palacios.)
- (i) Petitions (twenty in number) regarding the status of the Sanjak of Alexandretta, transmitted on October 29th, 1937, by the French Government with its observations (document C.P.M.1957).
- (j) Petitions, dated April 1st, October 1st, 1936, and July 26th, 1937, from M. Sami Slim, Beirut, transmitted on October 30th, 1937, by the French Government with its observations (document C.P.M.1958).  
(Rapporteur : Mlle. Dannevig.)
- (k) Petitions, dated May 24th and July 19th, 1937, communicated by Mgr. Paul Meouchi, Maronite Archbishop, Tyre, transmitted on October 30th, 1937, by the French Government with its observations (document C.P.M.1959).  
(Rapporteur : Count de Penha Garcia.)
- (l) Two petitions, in identical terms, dated May 13th and 11th, 1937, respectively, from groups of inhabitants of Latakia, Homs and Damascus and from Mgr. Epiphanius and other signatories, Tripoli, transmitted on October 30th, 1937, by the French Government with its observations (document C.P.M.1960).  
(Rapporteur : M. Sakenobe.)
- (m) Petition, dated February 12th, 1937, from M. Charles Daoud Ammoun, editor of the newspaper *Le Jour*, Beirut, transmitted on October 30th, 1937, by the French Government with its observations (document C.P.M.1961).  
(Rapporteur : Count de Penha Garcia.)
- (n) Petition, dated August 29th, 1936, from M. Zaki El-Khatib, Damascus, transmitted on October 30th, 1937, by the French Government with its observations (document C.P.M.1962).  
(Rapporteur : M. Palacios.)
- (o) Petition, dated January 31st, 1937, from M. Hikmat Touma and other signatories, Jerablus, transmitted on October 29th, 1937, by the French Government with its observations (document C.P.M.1963).  
(Rapporteur : M. Palacios.)
- (p) Petition, dated August 12th, 1936, from M. Namé Tabet, Beirut, transmitted on October 30th, 1937, by the French Government (document C.P.M.1964).  
(Rapporteur : M. Palacios.)
- (q) Petitions (fourteen in number) regarding the Sanjak of Alexandretta, transmitted on November 6th, 1937, by the French Government with its observations (document C.P.M.1972).<sup>1</sup>
- (r) Petitions (four in number) relating to Syrian Unity and concerning the independence of the Government of Latakia, transmitted on November 6th, 1937, by the French Government with its observations (document C.P.M.1973).<sup>2</sup>  
(Rapporteur : M. Sakenobe.)
- (s) Petition, dated February 19th, 1937, from M. Izzet Mokaddem, Tripoli, transmitted on November 6th, 1937, by the French Government with its observations (document C.P.M.1974).  
(Rapporteur : M. Sakenobe.)
- (t) Petition, dated July 8th, 1937, from M. R. Chambour and other signatories, transmitted on November 8th, 1937, by the French Government with its observations (document C.P.M.1975).  
(Rapporteur : M. Sakenobe.)

#### IV. South West Africa :

Memorandum, dated March 17th, 1937, from Dr. H. B. K. Hirsekorn, Windhoek, concerning the report of the South West Africa Commission, transmitted on October 5th, 1937, by the Government of the Union of South Africa, with its observations and a file of documents relating thereto (document C.P.M.1945).  
(Rapporteurs : M. van Asbeck, M. Giraud, M. Palacios.)

<sup>1</sup> For the petitions Nos. 1 to 6 inclusive mentioned in the document C.P.M.1972, see Minutes, page 138. The examination of the petitions Nos. 7 to 14 inclusive mentioned in the same document has been postponed (see Minutes, page 138).

<sup>2</sup> The examination of this petition has been postponed (see Minutes, page 150).

ANNEX 3.

PETITIONS REJECTED UNDER ARTICLE 3 OF THE RULES OF  
PROCEDURE IN RESPECT OF PETITIONS.

REPORT BY THE CHAIRMAN.

I have the honour, in conformity with the terms of Article 3 of the Rules of Procedure, to submit the following report on petitions which I do not regard as satisfying the conditions of admissibility required by the Rules of Procedure in respect of petitions concerning mandated territories.

I. PALESTINE AND TRANS-JORDAN.

- (a) 1. *Petition, dated October 3rd, 1937, from M. Nabih Azmeh, Chairman of the Defence Committees Palestine Syria, Damascus.*  
2. *Petition, dated October 5th, 1937, from the Detroit Palestine Arab League, Detroit, Michigan.*

These communications merely reproduce allegations already made in a recent petition ; they contain no fresh important information.

- (b) 1. *Petition, dated October 10th, 1937, from Dr. Abdulhamid Saïd, Chairman of the " Comité suprême pour défendre la Palestine ", Cairo ;*  
2. *Petition, dated October 13th, 1937, from the Arab National League, Chicago ;*  
3. *Petition, dated October 8th, 1937, from M. Abdulfatah and other inhabitants of Fayum (Egypt) ;*  
4. *Petition, dated October 20th, 1937, from the Arab National League, New York ;*  
5. *Petition, dated October 6th, 1937, from M. Salah Farhat, Secretary-General of the " Comité exécutif du Parti libéral constitutionnel tunisien ", Tunis ;*  
6. *Petition, dated October 8th, 1937, from M. Ahmed Khalbo Salih and other signatories, Chebin el Kom ;*  
7. *Petition, dated October 24th, 1937, from M. Majeed Fattah, Santa Fé, New Mexico ;*  
8. *Petition, dated July 28th, 1937, from the Chairman of the " Pan-Islamismo " Association, Buenos Aires ;*  
9. *Petition, dated September 12th, 1937, from M. Naji Swaidi, Chairman of the Arab National Congress, Bloudan (Syria).*

The object of the petitions mentioned under Nos. 1 to 7 is to protest against the exceptional measures taken by the Administration against the Arab leaders in Palestine. They merely reproduce the allegations already made in a recent petition which is to be examined under the rules in force and do not contain any further information of importance.

The object of the communications numbered 8 and 9 is to protest against the partition of Palestine ; they merely reproduce the allegations already made in petitions recently examined without adding any new facts.

II. SYRIA AND PALESTINE.

*Petitions, dated September 7th and 16th, 1937, from Mrs. Evelyn Evans, London.*

The author of these communications, which relate to a dispute arising out of the liquidation of a railway concession (Syria-Ottoman Railway Company) reverts to the petitions she submitted to the League in 1930 and 1931.<sup>1</sup>

In its conclusions on the first of these petitions, the Mandates Commission, in the light of the observations submitted by the Governments of the United Kingdom and France, expressed the opinion that this was a case which could be dealt with by the Courts of Law and was therefore not within the Commission's competence.

The petition of 1931 was rejected by the Chairman of the Commission as inadmissible, since it contained no new point which would justify any modification of the foregoing conclusions.

It does not appear from Mrs. Evans' communications of September 1937 that there has been any new occurrence in the meantime which would justify the re-examination of the case by the Commission.

<sup>1</sup> See Minutes of the Commission : Twentieth Session (document C.422.M.176.1931.VI), pages 95, 161, 226-227, 235, and Twenty-second Session (document C.772.M.364.1932.VI), page 326.

### III. QUESTION OF ALEXANDRETTA AND ANTIOCH.

1. *Petition, dated September 30th, 1937, from M. H. I. Katibah, Secretary of the Arab National League, New York;*
2. *Petition, undated, from M. Ahmad Hamzey Fawwaz, Chairman of the Arabian American Convention of Detroit.*

The object of these petitions is to protest against the new regime set up by the Council for part of the mandated territory in virtue of a decision having the same force as the mandate itself.

For this reason they should, I think, be considered inadmissible, just as a petition protesting against the Mandate would be.

### IV. SOUTH WEST AFRICA.

*Petition, dated April 19th, 1937, from M. E. J. E. Lange, Capetown.*

This communication relates to questions dealt with in M. Lange's previous petitions; it contains no fresh important information.

### V. WESTERN SAMOA.

*Petition, dated September 1st, 1937, from Mr. M. T. Green.*

This communication from an American journalist writing from Santa Barbara, California, but giving his address in London, is more in the nature of a private communication than of a petition intended for submission to the Government of the mandatory Power.

C.P.M.1981(1).

#### ANNEX 4.

### SYRIA AND LEBANON.

PETITION, DATED APRIL 13TH, 1936, FROM M. AHMED EL-FIL, JOURNALIST,  
AND OTHER INHABITANTS OF MASSIAF.

#### REPORT BY COUNT DE PENHA GARCIA.

On April 13th, 1936, M. Ahmed El-Fil, journalist, and nine other inhabitants of Massiaf complained that various supporters of the separation of the territory of the Alawites from Syria made an armed demonstration on that date in the streets of the town. Among the demonstrators were, say the petitioners, the officer commanding the gendarmerie and a forest guard, who are said to have fired shots from their military rifles. The mandatory Government, in its observations, asserts that the enquiry has not established the facts complained of. All that took place was the discharge of crackers, such as are used by street urchins at every Syrian demonstration. Moreover, M. Ahmed El-Fil and his companions arranged a counter-demonstration on the same evening, at which they indulged freely in seditious cries and insults against their opponents. Neither of these demonstrations was attended by other consequences.

In these circumstances, I propose that the Commission should adopt the following conclusion :

“ The Commission,

“ Having examined the petition, dated April 13th, 1936, from M. Ahmed El-Fil and other inhabitants of Massiaf, and the mandatory Government's observations :

“ Considers that no action need be taken on it.”

C.P.M.1990(1).

#### ANNEX 5.

### SYRIA AND LEBANON.

PETITION, DATED FEBRUARY 4TH, 1936, FROM DR. CHICHAKLI, HAMA.

#### REPORT BY M. PALACIOS.

The petition from Dr. Chichakli, Hama, was addressed to the High Commissioner on February 4th, 1936, when the town had been on strike for five days as a mark of solidarity with the remainder of the country and as a protest against the existing state of affairs and the violent means employed.

The closing of the offices of the nationalist *bloc* at Damascus and Aleppo, the arrest and deportation of certain persons on January 18th of that year, the disorder and anarchy which resulted, the expulsion of students, and the tone of the *communiqué* published by the High Commissioner led the petitioner to apply to the Ministry of Foreign Affairs and the League of Nations in order, he states, to prevent matters from becoming worse. He thinks, however, that the trouble does not reside in these external facts, but in the very essence of the situation, which he describes as follows :

“ The Syrian people, who formed a part of the Ottoman Empire, without any distinction between themselves and the Turkish people in respect of all rights and obligations, enjoyed full electoral rights for all councils and assemblies, controlled revenue and expenditure and levied taxes through their deputies in the Ottoman Chamber. Their Constitution was safeguarded, their resources protected and their liberty respected. There were no Customs barriers between themselves and the other parts of the Empire. They engaged in trade, made profits and came and went as they pleased. The taxes levied on them were simple and the State expenditure was simpler still. There was no duplication of offices or of expenditure . . . Syria, which was once united, has been turned into several States with different Ministers and Governments, assisted by advisers and deputy advisers. There is not a single Syrian department which has not at the side of it another French department. Every Ministry, high official, Sanjak, Caza or central administration is assisted by an adviser, just as there is a foreign court side by side with every local court and a French Office of the *Sûreté* in addition to every local police station, not to mention the high rate of salaries. The elections have been abolished, even those for the *Mukhtars* ; the Constitution has been torn up and the Chamber of Deputies has been suspended. The levying of taxes and the State expenditure are in the hands of a Government certain members of which were turned out by the people at the elections, not without the shedding of innocent blood, but which had nevertheless not obtained the confidence of the nation, to whose judgment it had never submitted. The Customs barriers and regulations have exhausted and destroyed the remains of the national fortune.”

Such a state of affairs, he adds, is not compatible with the spirit of the French Revolution and contrasts with the spectacle of the other Arab nations which are already independent ; it cannot be accepted by serious public opinion. It is in the material and moral interest of France, he states, to have recourse to conciliation and agreement, since “ she has come to guide and not to destroy and demolish ”.

\* \* \*

The covering letter of the mandatory Power containing its observations is dated October 22nd, 1936. The mandatory Government considers that it is unnecessary in this connection to repeat “ the explanation already given on various occasions ”. It intends, however, to reply to the allegations of Dr. Chichakli, especially as the Mandates Commission itself at its twenty-ninth session asked for particulars regarding the number of French agents seconded to Syria. For this purpose, the mandatory Government annexes to its letter a detailed table giving the number of magistrates, professors, teachers, Customs agents, technical agents and officials of all categories, amounting to a total of less than 300 French nationals in a territory with more than three million inhabitants. “ This staff ”, adds the mandatory Government, “ in particular the advisers, magistrates and officers belonging to the special services, undoubtedly exerts great influence on the judicial system and administration of the States under mandate . . . It might be possible to reduce the number of these officials by a few units and to make certain changes in the ways in which they are used ; but there can be no question of decreasing the staff to such an extent as to weaken its action, at any rate during the continuance of the mandatory system with which it is in full keeping.

\* \* \*

After examining the statements of the petitioner and the observations of the mandatory Power and having regard to the date of the petition, which is prior to that of the draft treaties, and to the relaxation of the tension following the promise of early emancipation ; considering that the questions relating to disturbances in Syria and to the discontent of the inhabitants have been examined on various occasions, and accepting the statements of the mandatory Power in regard to officials, I have the honour to propose that the Commission should not make any special recommendation on the subject of this petition to the Council.

I would accordingly propose the following conclusion :

“ The Commission,

“ Having examined the petition, dated February 4th, 1936, from Dr. Chichakli, Hama, and the observations of the mandatory Power thereon :

“ Considers that the various allegations contained in this petition do not call for any special recommendation to the Council.”



ANNEX 6.

SYRIA AND LEBANON.

PETITION, DATED JUNE 26TH, 1936, FROM MADAME F. SFER, ROME.

REPORT BY COUNT DE PENHA GARCIA.

Madame Fortunée Sfer, widow of Hag Bey, a Lebanese citizen, complains that she has not received her husband's pension, in spite of the request she addressed to the mandatory Government of Syria.

In its observations, which are accompanied by a decision of the Pensions Commission of the Lebanese Republic, that Government denies the justice of this complaint on the following grounds :

1. Hag Bey died in 1913 while still Turkish Consul-General at Addis Ababa.
2. The pension due to his widow from the Turkish Government was not one of those included in the debts transferred by Turkey to the Lebanese and Syrian successor Governments.
3. This pension was assigned in 1914 to Madame Hariché Nejib Hanem as the legal wife of Hag Bey in virtue of a decision of the Chariah court.
4. In these circumstances, Madame Fortunée Sfer's claims would have to be submitted to the judicial and Government authorities of the Turkish Republic.

In view of the above considerations, I propose that the Commission should adopt the following conclusion :

" The Commission,  
" Having examined the petition, dated June 26th, 1936, from Madame Fortunée Sfer, Rome, and the observations of the mandatory Government, together with a decision of the Pensions Commission of the Lebanese Republic :  
" Considers that the petition calls for no action on its part."

ANNEX 7.

SYRIA AND LEBANON.

PETITION, DATED JUNE 10TH, 1936, FROM M. EMILE HABBOUCHE, RAYAK.

REPORT BY MLE. DANNEVIG.

The petitioner complains that the dignity of the native inhabitants of the mandated territory is suffering from measures directed against them by certain French civilians or members of the army. He asks that arrests by the army services be prohibited, on the ground that the inhabitants are treated like criminals, and that the methods employed constitute an insult to the Arab administration and an attack on the jurisdiction of the local courts.

The mandatory Power, having questioned the petitioner as to the bearing of his complaint, observes that it arose out of a minor incident between a French non-commissioned air officer and a young Lebanese, who, moreover, were later reconciled in the presence of the Town Major.

In view of these explanations and also of the fact that important changes in the political and administrative regime of the territory were introduced subsequent to the date of the petition, the Rapporteur ventures to propose the following conclusion :

" The Commission,  
" Having examined the petition, dated June 10th, 1936, from M. Emile Habbouche, Rayak, together with the observations of the mandatory Power thereon :  
" Considers that the petition does not call for any action."

ANNEX 8.

SYRIA AND LEBANON.

- (1) PETITIONS, DATED AUGUST 6TH AND 24TH, 1937 (WITH ANNEXES), FROM M. MICHEL DOMÉ, KAMECHLIÉ, AND, DATED OCTOBER 1ST, 1937, FROM MAHMOUD IBRAHIM PASHA, FATHER GABRIEL AND OTHERS, RAS-EL-AÏN.  
(2) PETITIONS (TWELVE IN NUMBER) FROM INHABITANTS OF UPPER JEZIREH.

REPORT BY M. SAKENOBE.

I have been requested to draw up a report on the following two groups of petitions :

(1) Petitions, three in number, dated August 6th and 24th, 1937, respectively, from M. Michel Domé, President of the Municipality of Kamechlié, Upper Jezireh, and a telegram, dated October 1st, 1937, from Mahmoud Ibrahim Pasha, Father Gabriel and others, Ras-El-Aïn, Upper Jezireh, transmitted on October 29th, 1937, by the French Government with its observations (document C.P.M.1954) :

(2) Petitions, twelve in number, dated July 6th to September 13th, 1937, from inhabitants of Upper Jezireh, transmitted on October 29th, 1937, by the French Government with its observations, (document C.P.M.1953).

Although these two groups form the subject of separate communications from the mandatory Government, I think it advisable to examine them in one report, as they both deal with the same matter.

In one of these petitions, M. Michel Domé, President of the Municipality of Kamechlié, gives a detailed account of incidents which occurred in July and August 1937 at Hassetchi and Amoud, Upper Jezireh, where the Christians belonging to the minority are stated to have suffered a severe injustice at the hands of the administrative authorities and to have been victims of a brutal attack by the extreme nationalists ; he asks that a special regime should be introduced in Upper Jezireh and that, until a new regime has been instituted, the territory should be directly administered by France.

The other petitions consist of telegrams repeating the same request.

An account of the incidents above referred to and of the measures subsequently taken for the pacification of the disturbed region will be found in the Annual Report on Syria and the Lebanon for 1936 (pages 8 and 9), to which the mandatory Government refers in its observations, the accredited representative having been instructed to supply further particulars at the present session of the Mandates Commission.

With regard to the incidents in question, although it is much to be regretted that there was bloodshed, it is nevertheless a matter for congratulation that the Syrian Government, having recognised that a serious wrong was done, has taken every possible step to redress grievances and to satisfy the legitimate needs of the sufferers. As regards the present situation in Upper Jezireh, I may quote the statement of the accredited representative of the mandatory Government to the effect that, for the time being, calm prevails, at least outwardly if not in the minds of the population ; he added that it would take a long time to reassure the minorities of Upper Jezireh, where an administrative reform is most desirable.<sup>1</sup>

The question of minorities in Syria has often been the subject of discussion in the Mandates Commission, particularly at the present session in connection with the examination of the Franco-Syrian treaty, and it is hardly necessary to reiterate the concern which the Commission feels for the future of those minorities. Grave apprehensions as to the future exist in the minds of all the minorities in Syria. It is these apprehensions as to what will happen if the protection of the mandatory Power is withdrawn that have led these inhabitants of Upper Jezireh to express the hope that the effective authority of the mandatory Power will be maintained.

Having thus examined the petitions, I propose that the Commission should adopt the following conclusion :

“ The Commission,

“ Having examined the petitions from inhabitants of Upper Jezireh in the light of the observations of the mandatory Government, the Annual Report on Syria and Lebanon for 1936 and the verbal explanations of its accredited representative :

“ Hopes that equality of treatment as between the inhabitants of Upper Jezireh, irrespective of race, religion and language, will be fully respected, and that a spirit of mutual confidence and tolerance will thereby be created.”

<sup>1</sup> See page 32.

ANNEX 9.

SYRIA AND LEBANON.

- (1) PETITIONS (FORTY-SIX IN NUMBER) RELATING TO SYRIAN UNITY ;
- (2) PETITION, DATED FEBRUARY 19TH, 1937, FROM M. IZZET MOKADDEM, TRIPOLI ;
- (3) PETITION, DATED JULY 8TH, 1937, FROM M. R. CHAMBOUR AND OTHER SIGNATORIES.

REPORT BY M. SAKENOBE.

The petitions to which the present report relates are the following :

Petitions (forty-six in number) relating to Syrian Unity, with special reference to Lebanon (document C.P.M.1955) ;

Petition, dated February 19th, 1937, from M. Izzet Mokaddem, Tripoli (document C.P.M. 1974) ;

Petition, dated July 8th, 1937, from M. R. Chambour and others (document C.P.M.1975).

These petitions were provoked by the announcement of the opening of treaty negotiations between France and Lebanon and also by the repressive measures taken by the authorities in connection with the political agitations in various parts of Lebanon. They may be divided into three categories.

The first category, comprising the majority of the petitions coming mostly from the inhabitants of Tripoli and also from several other parts of Lebanon and from Syria, protests against the separation and claims unity with Syria. Most of the petitions in this category also protest against measures taken by the authorities in suppressing disorders during the summer of 1937 and object to the composition of the Lebanese delegation for the negotiation of the treaty with France.

The second category, coming from the southern districts of Lebanon, requests, on the contrary, the maintenance of the present regime (Nos. 4, 33, 34, 35, 36, 39 and 41).

The third category, which is smaller, protests against the severe measures taken by the authorities in suppressing the disorders which occurred in various parts of Lebanon in connection with the treaty negotiations with France (Nos. 8, 40, 42, 43 and 45).

\* \* \*

With regard to the petitions of the first category, the question of Syrian unity was discussed on more than one occasion in the Commission in connection with the examination of the annual report on Syria and Lebanon, as well as in dealing with petitions, so that I think there is hardly any need to go over the old ground ; suffice it to say that the mandatory Power, both in its report and through its accredited representative, has frequently pointed out that the union of Lebanon and Syria would be contrary, not only to Lebanese interests, but also to the aspirations of the majority of the inhabitants. Furthermore, the mandate for Syria and Lebanon, while not expressly rejecting the idea of Syrian unity, does not at all encourage it.

Considered from this aspect, it would be proper to apply to them the conclusion already adopted by the Commission at its twenty-seventh session, regarding " Petitions, six in number, from inhabitants of Tripoli and Nabatié (document C.P.M.1675).<sup>1</sup>

\* \* \*

Some of the petitioners claim the incorporation of the region of Tripoli in Syria, but without giving any particular reason. Questioned by the rapporteur, the accredited representative explained that the only reason imaginable seems to be due to a misconception of their fiscal position and to the false belief that the region benefits less from the distribution of public expenditure.<sup>2</sup> On this point, the mandatory Government explains in its observations that the conclusion of the Franco-Lebanese treaty (exchange of letters Nos. 6 and 6bis) obliges the Lebanese Government to unify the fiscal regime throughout the country and to ensure a just distribution of public expenditure, so that there would be no more reason for complaints on the part of the inhabitants of Tripoli.

\* \* \*

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 208.

<sup>2</sup> See page 47.

With regard to the third category and others which protest against excessive severity in the suppression of the disorders, nearly all the petitions are couched in general terms, except in three petitions—one from Tripoli, signed by five doctors—in which it is alleged that the doctors who wished to attend the wounded were refused permission to do so by the authorities.

The mandatory Government in its observations, referring to this allegation, states that an enquiry was ordered, but that the result was negative, as the authors of the petition who were invited to come before the administrative Council of Tripoli and give particulars failed to do so.

\* \* \*

A certain number of petitions objects to the composition of the Lebanese delegation for the negotiation of the Franco-Lebanese treaty as not representing the country. None of them gives any special reason for this statement.

The fact that the delegation was composed of the President of the Lebanese Republic, the Secretary of State, the President of Parliament and seven members of Parliament representing all religious denominations and that the treaty was ratified by a unanimous vote of Parliament seems to be sufficient to prove that the allegation is unfounded.

\* \* \*

There is one petition (No. 46) which protests against the suspension of two newspapers : *Fat el Arab* and *Beyrouth*.

The mandatory Government states in its observations that the former was suspended by order of the High Commissioner for publishing a series of articles misrepresenting the attitude of the troops which had been ordered to maintain public order in Tripoli and was allowed to re-appear within one month. As regards the latter, it was suspended for a few days only by the Lebanese Government in connection with the disorders at Beirut on November 15th, 1936.

\* \* \*

Having thus examined the petitions relating to Syrian and Lebanese unity, I propose that the Commission should adopt the following conclusion :

“ The Commission,

“ Having examined (1) the petitions (forty-six in number) relating to Syrian Unity, with special reference to Lebanon, (2) the petition, dated February 19th, 1937, from M. Izzet Mokaddem, Tripoli, (3) the petition, dated July 8th, 1937, from M. R. Chambour and others, in the light of the observations of the mandatory Government and the explanations supplied verbally by its accredited representative ;

“ Referring to the conclusion adopted at the twenty-seventh session of the Commission on the petitions (six in number) from inhabitants of Tripoli and Nabatié regarding the fusion of Syria and Lebanon :

“ Considers that no special recommendations to the Council are needed in regard to these petitions.”

C.P.M.1991(1).

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#### ANNEX 10.

#### SYRIA AND LEBANON.

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PETITION, DATED FEBRUARY 26TH, 1937, FROM M. MUSTAPHA CHAHO, CHIEF OF THE DANCING DERVISHES, ANTIOCH.

REPORT BY M. PALACIOS.

The petition of M. Mustapha Chaho, Chief of the Dancing Dervishes, Antioch, is based on an assumption—namely, that the independence granted to the Sanjak of Alexandretta might possibly, by some special measure, affect the property and rights of his religious community. He states that more than seven centuries before our era, his Lord, Djéjal Ed-Dine Roumy, author of the book “ Mesnewi ”, which is known all over the world, founded the Newlewi Community (Dancing Dervishes), which spread both eastwards and westwards, confraternities and ramifications being established in different countries, and international supporters being obtained everywhere. The principles, dogmatic customs, investigations, rights and privileges which were faithfully observed everywhere, and the spiritual and temporal administration of its Tekké or convents and of its Waqf or religious foundations, have been maintained and handed down without any interference from Governmental authorities. A decree issued by the High Commissioner of the French Republic in 1927 recognises this age-old tradition.

The petitioner asks that the movable and immovable property which he inherited from his father Mouhamed Chah, and which came to him as Chief of his Tekké Maulawiyah, should continue to enjoy its former standing, without the slightest modification.

The mandatory Power, in transmitting by a letter, dated October 30th, 1937, this petition of February 26th, which appears to have been preceded by a statement dated the 3rd of that month, has refrained from any comments, because the petition relates, not to measures taken by the Governments under mandate, but to those which might be taken under the new regime set up in the Sanjak of Alexandretta and of which there is at present no indication.

For the same reason, I venture to submit to my colleagues the following conclusion :

“ The Commission,

“ Having examined the petition, dated February 26th, 1937, from M. Mustapha Chaho, Chief of the Dancing Dervishes, Antioch, and the observations of the mandatory Power thereon :

“ Considers that this petition does not call for any special recommendation to the Council.”

C.P.M.1984(1).

## ANNEX II.

### SYRIA AND LEBANON.

PETITIONS, DATED APRIL 1ST AND OCTOBER 1ST, 1936, AND JULY 26TH, 1937,  
FROM M. SAMI SLIM, BEIRUT.

REPORT BY M. DANNEVIG.

I. In his first petition, which came from the “ Prison des Sables ”, Beirut, the petitioner (who signs himself Sami Slim, Sleem or Salim) refers to an earlier petition, which never reached the Secretariat, and asks for explanations on this subject.

In substance, M. Slim complains that he was sentenced on false evidence to two months' imprisonment for inciting the people to close their shops on January 24th, 1936, and for insulting an officer of the secret police. Before the Correctional Court, he explained that it was he who had been ill-treated and insulted by the police officer. But the court would not listen to him or his witnesses. In the Court of Appeal he had witnesses, who, according to him, were not heard, and he was sentenced to three months' imprisonment. He states that the French judges are not free to follow the dictates of their conscience, and that the French administration exercises a real tyranny.

II. In the second petition, he alleges that on September 13th, 1936, he was again arrested and roughly handled. He complains of the brutality of the French police towards himself and other Lebanese citizens, and says he was imprisoned underground to punish him for his petition to the League of Nations.

III. In the third petition, the petitioner complains that on July 26th, 1937, when he was making a speech at Beirut “ to give expression to the wishes of the public, as he understands them ”, he was interrupted by the police and detained for two hours. He protests against this attack on freedom of speech, and points out that his review, *Az Zikar*, has been suspended since 1930, and that no reply was received to a request for authorisation to resume publication.

IV. The mandatory Power, in its observations, points out that M. Sami Slim has already sent several similar petitions to the Mandates Commission.<sup>1</sup> It admits that M. Slim may have been handled a little roughly by the police during one of the riots in which he is in the habit of taking part for the purpose of causing demonstrations, and that he therefore suffered the consequences of his own behaviour.

In as far as these petitions protest against the verdicts of regularly constituted courts, they are not receivable by the Mandates Commission. As for the complaints against the police, while regretting that political contests occasionally lead to somewhat rough handling, the Rapporteur can only accept the explanation of the mandatory Power—namely, that the petitioner suffered the consequences of his own behaviour.

If my colleagues agree, therefore, I think no action need be taken on these petitions, and propose the adoption of the following conclusion :

“ The Commission,

“ Having examined the petitions, dated April 1st, October 1st, 1936, and July 26th, 1937, from M. Sami Slim, Beirut, together with the observations of the mandatory Power thereon :

“ Considers that no action should be taken on these petitions.”

<sup>1</sup> See the Minutes of the Twenty-fourth, Twenty-seventh and Twenty-ninth Sessions.

ANNEX 12.

SYRIA AND LEBANON.

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PETITIONS, DATED MAY 24TH AND JULY 19TH, 1937, COMMUNICATED BY MGR. PAUL MÉOUCHI, MARONITE ARCHBISHOP, TYRE.

REPORT BY COUNT DE PENHA GARCIA.

On May 24th and July 19th, 1937, Mgr. Paul Méouchi, Maronite Archbishop, Tyre, together with other religious leaders, sent a petition containing complaints against the tobacco monopoly in Lebanon and the way in which the Lebanese gendarmerie was destroying unauthorised crops. In its observations, the mandatory Power draws attention to the benefits derived by the population from the tobacco monopoly which, by regulating production, prevented a fall in prices and a period of depression. On the other hand, as far as the Treasury is concerned, the monopoly system has proved more profitable than the former regime. The tobacco monopoly, in arranging for the export of tobacco, was obliged to make financial sacrifices, tying up considerable capital in the purchase and warehousing of large quantities of tobacco. As far as the violent acts attributed to the Lebanese gendarmerie are concerned, the representative of the mandatory Power stated that the petitioners' assertions were exaggerated.<sup>1</sup>

The question of the tobacco monopoly was raised in the Lebanese Chamber by a deputy, M. Zaccour, who questioned the advantages of the system. In reply, the Secretary of State, M. Arzoub Tabet, said: "If the monopoly does not satisfy either the trader or the peasant or the Lebanese taxpayer, it does not satisfy the Government either".

In the light of all the above information, I think the Permanent Mandates Commission might adopt the following conclusion:

"The Commission,

"Having examined the petitions, dated May 24th and July 19th, 1937, communicated by Mgr. Paul Méouchi, Maronite Archbishop, Tyre, concerning the tobacco monopoly, in the light of the observations of the mandatory Power;

"Without expressing any opinion as to the desirability of the maintenance of the monopoly:

"Decides not to take any special action upon them."

ANNEX 13.

SYRIA AND LEBANON.

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TWO PETITIONS (IN IDENTICAL TERMS), DATED MAY 13TH AND 11TH, 1937, RESPECTIVELY, FROM GROUPS OF INHABITANTS OF LATAKIA, HOMS AND DAMASCUS AND FROM MGR. EPIPHANIOS AND OTHER SIGNATORIES, TRIPOLI.

REPORT BY M. SAKENOBE.

The petitioners, who are members of the dissenting groups of the Greek Orthodox Church of Antioch, complain in their two identical letters dated May 13th and 11th, respectively, that the "personal status" of a religious community, which establishes the legal existence of a Church, has not been accorded to them.

They explain how they were constrained to separate from the Greek Orthodox Church of Antioch and organise a separate church under the leadership of Mgr. Epiphanius. They state that numerous Orthodox churches of Damascus, Homs, Latakia, Tripoli, Antioch, Beirut, Lebanon and America have joined them and that "unless their communal status is legally recognised, their members will be deprived of civil status".

The mandatory Government, in its observations dated October 30th, 1937, states that the petitioners' allegation that the High Commissioner's decree No. 60/L.R. on "communal status" was abrogated on January 13th, 1937, is entirely untrue and that the "communal

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<sup>1</sup> See page 41.

status" of a dissenting church could only be recognised after very careful consideration, as it entails recognition of the competence of its religious jurisdiction and the right to receive part of the Waqf funds of the community from which it separated.

The mandatory Government's refusal is by no means final, however, for it states, further on in its observations, that it would be desirable to wait until the differentiation has become definitive and the separation from the Eastern Orthodox Church irrevocable, which is not yet the case.

Furthermore, there is no good reason for supposing that the mandatory Government's failure to exercise its discretion in their favour constitutes in itself an infringement of their religious liberty.

Under the circumstances, I propose that the Commission should adopt the following conclusion :

" The Commission,

" Having examined the two petitions dated May 13th and 11th, 1937, respectively, from groups of inhabitants of Latakia, Homs and Damascus and from Mgr. Epiphanius and other signatories, Tripoli, together with the observations of the mandatory Power thereon :

" Considers that no special recommendation to the Council is called for in regard to these petitions."

C.P.M.1987(1).

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ANNEX 14.

SYRIA AND LEBANON.

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PETITION, DATED FEBRUARY 12TH, 1937, FROM M. CHARLES DAOUD AMMOUN,  
EDITOR OF THE NEWSPAPER " LE JOUR ", BEIRUT.

REPORT BY COUNT DE PENHA GARCIA.

M. Charles Daoud Ammoun, editor of the newspaper *Le Jour*, which is published in French at Beirut, sent, through the mandatory Power, a petition to the Permanent Mandates Commission protesting against the Press regime in Lebanon and against the suspension of his newspaper *sine die*.

The mandatory Power, in its observations, points out that the suspension was an episode in the struggle between the political parties of two Lebanese leaders—M. Emile Eddé and M. Bechara Khoury. When tranquillity had been restored by the conclusion of the Franco-Lebanese Treaty, the newspaper was allowed to resume publication. It was only suspended from February 5th to March 15th.

As regards the Press regime established by Decree 3080 of April 21st, 1925, the mandatory Power does not consider it unduly severe, provided it is applied with the sole object of preventing agitation likely to endanger public order. Its premature abrogation, far from contributing to the education of public opinion, as the petitioner hopes, would be more likely to mislead it. The time does not yet seem favourable for the institution of a more liberal system. Nevertheless, the local authorities should display impartiality and moderation in the exercise of the powers conferred upon them by the existing legislation.

In view of these observations, I propose the adoption of the following conclusion :

" The Commission,

" Having examined the petition, dated February 12th, 1937, from M. Charles Daoud Ammoun, editor of the newspaper *Le Jour*, Beirut, and the observations of the mandatory Power thereon :

" Considers that no action need be taken on it."

C.P.M.1988(1).

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ANNEX 15.

SYRIA AND LEBANON.

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PETITION, DATED AUGUST 29TH, 1936, FROM M. ZAKI EL-KHATIB, DAMASCUS.

REPORT BY M. PALACIOS.

M. Zaki el-Khatib is, it would appear, secretary of the " United National Front ", a party which, according to the statement of the mandatory Power, took over in a more extreme form the programme of the nationalist *bloc* when that group came to an agreement with the French Government. His somewhat confused petition, which is dated August 29th, 1936, protests against the punishments inflicted on the unitarists, the arrests of the liberals of Jebel Amel and the heavy taxes imposed on the territory of Latakia, which forms an integral part of his fatherland. He asks that an end should be put to these abuses without delay, because it is in the interest of France to gain the affection of the inhabitants of Syria and of the Arab world.

The mandatory Power, which is more explicit than the petitioner, states in its letter of October 30th, 1937, that M. Zaki el-Khatib has made himself the champion of the four Alawite villages of Babarna, Jinguel, Dfill and Bkas, situated in the mountain to the south-east of Latakia, which were fined 58,600 francs for facilitating the action of a gang which kidnapped two notables, but that this measure is not a sign of "the oppression to which the unitarists are subject".

In my opinion, the petition, like many others, is a characteristic sign of the struggles and disputes between the Administration and the nationalist parties, and strongly emphasises the demands for Syrian unity. "The regime to which we aspire", says the petitioner, "must be endowed with real and complete unity and sovereignty, without which the Syrian problem cannot be solved".

It should be pointed out that the petition is prior to the agreement reached in Paris, which found expression in the Organic Regulations of the Alawite territory of December 5th, 1936.

I therefore propose the adoption of the following conclusion :

"The Commission,

"Having examined the petition, dated August 29th, 1936, from M. Zaki El-Khatib, Damascus, and the observations of the mandatory Power thereon ;

"Reserving the right to take account thereof in the study of the political future of Syria :

"Considers that the petition does not call for any special recommendation to the Council."

C.P.M.1989(1).

ANNEX 16.

SYRIA AND LEBANON.

PETITION, DATED JANUARY 31ST, 1937, FROM M. HIKMAT TOUMA AND OTHER SIGNATORIES, JERABLUS.

REPORT BY M. PALACIOS.

The petition consists of a telegram from Jerablus, dated January 31st, 1937, in which M. Hikmat Touma, a Catholic Syrian, together with two Armenians, a Kurd and a representative of the "Educated Youth", protest against the assaults made on them at public meetings by the National Guard, and ask for their lives to be protected.

The letter from the French Government, dated October 29th, 1937, explains that the acts in question were due to the disappointment of the candidates of the Nationalist *bloc*, who were fairly defeated in the elections at Jerablus by the Chahine brothers, Kurdish notables. The unsuccessful candidates asked the "Iron Shirts" group, an association established in various towns since June 1936, to conduct a campaign of intimidation against their political opponents, and to have the elections declared invalid. The victorious party did not resort to any reprisals. The Syrian Government, on the advice of the High Commissioner, gave the responsible officials the necessary instructions to put an end to the campaign, and the incidents have ceased.

I accordingly propose to my colleagues the adoption of the following conclusion :

"The Commission,

"Having examined the petition, dated January 31st, 1937, from M. Hikmat Touma and other signatories, Jerablus, together with the observations of the mandatory Power thereon :

"Considers that no special recommendation need be made to the Council regarding this petition."

C.P.M.1997(1).

ANNEX 17.

SYRIA AND LEBANON.

PETITION, DATED AUGUST 12TH, 1936, FROM M. NAMÉ Tabet, BEIRUT.

REPORT BY M. PALACIOS.

The petition from M. Namé Tabet is dated August 12th, 1936 ; it was transmitted to the League of Nations by the French Government on October 30th, 1937, this delay being in part occasioned by the fact that the petition had not originally been transmitted through the regular channel.

The petition consists of a lengthy note in English ("Note of the Syrian National Party"), which sets out the facts of the situation, together with the comments and solutions appropriate to the year in which the note was drafted ; it refrains from any criticism concerning what



should have been done in 1922. The author is full of confidence in the present ; he finds proof of the importance and energy of his party in the campaign conducted against it ; and he is keenly conscious of the gulf between the economic and social factors which, for centuries, have shaped the national consciousness of the country—further stimulated by the institution of the mandate—and the methods and practices to which, in his view, the French Republic has had recourse in endeavouring to impede, for imperialistic motives, this movement towards freedom. He considers the League of Nations to be responsible both for that situation and for the fact that the mandate conforms neither to the spirit nor to the letter of Article 22 of the Covenant, and, more particularly, of paragraphs 1 and 4 of that article. Nevertheless, neither he nor his political associates intend to oppose the League : they undertake to assist it in so far as it will further their national aspirations and their ideal of emancipation, an ideal which Syria—Syria as a whole—*i.e.*, both the inland regions and Lebanon—is determined to attain, whatever sacrifices may be involved in so doing.

The author claims to state his views from a purely objective, and indeed scientific, standpoint. His lengthy document is divided into chapters and paragraphs ; I summarise it below, preserving, as far as possible, his own arrangement of subjects : (I) Economic Conditions ; (II) Political Conditions ; (III) Nationalist Solutions.

## I.

Any attempt to explain the unsatisfactory economic position in Syria by reference to the world depression—even though the influence of the latter cannot, however, be overlooked—would mean the concealment or ignoring of the specific causes of the present economic chaos in Syria, the resultant social collapse, and all the unavoidable consequences of a policy of spoliation. The petitioner, who reiterates his intention of submitting a well-documented report, makes full use, in this as in other parts of his memorandum, of the authoritative arguments to be found in the work edited in 1936 by Professor Saïd B. Himadeh, of the American University in Beirut, under the title “ Economic Organisation of Syria ”.

The deep-lying and widespread evils affecting the cultural and administrative life of Syria must be ascribed in great part to the subdivision of the country into a number of States. Partition, and the expenses of separate administration, have brought ruin to the country and plunged it into anarchy. Even the Maronites, who alone had clamoured for separation, and who appear to have been unanimous in so doing, owing to their fear of becoming a Christian minority in the Moslem world, have to-day changed their views. Subdivision is particularly regrettable from a fiscal point of view. A table given on page 7 shows how ineffective is the collection of direct taxes in the Lebanese Republic. The explanation of the evil is to be found in tax evasion by rich or influential persons, the accumulation of arrears which it is impossible to recover, corruption and inefficiency. Moreover, throughout Syria, tax assessments are out of date, having been made before 1922 ; in view of the increase in income, taxation is now no longer either progressive or even proportional, but manifestly regressive as far as the chief taxes are concerned. The system of land tenure is no less unsatisfactory and obsolete ; the desire not to oppose the landowners, the powerful and the privileged is responsible for the fact that the laws are not reformed, that scientific technique and processes are not introduced in agriculture, and that mediæval methods are allowed to subsist.

The petitioner is particularly critical of the “ Franc exchange standard ”, a system which, without special financial justification, and despite the fact that Syrian gold holdings would have been sufficient to ensure a healthy, stable and independent currency, has tied the country to the fluctuations, uncertainties and dangers of the currency of the mandatory Power. He quotes, in this connection, the work already referred to, and recalls that “ the Permanent Mandates Commission realised this danger and formed the opinion that the currency policy of the mandatory Power was impeding the preparation of the Syrian territories for the exercise of their independence—a result which would be inconceivable without autonomy in financial and monetary matters . . . the aim of the franc exchange standard was to alleviate the burden . . . of army expenditure in Syria . . . In the present circumstances the Syrian currency represents a loan from Syria to France ”. The situation is made worse, in the petitioner’s view, by the banking and credit policy, and by the granting of concessions and monopolies which, far from serving the public interest, tend only to enrich inordinately certain all-powerful and privileged companies.

The author goes on to describe labour legislation as practically non-existent and entirely inadequate to meet the complicated industrial conditions of modern times, which raise such awkward labour problems. The country is already familiar with strikes and there is a tendency to form trade unions, but the regulating mechanism is highly defective, and the authorities, more particularly the Lebanese Government, have shown themselves blindly stubborn and reactionary.

## II.

The author reminds us that, as early as 1922, M. Victor Bérard, in the French Senate, defined French policy in Syria in the following terms :

“ Of one thing there can be no doubt whatever : the authorities have succeeded in applying to Syria, both in theory and in practice, the principle of *divide et impera*. The country has been broken up into a number of States whose separate existence has no justification ; religious conflicts have been fanned into flame to an extent never before witnessed. The opinion of every Syrian, of whatever condition, is the same : the terrible result of the presence of the French in Syria has been to exacerbate religious hatreds.”

The existing political order in Syria is, in the petitioner's view, a heritage of the feudalism and wretched administration of Turkey and of clericalism. Modern appearances and the introduction of a new technique have not been made use of to reshape and strengthen the country, but rather to retard its development, to disfigure and exploit it, and to imperil its very existence. The Syrian National Party has suffered every kind of persecution for having understood the real situation. The petitioner also quotes extracts from *The Times*, which on various occasions had criticised the mandatory Power's policy. Everything changes, and the fickleness of opinion is plainly revealed when we see agitators, prisoners and exiles invested with the character of national leaders and negotiating with the French Government.

The Press regime, the political administration, national defence and public safety are also mentioned or dealt with by the petitioner. His conclusions are : that the Press has been muzzled, that the Administration's policy is ill-advised—in the period from 1929 to 1932, 29% of the budget was expended upon administration and justice and only 8% on health, education and antiquities—and, finally, that the national army is non-existent.

In particular, the petitioner considers that Lebanese policy being characterised by separatism as opposed to nationalism and the negotiations conducted with the Ministry for Foreign Affairs represented by M. Viénot, Under-Secretary of State, are entirely contrary to Syrian interests. Comparison of the density of the population in these regions at once reveals the suicidal character of that policy : the highlands of Lebanon cannot feed a population of ninety-three to the square kilometre out of their meagre resources, whereas Syria, with a population of only nine to the square kilometre, lacks man-power to cultivate its fertile lands.

### III.

After closely examining geographical, economic, social, cultural and historical factors, the petitioner states that Syrian nationalism is an irresistible and incontrovertible force. Represented by the National Party, it aspires to the creation of a federal system, while, in contrast to artificial barriers, it " offers the mandatory authorities an excellent opportunity for regaining the popular confidence. The principles of the party are perfectly in harmony with the spirit of the mandate."

The party's leader, M. Antoun Saadeh, also holds out his hand to the foreigner : at a meeting held on June 1st, 1935, he declared : " We must recognise that Syria's interests oblige her to entertain friendly relationships with foreign Powers, especially the European Powers. What we cannot admit, however, is the principle of foreign propaganda : the Syrian mind must remain free and independent."

The following are the eight main principles and the five articles of reform to which members of the party must subscribe :

#### A. *Main Principles.*

1. Syria is for the Syrians, and the Syrians form a complete nation.
2. The Syrian question is a national question totally independent of any other question.
3. The Syrian question relates to the Syrian nation and Syrian country " *Patrie* ".
4. The Syrian nation is that unity of the Syrian people that has come down to us ever since prehistoric times.
5. The natural frontiers of the Syrian " *Patrie* " are the Taurus range in the North and the Suez canal in the south, thus including the Sinai peninsula and the gulf of Akaba, and the Syrian sea in the west and the Syrian desert in the east, as far as its junction with the Tigris.
6. The Syrian nation is one social entity.
7. The Syrian national movement seeks inspiration from the talents of the Syrian nation and from its national and political history.
8. Syria's interests are above all interests.

#### B. *Reform Principles.*

1. Separation of Church from State.
2. Prohibition of the clergy from interfering in all political and judicial matters.
3. To pull down all barriers among the different sects and faiths.
4. To abolish feudalism, to organise the national economy on the basis of production, to do justice to labour and to protect the interests of the nation and the State.
5. To create a strong army that will effectively help in protecting the nation and country.

All this is accompanied by a spirit of youthful enthusiasm and military discipline inspired by the most ambitious aims for the future.

The mandatory Power, in its covering letter, states that it cannot make any observations on this note without submitting to the League of Nations a comprehensive survey of almost all the questions, relating to Syria and Lebanon, which have already been examined by the Permanent Mandates Commission. It is, nevertheless, prepared, if desired, to supply explanations.

In my capacity of Rapporteur, I do not consider that special explanations are required, since the problems treated in this note have already been repeatedly examined and will no doubt continue to claim the Commission's attention. The petition is of value as a document. It voices a faith which is more valuable than criticism and is in itself a force. It cannot be disregarded, although at this moment there is no occasion to make it the subject of a special recommendation to the Council. I accordingly submit the following conclusion :

“ The Commission,

“ Having examined the petition, dated August 12th, 1936, from M. Namé Tabet, Beirut, which is of a certain documentary value, together with the mandatory Power's observations thereon ;

“ Considering that this petition deals with matters that have already been discussed by the Commission on several occasions, and which will again be discussed in connection with the development of the mandate :

“ Considers that no special recommendation need be made to the Council regarding this petition.”

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ANNEX 18.

C.P.M.2000(1).

SOUTH WEST AFRICA.

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MEMORANDUM, DATED MARCH 17TH, 1937, FROM DR. H. B. K. HIRSEKORN, OF WINDHOEK, CONCERNING THE REPORT OF THE SOUTH WEST AFRICA COMMISSION.

SUB-COMMITTEE'S REPORT.

I. By a letter dated October 5th, 1937, the accredited representative of the Union of South Africa to the League of Nations forwarded to the Secretary-General of the League, for submission to the Permanent Mandates Commission, a memorandum from Dr. H. B. K. Hirsekorn, of Windhoek, to which were appended : a letter from the Union Government to Dr. Hirsekorn, observations by Mr. Justice H. S. van Zyl, who presided over the South West Africa Commission, and certain other documents, including a full transcript of the evidence given before that Commission.<sup>1</sup>

<sup>1</sup> List of documents forwarded :

1. Memorandum : “ Comments on the Report of the South West Africa Commission. For the information of the members of the Permanent Mandates Commission of the League of Nations. Submitted by Dr. H. B. K. Hirsekorn on behalf of the German population of South West Africa; Windhoek, March 17th, 1937 ”, and annexures.
2. Letter, dated November 30th, 1936, from the Department of External Affairs of the Union of South Africa to Dr. Hirsekorn.
3. Observations made by Mr. Justice H. S. van Zyl on the comments made by Dr. Hirsekorn on the Report of the South West Africa Commission.
4. (A) Circular letter, dated March 10th, 1934, from the Head Officer of the Department for Foreign Countries, Hamburg, to all districts and local organisations and centres of the N.S.D.A.P. in foreign countries, *re* : Association of National Socialistic Teachers in Foreign Countries.
- (B) Letter, dated July 9th, 1934, from Mr. Weigel to Dr. Jung, Munich, Colonial Political Department.
- (C & E) Letter, dated April 27th, 1934, from Dr. Jung, Munich, to Mr. Weigel, Windhoek.
- (D) Letter to Dr. Schwietering.
- (F) Letter, dated March 4th, 1934, from L.J.F., South West Africa, for R.J.F., Foreign Section, Windhoek, to Mr. Sens, Berlin.
- (G) Circular letter to all groups, local groups and centres of support of the N.S.D.A.P. in foreign countries.
- (H) Translation of extracts from a letter to the Foreign Organisation, Hamburg, by Territorial Group-Leader Weigel on May 27th, 1934.
- (I) Letter, dated February 27th, 1934, from Mr. Weigel, Windhoek, to the Auslandabteilung, Hamburg.
- (J) Letter, dated April 1st, 1934, from Mr. Weigel, to the Auslands-Organisation, Hamburg, *re* : Germania, Ltd., Schulverein, Windhoek.
- (K) Letter, dated June 7th, 1934, from the office of the German Consul-General for South West Africa, Pretoria, to Mr. Weigel.
5. Letter, dated July 13th, 1937, from the Acting Secretary to the Prime Minister, Pretoria (Department of External Affairs), to Dr. Hirsekorn, Windhoek.
6. Letter, dated July 25th, 1937, from Dr. Hirsekorn, Windhoek, to the Prime Minister of the Union of South Africa, Pretoria.
7. Forty-eight files of evidence taken by the South West Africa Commission.

Dr. Hirsekorn's memorandum is entitled "Comments on the Report of the South West Africa Commission". As stated in the accredited representative's covering letter, the memorandum only contains the views of the spokesman of the German population of South West Africa on matters which they considered were inadequately dealt with by the Commission. As, moreover, no concrete demand is made in the memorandum, the Government of the Union of South Africa does not regard it as being technically a petition, and therefore refrained from stating its views on the memorandum, merely providing the Mandates Commission with all the available material which might help to throw light on it. The Government also intimated that its accredited representative in Geneva would be at the service of the Commission and would supply additional information if the latter so desired.

II. The Mandates Commission decided to hear the accredited representative and to treat the memorandum as a petition concerning which it would have to frame a conclusion for the Council. This decision was based on the procedure followed by the Commission in other similar cases.

III. Dr. Hirsekorn's memorandum and the documents annexed to it review the various aspects of the problem of the position of the German population of South West Africa, and enumerate all the grievances occasioned among that population by the opinions and conclusions expressed by the South West Africa Commission in regard to it. It contains economic as well as political considerations, some of them relating more particularly to what is known as the "Fifth Province" question.

The main object of the memorandum is to criticise the report of the South West Africa Commission. It seeks to demonstrate that bias against the German population is evident in the Commission's report. The memorandum criticises more particularly the use made by the Commission of extracts from letters which had been seized by the Attorney-General of South West Africa in a raid on the offices of certain National-Socialist groups in the mandated territory, while ignoring extracts from other letters produced by the petitioner, which it was alleged would have thrown a different light on the attitude of the German population.

The Mandates Commission felt that it should examine this memorandum, in accordance with its usual practice, in the case of those petitions the function of which was to furnish valuable information complementary to the annual reports.

IV. The Mandates Commission did not examine the parts of the memorandum directed against the "Fifth Province policy", as they had lost their relevancy on the rejection by the mandatory Government of that policy, by its declaration of December 11th, 1936, given on pages 4 to 6 of the annual report for 1936.

Furthermore, there could be no question for the Commission of going into all the points dealt with in the memorandum and its annexes. It considered that, as the details of the mandatory Power's policy were examined during the consideration of the annual report, it should focus its attention on the essential problems which determine the mandatory Power's policy towards the German population of South West Africa. The following points were accordingly considered: (1) dual nationality; (2) naturalisation in South West Africa and the German population's grievances concerning alleged discrimination against it in regard to the exercise of civic rights; (3) German as a third official language; (4) National-Socialist activity.

V. A detailed report on the exchange of views that took place on these four points is contained in the Minutes of the sixteenth meeting of the Mandates Commission, which must be considered an integral part of the present report.

The discussion was particularly useful in that it permitted the clearing-up and dispelling of doubts and uncertainties on some controversial points. Further, it revealed how far the difficulties in question were due to psychological influences prevailing among the different sections of the white population in the mandated territory, for it is evident, from the information placed before the Mandates Commission, that the German population is not alone in having shown signs of anxiety and even of alarm.

The discussion made it possible to establish a number of points, the nature and scope of which are clearly shown in the Minutes of the sixteenth meeting of the present session. The Commission may revert to them when the time comes for it to discuss the mandatory Power's next annual reports.

As the petitioner has presented no requests, and as the documents examined do not seem to call for any special action on the part of the Council, the Sub-Committee considers that the Mandates Commission might adopt the following conclusion:

"The Commission,  
"Having examined the memorandum dated March 17th, 1937, from Dr. H. B. K. Hirsekorn, of Windhoek, entitled "Comments on the Report of the South West Africa Commission", as well as the documents supplied by the mandatory Power;  
"And having heard the accredited representative of the Union of South Africa;  
"Referring to the Minutes of the sixteenth meeting of the present session;  
"Expressing the hope that future annual reports will show signs of appeasement in the minds of the different sections of the population of the mandated territory;  
"Considers that the memorandum calls for no special action."

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ANNEX 19.

PALESTINE.

COMMUNICATIONS FROM PRIVATE SOURCES RECEIVED ON THE OCCASION OF  
THE EXTRAORDINARY SESSION OF THE PERMANENT MANDATES COMMISSION.

*Second Supplementary List.<sup>1</sup>*

1. M. E. M. Walkovsky, Rabbi of the Jewish Community of Jerusalem. — Letter, dated July 26th, 1937.
2. Mahdi Alsadir Yusuf, Mufti of Baghdad and others. — Telegram, dated July 27th, 1937.
3. Members of the "Mouvement national" of Settat, French Morocco. — Letter, dated August 7th, 1937.
4. M. Hamdi Ben Kassem, Tunis. — Letter, dated August 7th, 1937.
5. M. S. Moideen Batcha Sahib, Ootacamund, India. — Letter, dated August 9th, 1937.
6. Dr. Aaron Rosmarin, New York. — Letter, dated August 9th, 1937.
7. M. Asher Saphir, Tel-Aviv. — Letters, dated July 20th and August 11th, 1937.
8. Abbot Chao Kung, Tientsin. — Letter, dated August 11th, 1937.
9. M. Saül Wolberst, London. — Letter, dated August 13th, 1937.
10. M. Fatim Elnaihi, President of the "Sous-Section du Comité de défense de la Terre sacrée de Palestine", Mazagan, Morocco. — Letter, dated August 15th, 1937.
11. M. Mohammed Yahya, El-Bait, for the "Association culturelle musulmane, of Damascus". — Letter, dated August 15th, 1937.
12. M. Samuel C. Gilman, Blue Lake, California. — Letter, dated August 17th, 1937.
13. M. Ali Gargouri, Sfax, Tunis. — Telegram, dated August 18th, 1937.
14. M. Miascovsky, President of the "Nouvelle Organisation Sioniste et de l'Union Sioniste revisionniste", Buenos Aires. — Letter, dated August 18th, 1937.
15. Partido Nacional Arabigo, Torreon de Coahila, Mexico. — Telegram, dated August 20th, 1937.
16. Mr. George Williams, North Rhondda (Glam.). — Letter, dated August 28th, 1937.
17. Dr. Lewenstein, President of the "Commission politique de l'Agoudath Israël", Zurich. — Letter, dated August 31st, 1937.
18. M. S. M. I. Ahsan Aish, Jamiyyat-e-Ulama-e-Burma, Rangoon. — Letter dated August, 1937.
19. Palestinian Committee, Wondoamiseno, Sourabaya. — Telegram, dated September 6th, 1937.
20. Mgr. Cyrille, Greek Catholic Patriarch, Aley. — Telegram, dated September 11th, 1937.
21. M. Alouni Abdul Hadi, Geneva. — Letters, dated September 15th and 16th, 1937.
22. M. José Abdala, Mercedes, Buenos Aires. — Telegram, dated September 16th, 1937.
23. Dr. W. Rasslan, "Arabischer Klub zu Berlin", Berlin. — Letter, dated September 20th, 1937.
24. M. Abel Genem, Theophilo Ottoni, Brazil. — Telegram, dated September 22nd, 1937.
25. M. Ahmad Hamzey Fawwaz, Detroit, Michigan. — Telegram, dated September 28th, 1937, and resolution adopted on September 25th, 1937.
26. H. I. Katibah, Arab National League, New York. — Letter, dated September 30th, 1937.
27. Saiid Khealifa, Cadi, Addis Ababa. — Telegram, dated October 18th, 1937.

<sup>1</sup> The first list and the supplementary list (documents C.P.M.1927 and 1927(a)) are annexed to the Minutes of the Thirty-second (Extraordinary) Session of the Commission, (document C.330.M.222.1937.VI, — 1937.VI.A.3, pages 222-225).

ANNEX 20.

I. REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION.

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The Permanent Mandates Commission met at Geneva from November 8th to 19th, 1937, for its thirty-third session, and held eighteen meetings, part of the first of which was public. The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

*Syria and Lebanon, 1936.*

Accredited Representative :

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

*Western Samoa, 1936/37.*

Accredited Representative :

Mr. Richard M. CAMPBELL, M.A., LL.B., Ph.D., New Zealand Government's Economic Adviser in London.

*Cameroons under French Mandate, 1936.*

Accredited Representative :

M. Maurice BESSON, Director of the " Agence économique de l'Afrique Occidentale française ", Paris.

*Ruanda-Urundi, 1936.*

Accredited Representative :

M. HALEWYCK DE HEUSCH, Director-General in the Belgian Colonial Ministry.

*Togoland under French Mandate, 1936.*

Accredited Representative :

M. Maurice BESSON, Director of the " Agence économique de l'Afrique Occidentale française ", Paris.

*Islands under Japanese Mandate, 1936.*

Accredited Representative :

M. Uzuhiko USAMI, Acting Director of the " Bureau du Japon pour les Conférences internationales ", Geneva.

The Commission also gave a hearing to Mr. H. T. ANDREWS, Representative of the Union of South Africa to the League of Nations, on the occasion of the examination of the Memorandum, dated March 17th, 1937, from Dr. H. B. K. Hirsekorn, Windhoek, concerning the report of the South Africa Commission.

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A. OBSERVATIONS ON 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 be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed. <sup>1</sup>

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<sup>1</sup> The page numbers following each observation are those of the Minutes of the session.

## TERRITORIES UNDER " A " MANDATE.

### Syria and Lebanon.

#### I. GENERAL OBSERVATIONS.

##### *Franco-Syrian and Franco-Lebanese Agreements, 1936.*

1. On January 1st, 1937, the evolution of the mandate over Syria and Lebanon entered upon its final phase. It is the belief of the mandatory Power that these States should be able, in the course of three years during which they will enjoy an increased measure of independence, to give proof of their fitness for self-government.

The Mandates Commission will closely watch the progress of this experiment when it considers the future reports of the mandatory Power, so that, in due course, it may be able to give an opinion to the Council on the political maturity of these States.

It trusts that the results of the experiment will prove conclusive.

2. The mandatory Power appended to the annual report for 1936 all the texts by which the future relations between France and Syria and between France and Lebanon are to be governed.

These texts were drawn up in the second half of the year 1936. The agreements between France and Syria have been ratified by the Damascus Parliament, and the Franco-Lebanese agreements by the Lebanese Parliament. Both series of texts are still awaiting ratification by France.

The main document for Syria—the Treaty of Friendship and Alliance between France and Syria—states in paragraph 4 of the Preamble that the two Governments are agreed " to bring about, in accordance with a well-defined programme, all such conditions as may lead to the admission of Syria to the League of Nations within three years of the discharge of the formalities of ratification ". Paragraph 3 of the Preamble of the Treaty of Friendship and Alliance between France and Lebanon is in identical terms.

The Commission was informed by the accredited representative that, as the necessary delays prior to ratification seemed likely to be protracted, the French Government had informed the Syrian and Lebanese authorities that the three-year period above mentioned would begin on January 1st, 1937.

3. The Treaties of Friendship and Alliance will not come into force until the admission of Syria and Lebanon respectively to the League of Nations. The same applies to some of the annexed agreements, and, in particular, to the military Conventions that accompany each of the treaties.

On the other hand, several of the instruments annexed to the treaties (Protocols and Exchanges of Notes) are to come into effect at once. This applies, for instance, to the Protocols (Nos. 2 and 5) concerning preparations for the taking-over by the two Governments of the responsibilities now assumed by France. Those Protocols also provide for the immediate opening of negotiations to settle the questions outstanding between Syria and Lebanon.

4. The Permanent Mandates Commission made a preliminary examination of the texts communicated by the French Government, from the general standpoint of how far the treaty undertakings contracted affect the mandatory regime.

The Commission did not feel called upon at present to express an opinion on the agreements as instruments for regulating the relations between Syria and Lebanon and France after the extinction of the mandate. Nor did it touch upon the practical question of the maturity of Syria and Lebanon, not having as yet been asked to do so.

The Commission has the honour to submit the following observations suggested to it by this first examination ; these may later be amplified in the light of further information :

#### *Local Autonomy.*

In accordance with Exchange of Notes No. 6 (Syria), separate administrative and financial systems have already been introduced for the Jebel Druse and Alawite territories.

The texts of the Orders issued in this connection, and the particulars given both in the annual report and by the accredited representative, bear witness to the endeavour to reconcile the principle of administrative autonomy laid down in Article 1, paragraph 3, of the mandate, with the necessity of strengthening the central authority of the Syrian State.

The new regime came into operation at the close of 1936, and has already undergone certain changes in its application.

Experience alone will show what value can be attached to this reform and whether it offers adequate safeguards for the rights and interests of the populations affected.

### *Minorities.*

Exchange of Notes No. 5, for Syria, provides that " the Syrian Government will maintain the guarantees of public law provided in the Syrian Constitution in favour of individuals and communities, and will give full effect to those guarantees ".

As regards Lebanon, the French Government was informed by Exchange of Notes No. 6 that " the Lebanese Government is prepared to guarantee equality of civil and political rights to all its nationals without distinction. It is also prepared to ensure the equitable representation of the various elements of the population in Government employments generally. The Lebanese Government will make provision for the just apportionment of public utility expenditure between the various regions ".

The accredited representative informed the Commission that the mandatory Power had had no desire, in these Exchanges of Notes, to prejudice the question of the guarantees which the League of Nations might wish to establish in this domain when the questions of the emancipation of Syria and Lebanon and of their admission to the League arise. He added that the stipulations reproduced above would be applied in practice under the supervision of the mandatory Power, during the probationary period of three years which is to end on January 1st, 1940.

In recommending the Council to take note of these declarations, the Permanent Mandates Commission considers it useful to emphasise the paramount importance which, in its opinion, attaches to the practical experiment involved in the application of these texts during the new phase upon which the mandatory administration has just entered.

## II. SPECIAL OBSERVATIONS.

### 1. *Syrians and Lebanese settled abroad.*

The Commission notes with satisfaction the solution of the problem of the Syrians and Lebanese settled abroad who were not able to exercise the right of option provided in Article 34 of the Treaty of Lausanne within the prescribed time-limits. By virtue of an agreement registered in a Franco-Turkish Exchange of Notes of May 29th, 1937, a further period of one year has been granted to emigrants in which to opt for their country of origin (pages 42, 149).

### 2. *Antiquities.*

The Commission is glad to observe that considerable progress has been made in the last few years in regard to the preservation of antiquities and the organisation of museums. It hopes that the changes which have occurred, and which are contemplated, in the administration of the territory will not result in retarding this progress (pages 15, 21, 39, 149).

### 3. *Labour.*

The Commission noted that no further information was available regarding the enquiry into the conditions of labour of handicraftsmen and industrial workers to which reference was made at its twenty-fifth (1934) and subsequent sessions. It hopes to learn of the progress and results of this enquiry in the next report (pages 42-43, 149).

The Commission would also like to receive, in the next report, detailed information about the organisation of the services entrusted with the enforcement of the legislation regulating the employment of women and children, both in Syria and in Lebanon, and regarding the results of the action of these services (pages 42, 43-44, 149).

### 4. *Upper Jezireh.*

The Commission has learnt with regret of the serious incidents which occurred recently in Upper Jezireh, necessitating the direct intervention of the mandatory Power. It notes that in consequence of these incidents the Central Government of Syria has made changes in the administrative personnel in that region.

The Commission would be glad to be informed of the steps taken to ensure fair treatment for the interests of the various sections of the heterogenous population of that district (pages 31-33, 149).



## TERRITORIES UNDER " B " MANDATE.

### Cameroons and Togoland under French Mandate.

#### OBSERVATIONS COMMON TO BOTH TERRITORIES.

##### I. *Native Provident Societies.*

The Commission was gratified to note the efforts made by the mandatory Power to develop native provident societies. It hopes to find, in future reports, detailed information on this valuable institution, to which it attaches special importance on account of its influence on the condition of the native peasantry (pages 70, 109, 110-111, 151).

##### 2. *Land Tenure.*

The Commission, being concerned at the dangers that may result to the security of native property from the procedure for the registration of native lands, would like to have in the next reports particulars concerning the exercise by the Administration of the control for which provision is made in Article 5, paragraph 2, of the mandate, more particularly in the case of mortgages.

Last year the Commission expressed some doubt whether the registration system might not tend to weaken tribal cohesion. As no statement on the subject appears in the 1936 reports, the Commission hopes that the next reports will provide useful information on the subject (pages 79-80, 117-119, 151).

### Cameroons under French Mandate.

##### I. *Frontiers.*

The Commission takes note of the accredited representative's statement that the delimitation work on the frontier between the territory and the Cameroons under British mandate will begin very shortly. It hopes that the next report will state the result of these operations, the Commission having several times had occasion to express the hope that they would soon be completed (pages 65-66, 139).

##### 2. *Public Finance.*

The Commission, being desirous of obtaining an exact idea of the real position of the railways of the territory, would be glad to have in the next report a statement of the amounts relating to their capital construction costs and particulars concerning allocations from the general loan funds to the further improvement and development of the system (pages 68, 139).

### Togoland under French Mandate.

#### I. GENERAL OBSERVATION.

The Commission was gratified to learn that there had been a substantial improvement in the financial situation of the territory. It would be glad to know whether this improvement is likely to induce the mandatory Power to cancel the administrative measures taken on grounds of economy during recent years (pages 103-106, 149).

#### II. SPECIAL OBSERVATIONS.

##### I. *General Administration.*

The Commission would be glad to find in the next report more detailed information as to the social position of the advanced elements of the native population (pages 113, 149).

##### 2. *Public Finance.*

The Commission appreciates the very substantial improvement in the manner in which the financial section of the annual report is presented (pages 104, 108, 109, 149).

### Ruanda-Urundi.

##### I. *General Administration.*

(a) The Commission noted with satisfaction that the administrative training of the future chiefs has been entrusted to qualified officials (pages 86, 139).

(b) The Commission took note of the creation of native treasuries in the territory. It will follow with interest the evolution of this institution (pages 86-87, 139).

2. *Economic Equality.*

The Commission noted the reply given by the mandatory Power in the annual report to the effect that, as regards the application of the rule of economic equality in the territory under mandate, all countries having trade relations with the territory, whether they are Members of the League of Nations, have ceased to be Members or have never been members, are treated on a footing of complete equality, and that it is not the present intention of the mandatory Power to modify this rule of its commercial policy and introduce a differential system (pages 83-85, 139).

3. *Public Finance.*

The Commission noted with satisfaction the material improvement in the financial situation of the territory. It was particularly glad to learn that the public debt had been reduced by about 10% (pages 81-82, 87, 139).

4. *Education.*

The Commission noted the efforts made by the mandatory Power to ensure that account should be taken of the principle of freedom of conscience in the organisation of the Astrida official school, where education is given to future native auxiliaries of the Administration and to a number of chiefs' sons. It hopes that it will be kept informed of the measures that may be taken in this connection (pages 97, 98-99, 139).

**TERRITORIES UNDER " C " MANDATE.**

**Islands under Japanese Mandate.**

1. *Native Customs.*

The Commission noted with interest the statement of the accredited representative of the mandatory Power that the results of an enquiry concerning the manners and customs of the natives of the territory would be published in future reports (pages 121, 151).

2. *Public Finance.*

The Commission noted in the budget estimates for the financial year 1936 that the mandatory Power proposed to transfer part of the budgetary surpluses of the mandated territory to Japan's general account. The accredited representative informed the Commission that this was only a temporary measure. The Commission would be glad to be informed of the reasons for this measure (pages 126-127, 128, 129, 151).

3. *Education.*

The Commission noted with satisfaction the accredited representative's statement that the mandatory Power intends to develop native education. It will follow with interest the action taken in this connection (pages 133-134, 151).

4. *Land Tenure.*

Last year the Commission asked for information on the systems of collective and individual land tenure and on the areas of land coming under the two systems. It considers that gratitude is due to the mandatory Power for having supplied particulars in the report for 1936. It hopes to find additional information on the subject in the next report, particularly as regards the important question of the alienation of land by the natives (pages 136-137, 151).

5. *Population.*

The Commission noted the results of the study made by public health experts of the decline in the native population of the island of Yap. It would be glad to be kept informed of the action taken by the Administration to arrest the decline of the native population (pages 135, 136, 138, 151).

**Western Samoa.**

**I. GENERAL OBSERVATION.**

The Commission was informed last year of important changes in the native policy of the Administration, which implied wide concessions on the part of the mandatory Power in the interests of general appeasement. At the present session, the accredited representative stated that the attitude of non-co-operation adopted by the " Mau ", an organisation to which the majority of the natives belong, had now ceased, and that there had been a marked improvement, due to the simultaneous influence of economic and psychological factors (pages 49-52, 53, 54, 139).

## II. SPECIAL OBSERVATIONS.

### 1. *Public Finance.*

In reply to a request made by the Commission at its thirtieth session, the annual report defines the nature of the public debt of the territory, and explains the policy adopted for its amortisation. The Commission takes note of the accredited representative's offer to have included in the next report particulars concerning certain points which still require elucidation (pages 55, 139).

### 2. *Freedom of Conscience.*

The Commission recalls the request which it made at the end of its thirtieth session that the annual reports should contain more detailed information concerning the activities of the missions in the territory (pages 60, 139).

### 3. *Education.*

The Commission would be glad to receive information concerning the nature of the supervision exercised by the Administration over mission schools and the methods employed (pages 60, 61, 139).

## B. PETITIONS.<sup>1</sup>

### I. PETITIONS ON WHICH CONCLUSIONS WERE REACHED.

At its thirty-third session, the Commission considered the petitions mentioned below, together with the mandatory Powers' observations thereon. Each of these petitions was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes.<sup>2</sup>

#### **Syria and Lebanon.**

- (a) PETITION, DATED APRIL 13TH, 1936, FROM M. AHMED EL-FIL, JOURNALIST, AND OTHER INHABITANTS OF MASSIAF (document C.P.M.1840) (page 150).

Observations of the French Government, dated September 21st, 1936 (document C.P.M.1840).

Report (see Minutes, Annex 4, page 158).

#### *Conclusions.*

" The Commission,

" Having examined the petition, dated April 13th, 1936, from M. Ahmed El-Fil and other inhabitants of Massiaf, and the mandatory Government's observations :

" Considers that no action need be taken on it."

- (b) PETITION, DATED FEBRUARY 4TH, 1936, FROM DR. CHICHAKLI, HAMA (document C.P.M. 1847) (page 151).

Observations of the French Government, dated October 22nd, 1936 (document C.P.M. 1847).

Report (see Minutes, Annex 5, pages 158-159).

#### *Conclusions.*

" The Commission,

" Having examined the petition, dated February 4th, 1936, from Dr. Chichakli, Hama, and the observations of the mandatory Power thereon :

" Considers that the various allegations contained in this petition do not call for any special recommendation to the Council."

- (c) PETITION, DATED JUNE 26TH, 1936, FROM MADAME F. SPER, ROME (document C.P.M.1834) (page 150).

Observations of the French Government, dated October 25th, 1937 (document C.P.M. 1951).

Report (see Minutes, Annex 6, page 160).

<sup>1</sup> The page numbers following each title are those of the Minutes of the session.

<sup>2</sup> The Commission recommends that copies of the petitions and the mandatory Powers' observations thereon should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated June 26th, 1936, from Madame Fortunée Sfer, Rome, and the observations of the mandatory Government, together with a decision of the Pensions Commission of the Lebanese Republic :  
“ Considers that the petition calls for no action on its part.”

- (d) PETITION, DATED JUNE 10TH, 1936, FROM M. EMILE HABBOUCHE, RAYAK (document C.P.M.1952) (page 150).

Observations of the French Government, dated October 29th, 1937 (document C.P.M. 1952).

Report (see Minutes, Annex 7, page 160).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated June 10th, 1936, from M. Emile Habbouche, Rayak, together with the observations of the mandatory Power thereon :

“ Considers that the petition does not call for any action.”

- (e) (1) PETITIONS (TWELVE IN NUMBER) FROM INHABITANTS OF UPPER JEZIREH (document C.P.M.1953) (pages 31-33, 150).

Observations of the French Government, dated October 29th, 1937 (document C.P.M. 1953).

- (2) PETITIONS, DATED AUGUST 6TH AND 24TH, 1937 (WITH ANNEXES), FROM M. MICHEL DOME, KAMECHLIE, AND OCTOBER 1ST, 1937, FROM MAHMOUD IBRAHIM PASHA, FATHER GABRIEL AND OTHERS, RAS-EL-AIN (document C.P.M.1954) (pages 31-33, 150).

Observations of the French Government, dated October 29th, 1937 (document C.P.M.1954).

Report (see Minutes, Annex 8, page 161).

*Conclusions.*

“ The Commission,

“ Having examined the petitions from inhabitants of Upper Jezireh in the light of the observations of the mandatory Government, the Annual Report on Syria and Lebanon for 1936 and the verbal explanations of its accredited representative :

“ Hopes that equality of treatment as between the inhabitants of Upper Jezireh, irrespective of race, religion and language, will be fully respected, and that a spirit of mutual confidence and tolerance will thereby be created.”

- (f) (1) PETITIONS (FORTY-SIX IN NUMBER) RELATING TO SYRIAN UNITY (document C.P.M.1955) (pages 47, 150).

Observations of the French Government, dated October 29th, 1937 (document C.P.M. 1955).

- (2) PETITION, DATED FEBRUARY 19TH, 1937, FROM M. IZZET MOKADDEM, TRIPOLI (document C.P.M.1974) (page 150).

Observations of the French Government, dated November 6th, 1937 (document C.P.M.1974).

- (3) PETITION, DATED JULY 8TH, 1937, FROM M. R. CHAMBOUR AND OTHER SIGNATORIES (document C.P.M.1975) (page 150).

Observations of the French Government, dated November 8th, 1937 (document C.P.M.1975).

Report (see Minutes, Annex 9, pages 162-163).

*Conclusions.*

“ The Commission,

“ Having examined (1) the petitions (forty-six in number) relating to Syrian Unity with special reference to Lebanon, (2) the petition, dated February 19th, 1937, from M. Izzet Mokaddem, Tripoli, (3) the petition, dated July 8th, 1937, from M. R. Chambour and others, in the light of the observations of the mandatory Government and the explanations supplied verbally by its accredited representative ;

“ Referring to the conclusion adopted at the twenty-seventh session of the Commission on the petitions (six in number) from inhabitants of Tripoli and Nabatié regarding the fusion of Syria and Lebanon :

“ Considers that no special recommendations to the Council are needed in regard to these petitions.”

- (g) PETITION, DATED FEBRUARY 26TH, 1937, FROM M. MUSTAPHA CHAHO, CHIEF OF THE DANCING DERVISHES, ANTIOCH (document C.P.M.1956) (page 151).

Observations of the French Government, dated October 30th, 1937 (document C.P.M.1956).

Report (see Minutes, Annex 10, pages 163-164).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated February 26th, 1937, from M. Mustapha Chaho, Chief of the Dancing Dervishes, Antioch, and the observations of the mandatory Power thereon :

“ Considers that this petition does not call for any special recommendation to the Council.”

- (h) PETITIONS, DATED APRIL 1ST, OCTOBER 1ST, 1936, AND JULY 26TH, 1937, FROM M. SAMI SLIM, BEIRUT (document C.P.M.1958) (page 150).

Observations of the French Government, dated October 30th, 1937 (document C.P.M.1958).

Report (see Minutes, Annex 11, page 164).

*Conclusions.*

“ The Commission,

“ Having examined the petitions, dated April 1st, October 1st, 1936, and July 26th, 1937, from M. Sami Slim, Beirut, together with the observations of the mandatory Power thereon :

“ Considers that no action should be taken on these petitions.”

- (i) PETITIONS, DATED MAY 24TH AND JULY 19TH, 1937, COMMUNICATED BY MGR. PAUL MÉOUCHI, MARONITE ARCHBISHOP, TYRE (document C.P.M.1959) (pages 41-42, 150).

Observations of the French Government, dated October 30th, 1937 (document C.P.M.1959).

Report (see Minutes, Annex 12, page 165).

*Conclusions.*

“ The Commission,

“ Having examined the petitions, dated May 24th and July 19th, 1937, communicated by Mgr. Paul Méouchi, Maronite Archbishop, Tyre, concerning the tobacco monopoly, in the light of the observations of the mandatory Power ;

“ Without expressing any opinion as to the desirability of the maintenance of the monopoly :

“ Decides not to take any special action upon them.”

- (k) TWO PETITIONS, IN IDENTICAL TERMS, DATED MAY 13TH AND 11TH, 1937, RESPECTIVELY, FROM GROUPS OF INHABITANTS OF LATAKIA, HOMS AND DAMASCUS, AND FROM MGR. EPIPHANIOS AND OTHER SIGNATORIES, TRIPOLI (document C.P.M.1960) (page 150).

Observations of the French Government, dated October 30th, 1937 (document C.P.M.1960).

Report (see Minutes, Annex 13, pages 165-166).

*Conclusions.*

“ The Commission,

“ Having examined the two petitions, dated May 13th and 11th, 1937, respectively, from groups of inhabitants of Latakia, Homs and Damascus, and from Mgr. Epiphanius and other signatories, Tripoli, together with the observations of the mandatory Power thereon :

“ Considers that no special recommendation to the Council is called for in regard to these petitions.”

- (l) PETITION, DATED FEBRUARY 12TH, 1937, FROM M. CHARLES DAOUD AMMOUN, EDITOR OF THE NEWSPAPER *Le Jour*, BEIRUT (document C.P.M.1961) (page 150).

Observations of the French Government, dated October 30th, 1937 (document C.P.M. 1961).

Report (see Minutes, Annex 14, page 166).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated February 12th, 1937, from M. Charles Daoud Ammoun, Editor of the newspaper *Le Jour*, Beirut, and the observations of the mandatory Power thereon :

“ Considers that no action need be taken on it.”

- (m) PETITION, DATED AUGUST 29TH, 1936, FROM M. ZAKI EL-KHATIB, DAMASCUS (document C.P.M.1962) (page 151).

Observations of the French Government, dated October 30th, 1937 (document C.P.M. 1962).

Report (see Minutes, Annex 15, pages 166-167).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated August 29th, 1936, from M. Zaki El-Khatib, Damascus, and the observations of the mandatory Power thereon ;

“ Reserving the right to take account thereof in the study of the political future of Syria :

“ Considers that the petition does not call for any special recommendation to the Council.”

- (n) PETITION, DATED JANUARY 31ST, 1937, FROM M. HIKMAT TOUMA AND OTHER SIGNATORIES, JERABLUS (document C.P.M.1963) (page 151).

Observations of the French Government, dated October 29th, 1937 (document C.P.M.1963).

Report (see Minutes, Annex 16, page 167).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated January 31st, 1937, from M. Hikmat Touma and other signatories, Jerablus, together with the observations of the mandatory Power thereon :

“ Considers that no special recommendation need be made to the Council regarding this petition.”

- (o) PETITION, DATED AUGUST 12TH, 1936, FROM M. NAMÉ TABET, BEIRUT (document C.P.M. 1964) (pages 43, 47, 151).

Observations of the French Government, dated October 30th, 1937 (document C.P.M.1964).

Report (see Minutes, Annex 17, pages 167-170).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated August 12th, 1936, from M. Namé Tabet, Beirut, which is of a certain documentary value, together with the mandatory Power's observations thereon ;

“ Considering that this petition deals with matters that have already been discussed by the Commission on several occasions, and which will again be discussed in connection with the development of the mandate :

“ Considers that no special recommendation need be made to the Council regarding this petition.”

**South West Africa.**

- MEMORANDUM, DATED MARCH 17TH, 1937, FROM DR. H. B. K. HIRSEKORN, WINDHOEK, CONCERNING THE REPORT OF THE SOUTH WEST AFRICA COMMISSION (document C.P.M.1945) (pages 12, 13, 139-149, 151).

Observations of the Government of the Union of South Africa (with annex), dated October 5th, 1937 (document C.P.M.1945).

Report (see Minutes, Annex 18, pages 170-171).

*Conclusions.*

“ The Commission,

“ Having examined the memorandum, dated March 17th, 1937, by Dr. H. B. K. Hirsekorn, Windhoek, entitled ‘ Comments on the Report of the South West Africa Commission ’, as well as the documents supplied by the mandatory Power ;

“ And having heard the accredited representative of the Union of South Africa ;

“ Referring to the Minutes of the sixteenth meeting of the present session ;

“ Expressing the hope that future annual reports will show signs of appeasement in the minds of the different sections of the population of the mandated territory ;

“ Considers that the memorandum calls for no special action.”

II. PETITIONS REJECTED BY THE COMMISSION AS INADMISSIBLE.

**Syria and Lebanon.**

- (a) PETITIONS (TWENTY IN NUMBER) REGARDING THE STATUS OF THE SANJAK OF ALEXANDRETTA (document C.P.M.1957) (pages 26, 138).

Observations of the French Government, dated October 29th, 1937 (document C.P.M. 1957).

- (b) PETITIONS (SIX IN NUMBER) REGARDING THE STATUS OF THE SANJAK OF ALEXANDRETTA (document C.P.M. 1972) (page 138).

Observations of the French Government, dated November 6th, 1937 (document C.P.M.1972).

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II. COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED  
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION  
OF THE PERMANENT MANDATES COMMISSION.

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The accredited representatives for Syria and Lebanon, Cameroons and Togoland under French mandate, Ruanda-Urundi, Islands under Japanese mandate and Western Samoa 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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### Abbreviations

Art.	=	Article
Cttee.	=	Committee
Govt.	=	Government
Int.	=	International
Memo.	=	Memorandum
Parag.	=	Paragraph
P.M.C.	=	Permanent Mandates Commission
Ref.	=	Reference

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Geneva, November 19th, 1937.

LEAGUE OF NATIONS

**PERMANENT MANDATES COMMISSION**

**THIRTY-THIRD SESSION OF THE COMMISSION**

(Geneva, November 8th-19th, 1937).



**I.**

**REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION.**

The Permanent Mandates Commission met at Geneva from November 8th to 19th, 1937, for its thirty-third session, and held eighteen meetings, part of the first of which was public.

The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

*Syria and Lebanon, 1936.*

Accredited Representative :

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

*Western Samoa, 1936/37.*

Accredited Representative :

Mr. Richard M. CAMPBELL, M.A., LL.B., Ph.D., New Zealand Government's Economic Adviser in London.

*Cameroons under French Mandate, 1936.*

Accredited Representative :

M. Maurice BESSON, Director of the " Agence économique de l'Afrique Occidentale française ", Paris.

*Ruanda-Urundi, 1936.*

Accredited Representative :

M. HALEWYCK DE HEUSCH, Director-General in the Belgian Colonial Ministry.

*Togoland under French Mandate, 1936.*

Accredited Representative :

M. Maurice BESSON, Director of the " Agence économique de l'Afrique Occidentale française ", Paris.

*Islands under Japanese Mandate, 1936.*

Accredited Representative :

M. Uzuhiko USAMI, Acting Director of the " Bureau du Japon pour les Conférences internationales ", Geneva.

The Commission also gave a hearing to Mr. H. T. ANDREWS, Representative of the Union of South Africa to the League of Nations, on the occasion of the examination of the Memorandum, dated March 17th, 1937, from Dr. H. B. K. Hirsekorn, Windhoek, concerning the report of the South Africa Commission.

## A. OBSERVATIONS ON 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 be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.<sup>1</sup>

### TERRITORIES UNDER "A" MANDATE.

#### Syria and Lebanon.

##### I. GENERAL OBSERVATIONS.

###### *Franco-Syrian and Franco-Lebanese Agreements, 1936.*

1. On January 1st, 1937, the evolution of the mandate over Syria and Lebanon entered upon its final phase. It is the belief of the mandatory Power that these States should be able, in the course of three years during which they will enjoy an increased measure of independence, to give proof of their fitness for self-government.

The Mandates Commission will closely watch the progress of this experiment when it considers the future reports of the mandatory Power, so that, in due course, it may be able to give an opinion to the Council on the political maturity of these States.

It trusts that the results of the experiment will prove conclusive.

2. The mandatory Power appended to the annual report for 1936 all the texts by which the future relations between France and Syria and between France and Lebanon are to be governed.

These texts were drawn up in the second half of the year 1936. The agreements between France and Syria have been ratified by the Damascus Parliament, and the Franco-Lebanese agreements by the Lebanese Parliament. Both series of texts are still awaiting ratification by France.

The main document for Syria—the Treaty of Friendship and Alliance between France and Syria—states in paragraph 4 of the Preamble that the two Governments are agreed "to bring about, in accordance with a well-defined programme, all such conditions as may lead to the admission of Syria to the League of Nations within three years of the discharge of the formalities of ratification". Paragraph 3 of the Preamble of the Treaty of Friendship and Alliance between France and Lebanon is in identical terms.

The Commission was informed by the accredited representative that, as the necessary delays prior to ratification seemed likely to be protracted, the French Government had informed the Syrian and Lebanese authorities that the three-year period above mentioned would begin on January 1st, 1937.

3. The Treaties of Friendship and Alliance will not come into force until the admission of Syria and Lebanon respectively to the League of Nations. The same applies to some of the annexed agreements, and, in particular, to the military Conventions that accompany each of the treaties.

On the other hand, several of the instruments annexed to the treaties (Protocols and Exchanges of Notes) are to come into effect at once. This applies, for instance, to the Protocols (Nos. 2 and 5) concerning preparations for the taking-over by the two Governments of the responsibilities now assumed by France. Those Protocols also provide for the immediate opening of negotiations to settle the questions outstanding between Syria and Lebanon.

4. The Permanent Mandates Commission made a preliminary examination of the texts communicated by the French Government, from the general standpoint of how far the treaty undertakings contracted affect the mandatory regime.

The Commission did not feel called upon at present to express an opinion on the agreements as instruments for regulating the relations between Syria and Lebanon and France after the extinction of the mandate. Nor did it touch upon the practical question of the maturity of Syria and Lebanon, not having as yet been asked to do so.

The Commission has the honour to submit the following observations suggested to it by this first examination; these may later be amplified in the light of further information:

#### *Local Autonomy.*

In accordance with Exchange of Notes No. 6 (Syria), separate administrative and financial systems have already been introduced for the Jebel Druse and Alawite territories.

The texts of the Orders issued in this connection, and the particulars given both in the annual report and by the accredited representative, bear witness to the endeavour to reconcile

<sup>1</sup> The page numbers following each observation are those of the Minutes of the session.

the principle of administrative autonomy laid down in Article 1, paragraph 3, of the mandate, with the necessity of strengthening the central authority of the Syrian State.

The new regime came into operation at the close of 1936, and has already undergone certain changes in its application.

Experience alone will show what value can be attached to this reform and whether it offers adequate safeguards for the rights and interests of the populations affected.

### *Minorities.*

Exchange of Notes No. 5, for Syria, provides that " the Syrian Government will maintain the guarantees of public law provided in the Syrian Constitution in favour of individuals and communities, and will give full effect to those guarantees ".

As regards Lebanon, the French Government was informed by Exchange of Notes No. 6 that " the Lebanese Government is prepared to guarantee equality of civil and political rights to all its nationals without distinction. It is also prepared to ensure the equitable representation of the various elements of the population in Government employments generally. The Lebanese Government will make provision for the just apportionment of public utility expenditure between the various regions ".

The accredited representative informed the Commission that the mandatory Power had had no desire, in these Exchanges of Notes, to prejudice the question of the guarantees which the League of Nations might wish to establish in this domain when the questions of the emancipation of Syria and Lebanon and of their admission to the League arise. He added that the stipulations reproduced above would be applied in practice under the supervision of the mandatory Power, during the probationary period of three years which is to end on January 1st, 1940.

In recommending the Council to take note of these declarations, the Permanent Mandates Commission considers it useful to emphasise the paramount importance which, in its opinion, attaches to the practical experiment involved in the application of these texts during the new phase upon which the mandatory administration has just entered.

## II. SPECIAL OBSERVATIONS.

### *1. Syrians and Lebanese settled abroad.*

The Commission notes with satisfaction the solution of the problem of the Syrians and Lebanese settled abroad who were not able to exercise the right of option provided in Article 34 of the Treaty of Lausanne within the prescribed time-limits. By virtue of an agreement registered in a Franco-Turkish Exchange of Notes of May 29th, 1937, a further period of one year has been granted to emigrants in which to opt for their country of origin (pages 42, 149).

### *2. Antiquities.*

The Commission is glad to observe that considerable progress has been made in the last few years in regard to the preservation of antiquities and the organisation of museums. It hopes that the changes which have occurred, and which are contemplated, in the administration of the territory will not result in retarding this progress (pages 15, 21, 39, 149).

### *3. Labour.*

The Commission noted that no further information was available regarding the enquiry into the conditions of labour of handicraftsmen and industrial workers to which reference was made at its twenty-fifth (1934) and subsequent sessions. It hopes to learn of the progress and results of this enquiry in the next report (pages 42-43, 149).

The Commission would also like to receive, in the next report, detailed information about the organisation of the services entrusted with the enforcement of the legislation regulating the employment of women and children, both in Syria and in Lebanon, and regarding the results of the action of these services (pages 42, 43-44, 149).

### *4. Upper Jezireh.*

The Commission has learnt with regret of the serious incidents which occurred recently in Upper Jezireh, necessitating the direct intervention of the mandatory Power. It notes that in consequence of these incidents the Central Government of Syria has made changes in the administrative personnel in that region.

The Commission would be glad to be informed of the steps taken to ensure fair treatment for the interests of the various sections of the heterogenous population of that district (pages 31-33, 149)

## TERRITORIES UNDER " B " MANDATE.

### Cameroons and Togoland under French Mandate.

#### OBSERVATIONS COMMON TO BOTH TERRITORIES.

##### I. *Native Provident Societies.*

The Commission was gratified to note the efforts made by the mandatory Power to develop native provident societies. It hopes to find, in future reports, detailed information on this valuable institution, to which it attaches special importance on account of its influence on the condition of the native peasantry (pages 70, 109, 110-111, 151).

##### 2. *Land Tenure.*

The Commission, being concerned at the dangers that may result to the security of native property from the procedure for the registration of native lands, would like to have in the next reports particulars concerning the exercise by the Administration of the control for which provision is made in Article 5, paragraph 2, of the mandate, more particularly in the case of mortgages.

Last year the Commission expressed some doubt whether the registration system might not tend to weaken tribal cohesion. As no statement on the subject appears in the 1936 reports, the Commission hopes that the next reports will provide useful information on the subject (pages 79-80, 117-119, 151).

### Cameroons under French Mandate.

##### I. *Frontiers.*

The Commission takes note of the accredited representative's statement that the delimitation work on the frontier between the territory and the Cameroons under British mandate will begin very shortly. It hopes that the next report will state the result of these operations, the Commission having several times had occasion to express the hope that they would soon be completed (pages 65-66, 139).

##### 2. *Public Finance.*

The Commission, being desirous of obtaining an exact idea of the real position of the railways of the territory, would be glad to have in the next report a statement of the amounts relating to their capital construction costs and particulars concerning allocations from the general loan funds to the further improvement and development of the system (pages 68, 139).

### Togoland under French Mandate.

#### I. GENERAL OBSERVATION.

The Commission was gratified to learn that there had been a substantial improvement in the financial situation of the territory. It would be glad to know whether this improvement is likely to induce the mandatory Power to cancel the administrative measures taken on grounds of economy during recent years (pages 103-106, 149).

#### II. SPECIAL OBSERVATIONS.

##### I. *General Administration.*

The Commission would be glad to find in the next report more detailed information as to the social position of the advanced elements of the native population (pages 113, 149).

##### 2. *Public Finance.*

The Commission appreciates the very substantial improvement in the manner in which the financial section of the annual report is presented (pages 104, 108, 109, 149).

### Ruanda-Urundi.

##### I. *General Administration.*

(a) The Commission noted with satisfaction that the administrative training of the future chiefs has been entrusted to qualified officials (pages 86, 139).

(b) The Commission took note of the creation of native treasuries in the territory. It will follow with interest the evolution of this institution (pages 86-87, 139).

2. *Economic Equality.*

The Commission noted the reply given by the mandatory Power in the annual report to the effect that, as regards the application of the rule of economic equality in the territory under mandate, all countries having trade relations with the territory, whether they are Members of the League of Nations, have ceased to be Members or have never been members, are treated on a footing of complete equality, and that it is not the present intention of the mandatory Power to modify this rule of its commercial policy and introduce a differential system (pages 83-85, 139).

3. *Public Finance.*

The Commission noted with satisfaction the material improvement in the financial situation of the territory. It was particularly glad to learn that the public debt had been reduced by about 10% (pages 81-82, 87, 139).

4. *Education.*

The Commission noted the efforts made by the mandatory Power to ensure that account should be taken of the principle of freedom of conscience in the organisation of the Astrida official school, where education is given to future native auxiliaries of the Administration and to a number of chiefs' sons. It hopes that it will be kept informed of the measures that may be taken in this connection (pages 97, 98-99, 139).

**TERRITORIES UNDER " C " MANDATE.**

**Islands under Japanese Mandate.**

1. *Native Customs.*

The Commission noted with interest the statement of the accredited representative of the mandatory Power that the results of an enquiry concerning the manners and customs of the natives of the territory would be published in future reports (pages 121, 151).

2. *Public Finance.*

The Commission noted in the budget estimates for the financial year 1936 that the mandatory Power proposed to transfer part of the budgetary surpluses of the mandated territory to Japan's general account. The accredited representative informed the Commission that this was only a temporary measure. The Commission would be glad to be informed of the reasons for this measure (pages 126-127, 128, 129, 151).

3. *Education.*

The Commission noted with satisfaction the accredited representative's statement that the mandatory Power intends to develop native education. It will follow with interest the action taken in this connection (pages 133-134, 151).

4. *Land Tenure.*

Last year the Commission asked for information on the systems of collective and individual land tenure and on the areas of land coming under the two systems. It considers that gratitude is due to the mandatory Power for having supplied particulars in the report for 1936. It hopes to find additional information on the subject in the next report, particularly as regards the important question of the alienation of land by the natives (pages 136-137, 151).

5. *Population.*

The Commission noted the results of the study made by public health experts of the decline in the native population of the island of Yap. It would be glad to be kept informed of the action taken by the Administration to arrest the decline of the native population (pages 135, 136, 138, 151).

**Western Samoa.**

**I. GENERAL OBSERVATION.**

The Commission was informed last year of important changes in the native policy of the Administration, which implied wide concessions on the part of the mandatory Power in the interests of general appeasement. At the present session, the accredited representative stated that the attitude of non-co-operation adopted by the " Mau ", an organisation to which the majority of the natives belong, had now ceased, and that there had been a marked improvement, due to the simultaneous influence of economic and psychological factors (pages 49-52, 53, 54, 139).

## II. SPECIAL OBSERVATIONS.

### 1. *Public Finance.*

In reply to a request made by the Commission at its thirtieth session, the annual report defines the nature of the public debt of the territory, and explains the policy adopted for its amortisation. The Commission takes note of the accredited representative's offer to have included in the next report particulars concerning certain points which still require elucidation (pages 55, 139).

### 2. *Freedom of Conscience.*

The Commission recalls the request which it made at the end of its thirtieth session that the annual reports should contain more detailed information concerning the activities of the missions in the territory (pages 60, 139).

### 3. *Education.*

The Commission would be glad to receive information concerning the nature of the supervision exercised by the Administration over mission schools and the methods employed (pages 60, 61, 139).

## B. PETITIONS.<sup>1</sup>

### I. PETITIONS ON WHICH CONCLUSIONS WERE REACHED.

At its thirty-third session, the Commission considered the petitions mentioned below, together with the mandatory Powers' observations thereon. Each of these petitions was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes.<sup>2</sup>

#### **Syria and Lebanon.**

- (a) PETITION, DATED APRIL 13TH, 1936, FROM M. AHMED EL-FIL, JOURNALIST, AND OTHER INHABITANTS OF MASSIAF (document C.P.M.1840) (page 150).

Observations of the French Government, dated September 21st, 1936 (document C.P.M.1840).

Report (see Minutes, Annex 4, page 158).

#### *Conclusions.*

"The Commission,

"Having examined the petition, dated April 13th, 1936, from M. Ahmed El-Fil and other inhabitants of Massiaf, and the mandatory Government's observations :

"Considers that no action need be taken on it."

- (b) PETITION, DATED FEBRUARY 4TH, 1936, FROM DR. CHICHAKLI, HAMA (document C.P.M. 1847) (page 151).

Observations of the French Government, dated October 22nd, 1936 (document C.P.M. 1847).

Report (see Minutes, Annex 5, pages 158-159).

#### *Conclusions.*

"The Commission,

"Having examined the petition, dated February 4th, 1936, from Dr. Chichakli, Hama, and the observations of the mandatory Power thereon :

"Considers that the various allegations contained in this petition do not call for any special recommendation to the Council."

- (c) PETITION, DATED JUNE 26TH, 1936, FROM MADAME F. SFER, ROME (document C.P.M.1834) (page 150).

Observations of the French Government, dated October 25th, 1937 (document C.P.M. 1951).

Report (see Minutes, Annex 6, page 160).

<sup>1</sup> The page numbers following each title are those of the Minutes of the session.

<sup>2</sup> The Commission recommends that copies of the petitions and the mandatory Powers' observations thereon should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated June 26th, 1936, from Madame Fortunée Sfer, Rome, and the observations of the mandatory Government, together with a decision of the Pensions Commission of the Lebanese Republic :

“ Considers that the petition calls for no action on its part.”

- (d) PETITION, DATED JUNE 10TH, 1936, FROM M. EMILE HABBOUCHE, RAYAK (document C.P.M.1952) (page 150).

Observations of the French Government, dated October 29th, 1937 (document C.P.M. 1952).

Report (see Minutes, Annex 7, page 160).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated June 10th, 1936, from M. Emile Habbouche, Rayak, together with the observations of the mandatory Power thereon :

“ Considers that the petition does not call for any action.”

- (e) (1) PETITIONS (TWELVE IN NUMBER) FROM INHABITANTS OF UPPER JEZIREH (document C.P.M.1953) (pages 31-33, 150).

Observations of the French Government, dated October 29th, 1937 (document C.P.M. 1953).

- (2) PETITIONS, DATED AUGUST 6TH AND 24TH, 1937 (WITH ANNEXES), FROM M. MICHEL DOME, KAMECHLIE, AND OCTOBER 1ST, 1937, FROM MAHMOUD IBRAHIM PASHA, FATHER GABRIEL AND OTHERS, RAS-EL-AIN (document C.P.M.1954) (pages 31-33, 150).

Observations of the French Government, dated October 29th, 1937 (document C.P.M.1954).

Report (see Minutes, Annex 8, page 161).

*Conclusions.*

“ The Commission,

“ Having examined the petitions from inhabitants of Upper Jezireh in the light of the observations of the mandatory Government, the Annual Report on Syria and Lebanon for 1936 and the verbal explanations of its accredited representative :

“ Hopes that equality of treatment as between the inhabitants of Upper Jezireh, irrespective of race, religion and language, will be fully respected, and that a spirit of mutual confidence and tolerance will thereby be created.”

- (f) (1) PETITIONS (FORTY-SIX IN NUMBER) RELATING TO SYRIAN UNITY (document C.P.M.1955) (pages 47, 150).

Observations of the French Government, dated October 29th, 1937 (document C.P.M. 1955).

- (2) PETITION, DATED FEBRUARY 19TH, 1937, FROM M. IZZET MOKADDEM, TRIPOLI (document C.P.M.1974) (page 150).

Observations of the French Government, dated November 6th, 1937 (document C.P.M.1974).

- (3) PETITION, DATED JULY 8TH, 1937, FROM M. R. CHAMBOUR AND OTHER SIGNATORIES (document C.P.M.1975) (page 150).

Observations of the French Government, dated November 8th, 1937 (document C.P.M.1975).

Report (see Minutes, Annex 9, pages 162-163).

*Conclusions.*

“ The Commission,

“ Having examined (1) the petitions (forty-six in number) relating to Syrian Unity with special reference to Lebanon, (2) the petition, dated February 19th, 1937, from M. Izzet Mokaddem, Tripoli, (3) the petition, dated July 8th, 1937, from M. R. Chambour and others, in the light of the observations of the mandatory Government and the explanations supplied verbally by its accredited representative ;



“ Referring to the conclusion adopted at the twenty-seventh session of the Commission on the petitions (six in number) from inhabitants of Tripoli and Nabatié regarding the fusion of Syria and Lebanon :

“ Considers that no special recommendations to the Council are needed in regard to these petitions.”

- (g) PETITION, DATED FEBRUARY 26TH, 1937, FROM M. MUSTAPHA CHAHO, CHIEF OF THE DANCING DERVISHES, ANTIOCH (document C.P.M.1956) (page 151).

Observations of the French Government, dated October 30th, 1937 (document C.P.M.1956).

Report (see Minutes, Annex 10, pages 163-164).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated February 26th, 1937, from M. Mustapha Chaho, Chief of the Dancing Dervishes, Antioch, and the observations of the mandatory Power thereon :

“ Considers that this petition does not call for any special recommendation to the Council.”

- (h) PETITIONS, DATED APRIL 1ST, OCTOBER 1ST, 1936, AND JULY 26TH, 1937, FROM M. SAMI SLIM, BEIRUT (document C.P.M.1958) (page 150).

Observations of the French Government, dated October 30th, 1937 (document C.P.M.1958).

Report (see Minutes, Annex 11, page 164).

*Conclusions.*

“ The Commission,

“ Having examined the petitions, dated April 1st, October 1st, 1936, and July 26th, 1937, from M. Sami Slim, Beirut, together with the observations of the mandatory Power thereon :

“ Considers that no action should be taken on these petitions.”

- (i) PETITIONS, DATED MAY 24TH AND JULY 19TH, 1937, COMMUNICATED BY MGR. PAUL MÉOUCHI, MARONITE ARCHBISHOP, TYRE (document C.P.M.1959) (pages 41-42, 150).

Observations of the French Government, dated October 30th, 1937 (document C.P.M.1959).

Report (see Minutes, Annex 12, page 165).

*Conclusions.*

“ The Commission,

“ Having examined the petitions, dated May 24th and July 19th, 1937, communicated by Mgr. Paul Méouchi, Maronite Archbishop, Tyre, concerning the tobacco monopoly, in the light of the observations of the mandatory Power ;

“ Without expressing any opinion as to the desirability of the maintenance of the monopoly :

“ Decides not to take any special action upon them.”

- (k) TWO PETITIONS, IN IDENTICAL TERMS, DATED MAY 13TH AND 11TH, 1937, RESPECTIVELY, FROM GROUPS OF INHABITANTS OF LATAKIA, HOMS AND DAMASCUS; AND FROM MGR. EPIPHANIOS AND OTHER SIGNATORIES, TRIPOLI (document C.P.M.1960) (page 150).

Observations of the French Government, dated October 30th, 1937 (document C.P.M.1960).

Report (see Minutes, Annex 13, pages 165-166).

*Conclusions.*

“ The Commission,

“ Having examined the two petitions, dated May 13th and 11th, 1937, respectively, from groups of inhabitants of Latakia, Homs and Damascus, and from Mgr. Epiphanius and other signatories, Tripoli, together with the observations of the mandatory Power thereon :

“ Considers that no special recommendation to the Council is called for in regard to these petitions.”

- (l) PETITION, DATED FEBRUARY 12TH, 1937, FROM M. CHARLES DAOU D AMMOUN, EDITOR OF THE NEWSPAPER *Le Jour*, BEIRUT (document C.P.M.1961) (page 150).

Observations of the French Government, dated October 30th, 1937 (document C.P.M. 1961).

Report (see Minutes, Annex 14, page 166).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated February 12th, 1937, from M. Charles Daoud Ammoun, Editor of the newspaper *Le Jour*, Beirut, and the observations of the mandatory Power thereon :

“ Considers that no action need be taken on it.”

- (m) PETITION, DATED AUGUST 29TH, 1936, FROM M. ZAKI EL-KHATIB, DAMASCUS (document C.P.M.1962) (page 151).

Observations of the French Government, dated October 30th, 1937 (document C.P.M. 1962).

Report (see Minutes, Annex 15, pages 166-167).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated August 29th, 1936, from M. Zaki El-Khatib, Damascus, and the observations of the mandatory Power thereon ;

“ Reserving the right to take account thereof in the study of the political future of Syria :

“ Considers that the petition does not call for any special recommendation to the Council.”

- (n) PETITION, DATED JANUARY 31ST, 1937, FROM M. HIKMAT TOUMA AND OTHER SIGNATORIES, JERABLUS (document C.P.M.1963) (page 151).

Observations of the French Government, dated October 29th, 1937 (document C.P.M.1963).

Report (see Minutes, Annex 16, page 167).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated January 31st, 1937, from M. Hikmat Touma and other signatories, Jerablus, together with the observations of the mandatory Power thereon :

“ Considers that no special recommendation need be made to the Council regarding this petition.”

- (o) PETITION, DATED AUGUST 12TH, 1936, FROM M. NAMÉ TABEL, BEIRUT (document C.P.M. 1964) (pages 43, 47, 151).

Observations of the French Government, dated October 30th, 1937 (document C.P.M.1964).

Report (see Minutes, Annex 17, pages 167-170).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated August 12th, 1936, from M. Namé Tabet, Beirut, which is of a certain documentary value, together with the mandatory Power's observations thereon ;

“ Considering that this petition deals with matters that have already been discussed by the Commission on several occasions, and which will again be discussed in connection with the development of the mandate :

“ Considers that no special recommendation need be made to the Council regarding this petition.”

**South West Africa.**

- MEMORANDUM, DATED MARCH 17TH, 1937, FROM DR. H. B. K. HIRSEKORN, WINDHOEK, CONCERNING THE REPORT OF THE SOUTH WEST AFRICA COMMISSION (document C.P.M.1945) (pages 12, 13, 139-149, 151).

Observations of the Government of the Union of South Africa (with annex), dated October 5th, 1937 (document C.P.M.1945).

Report (see Minutes, Annex 18, pages 170-171).

*Conclusions.*

“ The Commission,

“ Having examined the memorandum, dated March 17th, 1937, by Dr. H. B. K. Hirsekorn, Windhoek, entitled ‘ Comments on the Report of the South West Africa Commission ’, as well as the documents supplied by the mandatory Power ;

“ And having heard the accredited representative of the Union of South Africa ;

“ Referring to the Minutes of the sixteenth meeting of the present session ;

“ Expressing the hope that future annual reports will show signs of appeasement in the minds of the different sections of the population of the mandated territory ;

“ Considers that the memorandum calls for no special action.”

II. PETITIONS REJECTED BY THE COMMISSION AS INADMISSIBLE.

**Syria and Lebanon.**

- (a) PETITIONS (TWENTY IN NUMBER) REGARDING THE STATUS OF THE SANJAK OF ALEXANDRETTA (document C.P.M.1957) (pages 26, 138).

Observations of the French Government, dated October 29th, 1937 (document C.P.M. 1957).

- (b) PETITIONS (SIX IN NUMBER) REGARDING THE STATUS OF THE SANJAK OF ALEXANDRETTA (document C.P.M. 1972) (page 138).

Observations of the French Government, dated November 6th, 1937 (document C.P.M.1972).

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II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED  
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION  
OF THE PERMANENT MANDATES COMMISSION.

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The accredited representatives for Syria and Lebanon, Cameroons and Togoland under French mandate, Ruanda-Urundi, Islands under Japanese mandate and Western Samoa have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.